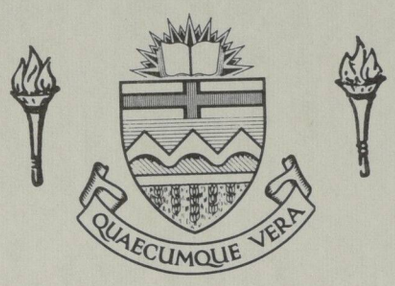
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BRITISH NORTH AMERICA

[1839 (3) (139) (303) VOL XVII]

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REPORT ON THE AFFAIRS OF BRITISH NORTH AMERICA FROM THE EARL OF DURHAM WITH APPENDICES

Colonies

Canada

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REPORT

ON

THE AFFAIRS

OF

BRITISH NORTH AMERICA,

FROM

THE EARL OF DURHAM,

HER MAJESTY'S HIGH COMMISSIONER,

&c. &c. &c.

(PRESENTED BY HER MAJESTY'S COMMAND.)

Ordered, by The House of Commons, *to be Printed,*
11 *February* 1839.

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COMMISSION.

VICTORIA, by the grace of God, of the United Kingdom of *Great Britain* and *Ireland* Queen, Defender of the Faith. TO Our right trusty and right well-beloved Cousin and Councillor, *John George* Earl of *Durham*, Knight Grand Cross of the Most Noble Order of the Bath, Greeting: WHEREAS, by five several Commissions under the Great Seal of Our United Kingdom of *Great Britain* and *Ireland*, We have constituted and appointed you, the said *John George* Earl of *Durham*, to be Our Captain General and Governor-in-Chief in and over each of Our Provinces of *Lower Canada*, *Upper Canada*, *Nova Scotia* and *New Brunswick*, and in and over Our Island of *Prince Edward*, in *North America*: And We have, by the said several Commissions, made provision for the administration of the government of Our said Provinces and of the said Island respectively, in the event of your absence, by authorizing the respective Lieutenant-Governors or Administrators of the Governments of the said Provinces and of the said Islands respectively, in that contingency, to exercise the powers by the said Commissions respectively granted to you: And whereas We have, by a Commission under the Great Seal of Our said United Kingdom of *Great Britain* and *Ireland*, constituted and appointed our trusty and well-beloved *Henry Prescott*, Esquire, Captain in Our Royal Navy, to be Our Governor and Commander-in-Chief in and over our Island of *Newfoundland* and its dependencies: And whereas there are at present certain weighty affairs to be adjusted in the said Provinces of *Lower* and *Upper Canada*: NOW KNOW YOU, That WE, reposing especial trust and confidence in the prudence courage and loyalty of you, the said *John George* Earl of *Durham*, have, of Our especial grace, certain knowledge, and mere motion, thought fit to constitute and appoint, and do hereby constitute and appoint you, the said *John George* Earl of *Durham*, to be Our High Commissioner for the adjustment of certain important questions depending in the said Provinces of *Lower* and *Upper Canada* respecting the form and future government of the said Provinces: And We do hereby give and grant unto you, the said *John George* Earl of *Durham*, as such High Commissioner as aforesaid, full power and authority in Our name and in Our behalf, by all lawful ways and means, to inquire into, and, as far as may be possible, to adjust all questions depending in the said Provinces of *Lower* and *Upper Canada*, or either of them, respecting the Form and Administration of the Civil Government thereof respectively: And whereas, with a view to the adjustment of such questions, We have deemed it expedient to invest you with the further powers hereinafter mentioned: NOW KNOW YOU, That WE do in like manner constitute and appoint you, the said *John George* Earl of *Durham*, to be Our Governor-General of all the said Provinces on the Continent of *North America*, and of the said Islands of *Prince Edward* and *Newfoundland*: And We do hereby require and command all Our Officers, Civil and Military, and all other Inhabitants of Our said Provinces, and

of Our said Islands respectively, to be obedient, aiding and assisting unto you, the said *John George* Earl of *Durham*, in the execution of this Our Commission, and of the several powers and authorities herein contained: Provided nevertheless, and We do hereby declare Our pleasure to be, that in the execution of the powers hereby vested in you, the said *John George* Earl of *Durham*, you do in all things conform to such instructions as may from time to time be addressed to you for your guidance by Us, under Our Sign Manual and Signet, or by Our Order in Our Privy Council, or through one of Our Principal Secretaries of State: Provided also, and We do hereby declare Our pleasure to be, that nothing herein contained shall extend, or be construed to extend, to revoke or to abrogate the said Commission under the Great Seal of Our said United Kingdom of *Great Britain* and *Ireland* appointing the said *Henry Prescott* Governor and Commander-in-Chief of Our said Island of *Newfoundland*, and its dependencies, as aforesaid: And We do hereby declare, ordain and appoint that you, the said *John George* Earl of *Durham*, shall and may hold, execute and enjoy the said offices of High Commissioner and Governor-General of Our said Provinces on the Continent of North America, and of the said Islands of *Prince Edward* and *Newfoundland*, as aforesaid, together with all and singular the powers and authorities hereby granted unto you for and during Our will and pleasure. In witness whereof, We have caused these Our Letters to be made Patent. Witness Ourself at Westminster, the Thirty-first day of March, in the First year of Our Reign.

By Writ of Privy Seal.

EDWARDS.

BRITISH NORTH AMERICA.

REPORT.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MAY IT PLEASE YOUR MAJESTY,

Duties of the High Commissioner.

YOUR MAJESTY, in entrusting me with the Government of the Province of Lower Canada, during the critical period of the suspension of its constitution, was pleased, at the same time, to impose on me a task of equal difficulty, and of far more permanent importance, by appointing me "High Commissioner for the adjustment of certain important questions depending in the Provinces of Lower and Upper Canada, respecting the form and future Government of the said Provinces." To enable me to discharge this duty with the greater efficiency, I was invested, not only with the title, but with the actual functions of Governor General of all Your Majesty's North American Provinces; and my instructions restricted my authority by none of those limitations that had, in fact, deprived preceding Governors of Lower Canada of all control over the other Provinces, which, nevertheless, it had been the practice to render nominally subordinate to them. It was in addition, therefore, to the exclusive management of the administrative business of an extensive and disturbed Province, to the legislative duties that were accumulated on me during the abeyance of its representative government, and to the constant communications which I was compelled to maintain, not only with the Lieutenant-Governors, but also with individual inhabitants of the other five Provinces, that I had to search into the nature and extent of the questions, of which the adjustment is requisite for the tranquillity of the Canadas; to set on foot various and extensive inquiries into the institutions and administration of those Provinces; and to devise such reforms in the system of their government as might repair the mischief which had already been done, and lay the foundations of order, tranquillity, and improvement.

Extension of the Inquiry to all the North American Provinces.

The task of providing for the adjustment of questions affecting the very "form and administration of Civil Government," was naturally limited to the two Provinces, in which the settlement of such questions had been rendered matter of urgent necessity, by the events that had in one seriously endangered, and in the other actually suspended, the working of the existing constitution. But though the necessity only reached thus far, the extension of my authority over all the British Provinces in North America, for the declared purpose of enabling me more effectually to adjust the constitutional questions then at issue in two of them, together with the specific instructions contained in Despatches from the Secretary of State, brought under my view the character and influence of the institutions established in all. I found in all these Provinces a form of government so nearly the same—institutions generally so similar, and occasionally so connected—and interests, feelings and habits so much in common, that it was obvious, at the first glance, that my conclusions would be formed without a proper use of the materials at my disposal, unless my inquiries were as extended as my power of making them. How inseparably connected I found the interests of Your Majesty's Provinces in North America, to what degree I met with common disorders, requiring common remedies, is an important topic, which it will be my duty to discuss very fully before closing this Report. My object at present is merely to explain the extent of the task imposed on me, and to point out the fact, that an inquiry originally directed only to two, has necessarily been extended over all Your Majesty's Provinces in North America.

Evils of present uncertainty.

While I found the field of inquiry thus large, and every day's experience and reflection impressed more deeply on my mind the importance of the decision which it would be my duty to suggest, it became equally clear that that decision, to be of any avail, must be prompt and final. I needed no personal observation to convince me of this; for the evils I had it in charge to remedy, are evils which no civilized community can long continue to bear. There is no class or section of Your Majesty's subjects in either of the Canadas, that does not suffer from both the existing disorder and the doubt which hangs over the future form and policy of the Government. While the present state of things is allowed to last, the actual inhabitants of these Provinces have no security for person or property, no enjoyment of what they possess, no stimulus to industry. The development of the vast resources of these extensive territories is arrested; and the population, which should be attracted to fill and fertilize them, is directed into foreign states. Every day during which a final and stable settlement is delayed, the condition of the Colonies becomes worse, the minds of men more exasperated, and the success of any scheme of adjustment more precarious.

Plan not affected by resignation of Governor General.

I was aware of the necessity of promptitude in my decision on the most important of the questions committed to me at a very early period after my acceptance of the mission which Your Majesty was pleased to confide to me. Before leaving England, I assured Your Majesty's Ministers that the plan which I should suggest for the future government of the Canadas, should be in readiness by the commencement of the ensuing Session; and, though I had made provision that, under any circumstances, the measures which I might suggest should be explained and supported in Parliament by some person who would have had a share in the preparation of them, I added, that it was not improbable that I might deem it my paramount duty towards the Provinces entrusted to me to attend in my place in the House of Lords, for the purpose of explaining my own views, and supporting my own recommendations. My resignation of the office of Governor-General has, therefore, in nowise precipitated my suggestion of the plan which appears to me best calculated to settle the future form and policy of government in the Canadas. It has prevented, certainly, my completing some inquiries which I had instituted, with a view of effecting practical reforms of essential, but still of subordinate importance. But with the chief of my duties as High Commissioner, that of suggesting the future constitution of these Colonies, that event has interfered in no way, except in so far as the circumstances which attended it occasioned an undue intrusion of extraneous business on the time which was left for the completion of my labours.

Weight of ordinary business.

In truth, the administrative and legislative business which daily demanded my attention could, with difficulty, be discharged by the most unremitting labour on my own part, and on that of all those who accompanied me from England, or were employed by me in Canada.

It is in these circumstances, and under such disadvantages, that this Report has been prepared. I may not therefore present as extended and as complete a foundation as I could have wished, for those measures of vast and permanent importance which Parliament will find it necessary to adopt. But it will include the whole range of those subjects which it is essential should be brought under Your Majesty's view, and will prove that I have not rested content without fully developing the evils which lie at the root of the disorders of the North American Provinces, and at the same time suggesting remedies which, to the best of my judgment, will provide an effectual cure.

The same reasons and the same obstacles have prevented me from annexing a greater amount of detail and illustration, which, under more favourable circumstances, it would have been incumbent on me to collect, for the purpose of rendering clear and familiar to every mind, every particular of a state of things, on which little correct, and much false information has hitherto been current in this country. I cannot, therefore, but deeply regret that such a drawback on its efficacy should have been a necessary consequence of the circumstances under which the Report has been prepared. I still hope that the materials collected by me, though not as ample as I could have desired, will, nevertheless, be found sufficient for enabling the Imperial Legislature to form a sound decision on the important interests which are involved in the result of its deliberations.

These interests are indeed of great magnitude; and on the course which Your Majesty and Your Parliament may adopt, with respect to the North American Colonies, will depend the future destinies, not only of the million and a half of Your Majesty's subjects who at present inhabit those Provinces, but of that vast population which those ample and fertile territories are fit and destined hereafter to support. No portion of the American Continent possesses greater natural resources for the maintenance of large and flourishing communities. An almost boundless range of the richest soil still remains unsettled, and may be rendered available for the purposes of agriculture. The wealth of inexhaustible forests of the best timber in America, and of extensive regions of the most valuable minerals, have as yet been scarcely touched. Along the whole line of sea-coast, around each island, and in every river, are to be found the greatest and richest fisheries in the world. The best fuel and the most abundant water-power are available for the coarser manufactures, for which an easy and certain market will be found. Trade with other continents is favoured by the possession of a large number of safe and spacious harbours; long, deep and numerous rivers, and vast inland seas, supply the means of easy intercourse; and the structure of the country generally affords the utmost facility for every species of communication by land. Unbounded materials of agricultural, commercial and manufacturing industry are there: it depends upon the present decision of the Imperial Legislature to determine for whose benefit they are to be rendered available. The country which has founded and maintained these Colonies at a vast expense of blood and treasure, may justly expect its compensation in turning their unappropriated resources to the account of its own redundant population; they are the rightful patrimony of the English people, the ample appanage which God and Nature have set aside in the New World for those whose lot has assigned them but insufficient portions in the Old. Under wise and free institutions, these great advantages may yet be secured to Your Majesty's subjects; and a connexion secured by the link of kindred origin and mutual benefits may continue to bind to the British Empire the ample territories of its North American Provinces, and the large and flourishing population by which they will assuredly be filled.

Magnitude of interests involved.

Advantages derivable by the Mother Country from these Colonies.

LOWER CANADA.

The prominent place which the dissensions of Lower Canada had, for some years, occupied in the eyes of the Imperial Legislature, the alarming state of disorder indicated or occasioned by the recent insurrection, and the paramount necessity of my applying my earliest efforts to the re-establishment of free and regular government in that particular Colony, in which it was then wholly suspended, necessarily directed my first inquiries to the Province of which the local government was vested in my hands. The suspension of the constitution gave me an essential advantage over my predecessors in the conduct of my inquiries; it not merely relieved me from the burthen of constant discussions with the legislative bodies, but it enabled me to turn my attention from the alleged, to the real grievances of the Province; to leave on one side those matters of temporary contest, which accident, or the interests and passions of parties, had elevated into undue importance; and, without reference to the representations of the disputants, to endeavour to make myself master of the real condition of the people, and the real causes of dissatisfaction or suffering. It was also a great advantage to me in one respect, that the ordinary business of the government of the Province was combined with the functions of my inquiry. The routine of every day's administrative business brought strongly and familiarly before me the working of the institutions on which I was called to judge. The condition of the people, the system by which they were governed, were thus rendered familiar to me, and I soon became satisfied that I must search in the very composition of society, and in the fundamental institutions of government, for the causes of the constant and extensive disorder which I witnessed.

First Inquiries directed to Lower Canada.

The lengthened and various discussions which had for some years been carried on between the contending parties in the Colony, and the representations which had been circulated at home, had produced in mine, as in most minds in England, a very erroneous view of the parties at issue in Lower Canada. The quarrel which I was sent for the purpose of healing, had been a quarrel between the executive government and the popular branch of the legislature. The latter body had, apparently

Erroneous views entertained in England.

apparently, been contending for popular rights and free government. The executive government had been defending the prerogative of the Crown, and the institutions which, in accordance with the principles of the British Constitution, had been established as checks on the unbridled exercise of popular power. Though, during the dispute, indications had been given of the existence of dissensions yet deeper and more formidable than any which arose from simply political causes, I had still, in common with most of my countrymen, imagined that the original and constant source of the evil was to be found in the defects of the political institutions of the Provinces; that a reform of the constitution, or perhaps merely the introduction of a sounder practice into the administration of the government, would remove all causes of contest and complaint. This opinion was strengthened by the well-known fact, that the political dissensions which had produced their most formidable results in this Province, had assumed a similar, though milder, form in the neighbouring Colonies; and that the tranquillity of each of the North American Provinces was subject to constant disturbance from collision between the executive and the representatives of the people. The constitutions of these Colonies, the official characters and positions of the contending parties, the avowed subjects of dispute, and the general principles asserted on each side, were so similar, that I could not but concur in the very general opinion, that the common quarrel was the result of some common defect in the almost identical institutions of these Provinces. I looked on it as a dispute analogous to those with which history and experience have made us so familiar in Europe,—a dispute between a people demanding an extension of popular privileges, on the one hand, and an executive, on the other, defending the powers which it conceived necessary for the maintenance of order. I supposed that my principal business would be that of determining how far each party might be in the right, or which was in the wrong; of devising some means of removing the defects which had occasioned the collision; and of restoring such a balance of the constitutional powers as might secure the free and peaceful working of the machine of government.

The real struggle not one of principles, but of races.

In a Despatch which I addressed to Your Majesty's Principal Secretary of State for the Colonies on the 9th of August last, I detailed, with great minuteness, the impressions which had been produced on my mind by the state of things which existed in Lower Canada: I acknowledged that the experience derived from my residence in the Province had completely changed my view of the relative influence of the causes which had been assigned for the existing disorders. I had not, indeed, been brought to believe that the institutions of Lower Canada were less defective than I had originally presumed them to be. From the peculiar circumstances in which I was placed, I was enabled to make such effectual observations as convinced me that there had existed in the constitution of the Province, in the balance of political powers, in the spirit and practice of administration in every department of the Government, defects that were quite sufficient to account for a great degree of mismanagement and dissatisfaction. The same observation had also impressed on me the conviction, that, for the peculiar and disastrous dissensions of this Province, there existed a far deeper and far more efficient cause,—a cause which penetrated beneath its political institutions into its social state,—a cause which no reform of constitution or laws, that should leave the elements of society unaltered, could remove; but which must be removed, ere any success could be expected in any attempt to remedy the many evils of this unhappy Province. I expected to find a contest between a government and a people: I found two nations warring in the bosom of a single state: I found a struggle, not of principles, but of races; and I perceived that it would be idle to attempt any amelioration of laws or institutions until we could first succeed in terminating the deadly animosity that now separates the inhabitants of Lower Canada into the hostile divisions of French and English.

Animosities between the French and English.

It would be vain for me to expect that any description I can give will impress on Your Majesty such a view of the animosity of these races as my personal experience in Lower Canada has forced on me. Our happy immunity from any feelings of national hostility, renders it difficult for us to comprehend the intensity of the hatred which the difference of language, of laws, and of manners, creates between those who inhabit the same village, and are citizens of the same state. We are ready to believe that the real motive of the quarrel is something else; and that the difference of race has slightly and occasionally aggravated dissensions, which we attribute to some more usual cause. Experience of a state of society, so unhappily divided as that of Lower Canada, leads to

to an exactly contrary opinion. The national feud forces itself on the very senses, irresistibly and palpably, as the origin or the essence of every dispute which divides the community; we discover that dissensions, which appear to have another origin, are but forms of this constant and all-pervading quarrel; and that every contest is one of French and English in the outset, or becomes so ere it has run its course.

Exasperation of the two races against each other.

The political discontents, for which the vicious system of government has given too much cause, have for a long time concealed or modified the influence of the national quarrel. It has been argued, that origin can have but little effect in dividing the country, inasmuch as individuals of each race have constantly been enlisted together on the side of Government, or been found united in leading the Assembly to assail its alleged abuses; that the names of some of the prominent leaders of the rebellion mark their English, while those of some of the most unpopular supporters of the Government denote their French, origin; and that the representatives, if not of an actual majority (as has occasionally been asserted), at any rate of a large proportion of the purely English population, have been found constantly voting with the majority of the Assembly against what is called the British party. Temporary and local causes have, no doubt, to a certain extent, produced such results. The national hostility has not assumed its permanent influence till of late years, nor has it exhibited itself every where at once. While it displayed itself long ago in the cities of Quebec and Montreal, where the leaders and masses of the rival races most speedily came into collision, the inhabitants of the eastern townships, who were removed from all personal contact with the French, and those of the district below Quebec, who experienced little interference from the English, continued to a very late period to entertain comparatively friendly feelings towards those of the opposite races. But this is a distinction which has unfortunately, year after year, been exhibiting itself more strongly, and diffusing itself more widely. One by one the ancient English leaders of the Assembly have fallen off from the majority, and attached themselves to the party which supported the British Government against it. Every election from the townships added to the English minority. On the other hand, year after year, in spite of the various influences which a government can exercise, and of which no people in the world are more susceptible than the French Canadians; in spite of the additional motives of prudence and patriotism which deter timid or calm men from acting with a party, obviously endangering the public tranquillity by the violence of its conduct, the number of French Canadians, on whom the Government could rely, has been narrowed by the influence of those associations which have drawn them into the ranks of their kindred. The insurrection of 1837 completed the division. Since the resort to arms the two races have been distinctly and completely arrayed against each other. No portion of the English population was backward in taking arms in defence of the Government; with a single exception, no portion of the Canadian population was allowed to do so, even where it was asserted by some that their loyalty inclined them thereto. The exasperation thus generated has extended over the whole of each race. The most just and sensible of the English, those whose politics had always been most liberal, those who had always advocated the most moderate policy in the provincial disputes, seem from that moment to have taken their part against the French as resolutely, if not as fiercely, as the rest of their countrymen, and to have joined in the determination never again to submit to a French majority. A few exceptions mark the existence, rather than militate against the truth of the general rule of national hostility. A few of the French, distinguished by moderate and enlarged views, still condemn the narrow national prejudices and ruinous violence of their countrymen, while they equally resist what they consider the violent and unjust pretensions of a minority, and endeavour to form a middle party between the two extremes. A large part of the Catholic clergy, a few of the principal proprietors of the seignorial families, and some of those who are influenced by ancient connexions of party, support the Government against revolutionary violence. A very few persons of English origin (not more, perhaps, than fifty out of the whole number), still continue to act with the party which they originally espoused. Those who affect to form a middle party exercise no influence on the contending extremes; and those who side with the nation from which their birth distinguishes them, are regarded by their countrymen with aggravated hatred, as renegades from their race; while they obtain but little of the real affection, confidence or esteem of those whom they have joined.

Objects of the French Canadians not really democratic, nor of the English, conservative.

The grounds of quarrel which are commonly alleged, appear, on investigation, to have little to do with its real cause; and the inquirer, who has imagined that the public demonstrations or professions of the parties have put him in possession of their real motives and designs, is surprised to find, upon nearer observation, how much he has been deceived by the false colours under which they have been in the habit of fighting. It is not, indeed, surprising that each party should, in this instance, have practised more than the usual frauds of language, by which factions, in every country, seek to secure the sympathy of other communities. A quarrel based on the mere ground of national animosity, appears so revolting to the notions of good sense and charity prevalent in the civilized world, that the parties who feel such a passion the most strongly, and indulge it the most openly, are at great pains to class themselves under any denominations but those which would correctly designate their objects and feelings. The French Canadians have attempted to shroud their hostility to the influence of English emigration, and the introduction of British institutions, under the guise of warfare againt the Government and its supporters, whom they represented to be a small knot of corrupt and insolent dependents; being a majority, they have invoked the principles of popular control and democracy, and appealed with no little effect to the sympathy of liberal politicians in every quarter of the world. The English, finding their opponents in collision with the Government, have raised the cry of loyalty and attachment to British connexion, and denounced the republican designs of the French, whom they designate, or rather used to designate, by the appellation of Radicals. Thus the French have been viewed as a democratic party, contending for reform; and the English as a conservative minority, protecting the menaced connexion with the British Crown, and the supreme authority of the Empire. There is truth in this notion in so far as respects the means by which each party sought to carry its own views of Government into effect. The French majority asserted the most democratic doctrines of the rights of a numerical majority. The English minority availed itself of the protection of the prerogative, and allied itself with all those of the colonial institutions which enabled the few to resist the will of the many. But when we look to the objects of each party, the analogy to our own politics seems to be lost, if not actually reversed; the French appear to have used their democratic arms for conservative purposes, rather than those of liberal and enlightened movement; and the sympathies of the friends of reform are naturally enlisted on the side of sound amelioration which the English minority in vain attempted to introduce into the antiquated laws of the Province.

Yet even on the questions which had been most recently the prominent matters of dispute between the two parties, it is difficult to believe that the hostility of the races was the effect, and not the cause, of the pertinacity with which the desired reforms were pressed or resisted.

Inconsistencies of both parties.

The English complained of the Assembly's refusal to establish Registry Offices, and to commute the feudal tenures; and yet it was among the ablest and most influential leaders of the English that I found some of the opponents of both the proposed reforms. The leaders of the French were anxious to disclaim any hostility to these reforms themselves. Many of them represented the reluctance which the Assembly had exhibited to entertain these questions, as a result of the extraordinary influence which Mr. Papineau exercised over that body; his opposition was accounted for by some peculiar prejudices of education and professional practice, in which he was said to find little concurrence among his countrymen; it was stated that even his influence would not have prevented these questions from being very favourably entertained by the Assembly, had it ever met again; and I received assurances of a friendly disposition towards them, which I must say were very much at variance with the reluctance which the leading men of the party showed to any co-operation with me in the attempts which I subsequently made to carry these very objects into effect. At the same time while the leading men of the French party thus rendered themselves liable to the imputation of a timid or narrow-minded opposition to these improvements, the mass of the French population, who are immediate sufferers by the abuses of the seignorial system, exhibited, in every possible shape, their hostility to the state of things which their leaders had so obstinately maintained. There is every reason to believe that a great number of the peasants who fought at St. Denis and St. Charles, imagined that the principal result of success would be the overthrow of tithes and feudal burthens; and in the declaration of independence which Dr. Robert Nelson issued,

issued, two of the objects of the insurrection were stated to be the abolition of feudal tenures and the establishment of Registry Offices.* When I observe these inconsistencies of conduct among the opponents and supporters of these reforms; when I consider that their attainment was prevented by means of the *censitaires*, the very persons most interested in their success, and that they were not more eagerly demanded by the wealthier of the English, than by the artisans and labourers of that race whose individual interests would hardly have derived much direct benefit from their success, I cannot but think that many, both of the supporters and of the opponents, cared less for the measures themselves, than for the handle which the agitation of them gave to their national hostility; that the Assembly resisted these changes chiefly because the English desired them; and that the eagerness with which many of the English urged them was stimulated by finding them opposed by the French.

Independent spirit of the English population.

Nor did I find the spirit which animated each party at all more coincident with the representations current in this country, than their objects appeared, when tried by English, or rather European ideas of reforming legislation. An utterly uneducated and singularly inert population, implicitly obeying leaders who ruled them by the influence of a blind confidence and narrow national prejudices, accorded very little with the resemblance which had been discovered to that high-spirited democracy which effected the American Revolution. Still less could I discover in the English population those slavish tools of a narrow official clique, or a few purse-proud merchants, which their opponents had described them as being. I have found the main body of the English population, consisting of hardy farmers and humble mechanics, composing a very independent, not very manageable, and, sometimes a rather turbulent, democracy. Though constantly professing a somewhat extravagant loyalty and high prerogative doctrines, I found them very determined on maintaining in their own persons a great respect for popular rights, and singularly ready to enforce their wishes by the strongest means of constitutional pressure on the Government. Between them and the Canadians I found the strongest hostility; and that hostility was, as might be expected, most strongly developed among the humblest and rudest of the body. Between them and the small knot of officials, whose influence has been represented as so formidable, I found no sympathy whatever; and it must be said, in justice to this body of officials, who have been so much assailed as the enemies of the Canadian people, that however little I can excuse the injurious influence of that system of administration, which they were called upon to carry into execution, the members of the oldest and most powerful official families were, of all the English in the country, those in whom I generally found most sympathy with, and kindly feeling towards, the French population. I could not therefore believe that this animosity was only that subsisting between an official oligarchy and a people; and again, I was brought to a conviction that the contest, which had been represented as a contest of classes, was, in fact, a contest of races.

Dissimilarity of the races.

However unwilling we may be to attribute the disorders of a country connected with us to a cause so fatal to its tranquillity, and one which it seems so difficult to remove, no very long or laboured consideration of the relative characters and position of these races is needed for convincing us of their invincible hostility towards each other. It is scarcely possible to conceive descendants of any of the great European nations more unlike each other in character and temperament, more totally separated from each other by language, laws, and modes of life, or placed in circumstances more calculated to produce mutual misunderstanding, jealousy and hatred. To conceive the incompatibility of the two races in Canada, it is not enough that we should picture to ourselves a community composed of equal proportions of French and English. We must bear in mind what kind of French

* Among the few petitions, except those of mere compliment, which I received from French Canadians, were three or four for the abolition and commutation of the feudal tenures. But the most remarkable was one which was presented from the inhabitants of the county of Saguenay, and supported by Mr. Charles Drolet, late M.P.P. for that county. The petitioners, who represented themselves as suffering under a degree of distress of which the existence is too deplorably certain, prayed to be allowed to settle on the wild lands at the head of the Saguenay. They expressed their willingness to take the lands on any conditions which the Government might propose, but they prayed that it should not be granted on the feudal tenure.

French and English they are that are brought in contact, and in what proportions they meet.

Characteristics of the French Canadians.

The institutions of France, during the period of the colonization of Canada, were, perhaps, more than those of any other European nation, calculated to repress the intelligence and freedom of the great mass of the people. These institutions followed the Canadian colonist across the Atlantic. The same central, ill-organized, unimproving and repressive despotism extended over him. Not merely was he allowed no voice in the government of his Province, or the choice of his rulers, but he was not even permitted to associate with his neighbours for the regulation of those municipal affairs, which the central authority neglected under the pretext of managing. He obtained his land on a tenure singularly calculated to promote his immediate comfort, and to check his desire to better his condition; he was placed at once in a life of constant and unvarying labour, of great material comfort, and feudal dependence. The ecclesiastical authority to which he had been accustomed established its institutions around him, and the priest continued to exercise over him his ancient influence. No general provision was made for education; and, as its necessity was not appreciated, the colonist made no attempt to repair the negligence of his government. It need not surprise us that, under such circumstances, a race of men habituated to the incessant labour of a rude and unskilled agriculture, and habitually fond of social enjoyments, congregated together in rural communities, occupying portions of the wholly unappropriated soil, sufficient to provide each family with material comforts, far beyond their ancient means, or almost their conceptions; that they made little advance beyond the first progress in comfort, which the bounty of the soil absolutely forced upon them; that under the same institutions they remained the same uninstructed, inactive, unprogressive people. Along the alluvial banks of the St. Lawrence, and its tributaries, they have cleared two or three strips of land, cultivated them in the worst method of small farming, and established a series of continuous villages, which give the country of the seignories the appearance of a never-ending street. Besides the cities which were the seats of government, no towns were established; the rude manufactures of the country were, and still are, carried on in the cottage by the family of the habitant; and an insignificant proportion of the population derived their subsistence from the scarcely discernible commerce of the Province. Whatever energy existed among the population was employed in the fur trade, and the occupations of hunting, which they and their descendents have carried beyond the Rocky Mountains, and still, in great measure, monopolize in the whole valley of the Mississippi. The mass of the community exhibited in the New World the characteristics of the peasantry of Europe. Society was dense; and even the wants and the poverty which the pressure of population occasions in the Old World, became not to be wholly unknown. They clung to ancient prejudices, ancient customs and ancient laws, not from any strong sense of their beneficial effects, but with the unreasoning tenacity of an uneducated and unprogressive people. Nor were they wanting in the virtues of a simple and industrious life, or in those which common consent attributes to the nation from which they spring. The temptations which, in other states of society, lead to offences against property, and the passions which prompt to violence, were little known among them. They are mild and kindly, frugal, industrious and honest, very sociable, cheerful and hospitable, and distinguished for a courtesy and real politeness, which pervades every class of society. The conquest has changed them but little. The higher classes, and the inhabitants of the towns, have adopted some English customs and feelings; but the continued negligence of the British Government left the mass of the people without any of the institutions which would have elevated them in freedom and civilization. It has left them without the education and without the institutions of local self-government, that would have assimilated their character and habits, in the easiest and best way, to those of the Empire of which they became a part. They remain an old and stationary society, in a new and progressive world. In all essentials they are still French; but French in every respect dissimilar to those of France in the present day. They resemble rather the French of the provinces under the old regime.

Their peculiar social condition.

I cannot pass over this subject without calling particular attention to a peculiarity in the social condition of this people, of which the important bearing on the troubles of Lower Canada has never, in my opinion, been properly estimated. The circumstances of a new and unsettled country, the operation of the French laws

laws of inheritance, and the absence of any means of accumulation, by commerce or manufactures, have produced a remarkable equality of properties and conditions. A few seignorial families possess large, though not often very valuable properties; the class entirely dependent on wages is very small; the bulk of the population is composed of the hard-working yeomanry of the country districts, commonly called *habitans*, and their connexions engaged in other occupations. It is impossible to exaggerate the want of education among the habitans; no means of instruction have ever been provided for them, and they are almost universally destitute of the qualifications even of reading and writing. It came to my knowledge that out of a great number of boys and girls assembled at the school-house door of St. Thomas, all but three admitted, on inquiry, that they could not read. Yet the children of this large parish attend school regularly, and actually make use of books. They hold the catechism book in their hand, as if they were reading, while they only repeat its contents, which they know by rote. The common assertion, however, that all classes of the Canadians are equally ignorant, is perfectly erroneous; for I know of no people among whom a larger provision exists for the higher kinds of elementary education, or among whom such education is really extended to a larger proportion of the population. The piety and benevolence of the early possessors of the country founded, in the seminaries that exist in different parts of the Province, institutions, of which the funds and activity have long been directed to the promotion of education. Seminaries and colleges have been, by these bodies, established in the cities, and in other central points. The education given in these establishments greatly resembles the kind given in the English public schools, though it is rather more varied. It is entirely in the hands of the Catholic clergy. The number of pupils in these establishments is estimated altogether at about a thousand; and they turn out every year, as far as I could ascertain, between two and three hundred young men thus educated. Almost all of these are members of the family of some habitant, whom the possession of greater quickness than his brothers has induced the father or the curate of the parish to select and send to the seminary. These young men possessing a degree of information immeasurably superior to that of their families, are naturally averse to what they regard as descending to the humble occupations of their parents. A few become priests; but as the military and naval professions are closed against the colonist, the greater part can only find a position suited to their notions of their own qualifications in the learned professions of advocate, notary and surgeon. As from this cause these professions are greatly overstocked, we find every village in Lower Canada filled with notaries and surgeons, with little practice to occupy their attention, and living among their own families, or at any rate among exactly the same class. Thus the persons of most education in every village belong to the same families, and the same original station in life, as the illiterate habitans whom I have described. They are connected with them by all the associations of early youth, and the ties of blood. The most perfect equality always marks their intercourse, and the superior in education is separated by no barrier of manners, or pride, or distinct interests, from the singularly ignorant peasantry by which he is surrounded. He combines, therefore, the influences of superior knowledge and social equality, and wields a power over the mass, which I do not believe that the educated class of any other portion of the world possess. To this singular state of things I attribute the extraordinary influence of the Canadian demagogues. The most uninstructed population any where trusted with political power, is thus placed in the hands of a small body of instructed persons, in whom it reposes the confidence which nothing but such domestic connexion, and such community of interest could generate. Over the class of persons by whom the peasantry are thus led, the Government has not acquired, or ever laboured to acquire, influence; its members have been thrown into opposition by the system of exclusion, long prevalent in the colony; and it is by their agency that the leaders of the Assembly have been enabled hitherto to move as one mass, in whatever direction they thought proper, the simple and ductile population of the country. The entire neglect of education by the Government has thus, more than any other cause, contributed to render this people ungovernable, and to invest the agitator with the power, which he wields against the laws and the public tranquillity.

Conduct of the English.

Among this people, the progress of emigration has of late years introduced a English population, exhibiting the characteristics with which we are familiar, as those of the most enterprising of every class of our countrymen. The circumstances

Of the officials.

of the early colonial administration excluded the native Canadian from power, and vested all offices of trust and emolument in the hands of strangers of English origin. The highest posts in the law were confided to the same class of persons. The functionaries of the civil government, together with the officers of the army, composed a kind of privileged class, occupying the first place in the community, and excluding the higher class of the natives from society, as well as from the government of their own country. It was not till within a very few years, as was testified by persons who had seen much of the country, that this society of civil and military functionaries ceased to exhibit towards the higher order of Canadians an exclusiveness of demeanor, which was more revolting to a sensitive and polite people than the monopoly of power and profit; nor was this national favouritism discontinued, until after repeated complaints and an angry contest, which had excited passions that concession could not allay. The races had become enemies ere a tardy justice was extorted; and even then the Government discovered a mode of distributing its patronage among the Canadians, which was quite as offensive to that people as their previous exclusion.

Of English settlers.

It was not long after the conquest, that another and larger class of English settlers began to enter the Province. English capital was attracted to Canada by the vast quantity and valuable nature of the exportable produce of the country, and the great facilities for commerce, presented by the natural means of internal intercourse. The ancient trade of the country was conducted on a much larger and more profitable scale; and new branches of industry were explored. The active and regular habits of the English capitalist drove out of all the more profitable kinds of industry their inert and careless competitors of the French race; but in respect of the greater part (almost the whole) of the commerce and manufactures of the country, the English cannot be said to have encroached on the French; for, in fact, they created employments and profits which had not previously existed. A few of the ancient race smarted under the loss occasioned by the success of English competition; but all felt yet more acutely the gradual increase of a class of strangers in whose hands the wealth of the country appeared to centre, and whose expenditure and influence eclipsed those of the class which had previously occupied the first position in the country. Nor was the intrusion of the English limited to commercial enterprizes. By degrees, large portions of land were occupied by them; nor did they confine themselves to the unsettled and distant country of the townships. The wealthy capitalist invested his money in the purchase of seigniorial properties; and it is estimated, that at the present moment full half of the more valuable seigniories are actually owned by English proprietors. The seigniorial tenure is one so little adapted to our notions of proprietary rights, that the new seigneur, without any consciousness or intention of injustice, in many instances exercised his rights in a manner which would appear perfectly fair in this country, but which the Canadian settler reasonably regarded as oppressive. The English purchaser found an equally unexpected and just cause of complaint in that uncertainty of the laws, which rendered his possession of property precarious, and in those incidents of the tenure which rendered its alienation or improvement difficult. But an irritation, greater than that occasioned by the transfer of the large properties, was caused by the competition of the English with the French farmer. The English farmer carried with him the experience and habits of the most improved agriculture in the world. He settled himself in the townships bordering on the seignories, and brought a fresh soil and improved cultivation to compete with the worn-out and slovenly farm of the habitant. He often took the very farm which the Canadian settler had abandoned, and, by superior management, made that a source of profit which had only impoverished his predecessor. The ascendancy which an unjust favouritism had contributed to give to the English race in the government and the legal profession, their own superior energy, skill and capital secured to them in every branch of industry. They have developed the resources of the country; they have constructed or improved its means of communication; they have created its internal and foreign commerce. The entire wholesale, and a large portion of the retail trade of the Province, with the most profitable and flourishing farms, are now in the hands of this numerical minority of the population.

Animosities of the working classes, not the result of a collision of interests.

In Lower Canada the mere working class which depends on wages, though proportionally large in comparison with that to be found in any other portion of the American continent, is, according to our ideas, very small. Competition between persons of different origin in this class, has not exhibited itself till very recently, and is, even now, almost confined to the cities. The large mass of the labouring population

population are French in the employ of English capitalists. The more skilled class of artisans are generally English; but in the general run of the more laborious employments, the French Canadians fully hold their ground against English rivalry. The emigration which took place a few years ago, brought in a class which entered into more direct competition with the French in some kinds of employment in the towns; but the individuals affected by this competition were not very many. I do not believe that the animosity which exists between the working classes of the two origins is the necessary result of a collision of interests, or of a jealousy of the superior success of English labour. But national prejudices naturally exercise the greatest influence over the most uneducated; the difference of language is less easily overcome; the differences of manners and customs less easily appreciated. The labourers, whom the emigration introduced, contained a number of very ignorant, turbulent and demoralized persons, whose conduct and manners alike revolted the well-ordered and courteous natives of the same class. The working men naturally ranged themselves on the side of the educated and wealthy of their own countrymen. When once engaged in the conflict, their passions were less restrained by education and prudence; and the national hostility now rages most fiercely between those whose interests in reality bring them the least in collision.

Points of opposition between the races.

The two races thus distinct have been brought into the same community, under circumstances which rendered their contact inevitably productive of collision. The difference of language from the first kept them asunder. It is not any where a virtue of the English race to look with complacency on any manners, customs or laws which appear strange to them; accustomed to form a high estimate of their own superiority, they take no pains to conceal from others their contempt and intolerance of their usages. They found the French Canadians filled with an equal amount of national pride; a sensitive, but inactive pride, which disposes that people not to resent insult, but rather to keep aloof from those who would keep them under. The French could not but feel the superiority of English enterprize; they could not shut their eyes to their success in every undertaking in which they came into contact, and to the constant superiority which they were acquiring. They looked upon their rivals with alarm, with jealousy, and finally with hatred. The English repaid them with a scorn, which soon also assumed the same form of hatred. The French complained of the arrogance and injustice of the English; the English accused the French of the vices of a weak and conquered people, and charged them with meanness and perfidy. The entire mistrust which the two races have thus learned to conceive of each other's intentions, induces them to put the worst construction on the most innocent conduct; to judge every word, every act, and every intention unfairly; to attribute the most odious designs, and reject every overture of kindness or fairness, as covering secret designs of treachery and malignity.

Religion formed no bond of intercourse and union. It is, indeed, an admirable feature of Canadian society, that it is entirely devoid of any religious dissensions. Sectarian intolerance is not merely not avowed, but it hardly seems to influence men's feelings. But though the prudence and liberality of both parties has prevented this fruitful source of animosity from embittering their quarrels, the difference of religion has in fact tended to keep them asunder. Their priests have been distinct; they have not met even in the same church.

Education separate.

No common education has served to remove and soften the differences of origin and language. The associations of youth, the sports of childhood, and the studies by which the character of manhood is modified, are distinct and totally different. In Montreal and Quebec there are English schools and French schools; the children in these are accustomed to fight nation against nation, and the quarrels that arise among boys in the streets usually exhibit a division into English on one side, and French on the other.

Effects of difference of language.

As they are taught apart, so are their studies different. The literature with which each is the most conversant, is that of the peculiar language of each; and all the ideas which men derive from books, come to each of them from perfectly different sources. The difference of language in this respect produces effects quite apart from those which it has on the mere intercourse of the two races. Those who have reflected on the powerful influence of language on thought, will perceive in how different a manner people who speak in different languages are apt to think; and those who are familiar with the literature of France, know that the same opinion will be expressed by an English and French writer of the present day, not merely in different words, but in a style so different as to mark utterly different

habits of thought. This difference is very striking in Lower Canada; it exists not merely in the books of most influence and repute, which are of course those of the great writers of France and England, and by which the minds of the respective races are formed, but it is observable in the writings which now issue from the Colonial press. The articles in the newspapers of each race, are written in a style as widely different as those of France and England at present; and the arguments which convince the one, are calculated to appear utterly unintelligible to the other.

The difference of language produces misconceptions yet more fatal even than those which it occasions with respect to opinions; it aggravates the national animosities, by representing all the events of the day in utterly different lights. The political misrepresentation of facts is one of the incidents of a free press in every free country; but in nations in which all speak the same language, those who receive a misrepresentation from one side, have generally some means of learning the truth from the other. In Lower Canada, however, where the French and English papers represent adverse opinions, and where no large portion of the community can read both languages with ease, those who receive the misrepresentation are rarely able to avail themselves of the means of correction. It is difficult to conceive the perversity with which misrepresentations are habitually made, and the gross delusions which find currency among the people; they thus live in a world of misconceptions, in which each party is set against the other not only by diversity of feelings and opinions, but by an actual belief in an utterly different set of facts.

Absence of social intercourse between the races.

The differences thus early occasioned by education and language, are in no wise softened by the intercourse of after-life; their business and occupations do not bring the two races into friendly contact and co-operation, but only present them to each other in occasional rivalry. A laudable emulation has of late induced the French to enter on the field previously occupied by the English, and to attempt to compete with them in commerce, but it is much to be lamented that this did not commence until the national animosities had arrived almost at the highest pitch; and that the competition has been carried on in such a manner as to widen the pre-existing differences. The establishment of the "Banque du Peuple" by French capitalists, is an event which may be regarded as a satisfactory indication of an awakening commercial energy among the French, and it is therefore very much to be regretted that the success of the new enterprise was uniformly promoted by direct and illiberal appeals to the national feelings of the race. Some of the French have lately established steam-boats to compete with the monopoly which a combination of English capitalists had for some time enjoyed on the St. Lawrence, and small and somewhat uncomfortable as they were, they were regarded with favour on account of their superiority in the essential qualities of certainty and celerity. But this was not considered sufficient to insure their success; an appeal was constantly made to the national feelings of the French for an exclusive preference of the "French" line, and I have known a French newspaper announce with satisfaction the fact, that on the previous day the French steamers to Quebec and La Prairie had arrived at Montreal with a great many passengers, and the English with very few. The English, on the other hand, appealed to exactly the same kind of feelings, and used to apply to the French steam-boats the epithets of "Radical," "Rebel" and "Disloyal." The introduction of this kind of national preference into this department of business, produced a particularly mischievous effect, inasmuch as it separated the two races on some of the few occasions on which they had previously been thrown into each other's society. They rarely meet at the inns in the cities; the principal hotels are almost exclusively filled with English and with foreign travellers; and the French are, for the most part, received at each other's houses, or in boarding houses, in which they meet with few English.

Instance of this.

Nor do their amusements bring them more in contact. Social intercourse never existed between the two races in any but the higher classes, and it is now almost destroyed. I heard of but one house in Quebec in which both races met on pretty equal and amicable terms, and this was mentioned as a singular instance of good sense on the part of the gentleman to whom it belongs. At the commencement of Lord Aylmer's administration, an entertainment was given to his Lordship by Mr. Papineau, the Speaker of the House of Assembly. It was generally understood to be intended as a mark of confidence and good-will towards the Governor, and of a conciliatory disposition. It was given on a very large scale, a very great number of persons were present; and of that number

I was

I was informed by a gentleman who was present, that he and one other were the only English, except the Governor and his suite. Indeed the difference of manners in the two races renders a general social intercourse almost impossible.

Instance of national incompatibility.

A singular instance of national incompatibility was brought before my notice, in an attempt which I made to promote an undertaking, in which the French were said to take a great deal of interest. I accepted the office of President of the Agricultural Association of the District of Quebec, and attended the show previous to the distribution of the prizes. I then found that the French farmers would not compete even on this neutral ground with the English; distinct prizes were given, in almost every department, to the two races; and the national ploughing matches were carried on in separate and even distant fields.

Intermarriages rare.

While such is their social intercourse, it is not to be expected that the animosities of the two races can frequently be softened by the formation of domestic connexions. During the first period of the possession of the Colony by the English, intermarriages of the two races were by no means uncommon. But they are now very rare; and where such unions occur they are generally formed with members of the French families, which I have described as politically, and almost nationally, separated from the bulk of their own race.

Marked division of society.

I could mention various slight features in the state of society, which show the all-pervading and marked division of the races; but nothing (though it will sound paradoxical) really proves their entire separation so much as the rarity, nay almost total absence, of personal encounters between the two races. Disputes of this kind are almost confined to the ruder order of people, and seldom proceed to acts of violence. As respects the other classes, social intercourse between the two races is so limited, that the more prominent or excitable antagonists never meet in the same room. It came to my knowledge that a gentleman who was for some years a most active and determined leader amongst the English population, had never once been under a private roof with French Canadians of his own rank in life, until he met some at table on the invitation of persons attached to my mission, who were in the habit of associating indifferently with French and English. There are therefore no political personal controversies. The ordinary occasions of collision never occur, and men must quarrel so publicly, or so deliberately, that prudence restrains them from commencing, individually, what would probably end in a general and bloody conflict of numbers. Their mutual fears restrain personal disputes and riots, even among the lower orders; the French know and dread the superior physical strength of the English in the cities; and the English in those places refrain from exhibiting their power, from fear of the revenge that might be taken on their countrymen, who are scattered over the rural parishes.

No combination for public objects.

This feeling of mutual forbearance extends so far as to produce an apparent calm with respect to public matters, which is calculated to perplex a stranger who has heard much of the animosities of the Province. No trace of them appears in public meetings; and these take place in every direction, in the most excited periods, and go off without disturbance, and almost without dissent. The fact is, that both parties have come to a tacit understanding, not in any way to interfere with each other on these occasions; each party knowing that it would always be in the power of the other to prevent its meetings. The British party consequently have their meetings; the French theirs; and neither disturb the other. The complimentary addresses which I received on various occasions, marked the same entire separation, even in a matter in which it might be supposed that party feeling would not be felt, or would from mere prudence and propriety be concealed. I had from the same places, French and English addresses, and I never found the two races uniting, except in a few cases, where I met with the names of two or three isolated members of one origin, who happened to dwell in a community almost entirely composed of the other. The two parties combine for no public object; they cannot harmonize even in associations of charity. The only public occasion on which they ever meet, is in the jury-box; and they meet there only to the utter obstruction of justice.

Political strife the result of such social feelings.

The hostility which thus pervades society, was some time growing before it became of prominent importance in the politics of the Province. It was inevitable that such social feelings must end in a deadly political strife. The French regarded with jealousy the influence in politics of a daily increasing body of the strangers, whom they so much disliked and dreaded; the wealthy English were offended at

finding that their property gave them no influence over their French dependents, who were acting under the guidance of leaders of their own race; and the farmers and traders of the same race were not long before they began to bear with impatience their utter political nullity in the midst of the majority of a population, whose ignorance they contemned, and whose political views and conduct seemed utterly at variance with their own notions of the principles and practice of self-government. The superior political and practical intelligence of the English cannot be, for a moment, disputed. The great mass of the Canadian population, who cannot read or write, and have found in few of the institutions of their country, even the elements of political education, were obviously inferior to the English settlers, of whom a large proportion had received a considerable amount of education, and had been trained in their own country, to take a part in public business of one kind or another. With respect to the more educated classes, the superiority is not so general or apparent; indeed from all the information that I could collect, I incline to think that the greater amount of refinement, of speculative thought, and of the knowledge that books can give, is, with some brilliant exceptions, to be found among the French. But I have no hesitation in stating, even more decidedly, that the circumstances in which the English have been placed in Lower Canada, acting on their original political education, have endowed the leaders of that population with much of that practical sagacity, tact, and energy in politics, in which I must say, that the bad institutions of the Colony have, in my opinion, rendered the leaders of the French deplorably deficient. That a race which felt itself thus superior in political activity and intelligence, should submit with patience to the rule of a majority which it could not respect, was impossible. At what time and from what particular cause the hostility between such a majority and such a minority, which was sure sooner or later to break out, actually became of paramount importance, it is difficult to say. The hostility between the Assembly and the British Government had long given a tendency to attacks, on the part of the popular leaders, on the nation to which that government belonged. It is said that the appeals to the national pride and animosities of the French, became more direct and general on the occasion of the abortive attempt to re-unite Upper and Lower Canada in 1822, which the leaders of the Assembly viewed or represented as a blow aimed at the institutions of their Province. The anger of the English was excited by the denunciations of themselves, which, subsequently to this period, they were in the habit of hearing. They had possibly some little sympathy with the members of the provincial government of their own race; and their feelings were, probably, yet more strongly excited in favour of the connexion of the Colony with Great Britain, which the proceedings of the Assembly appeared to endanger. But the abuses existing under the provincial government, gave such inducements to remain in opposition to it, that the representatives of each race continued for a long time to act together against it. And as the bulk of the English population in the townships and on the Ottawa were brought into very little personal contact with the French, I am inclined to think that it might have been some time longer, ere the disputes of origin would have assumed an importance paramount to all others, had not the Assembly come into collision with the whole English population by its policy with respect to internal improvements, and to the old and defective laws, which operated as a bar to the alienation of land, and to the formation of associations for commercial purposes.

Superior practical intelligence of the English,

although greater refinement may be found among the French.

Views of the English settlers.

The English population, an immigrant and enterprising population, looked on the American Provinces as a vast field for settlement and speculation, and in the common spirit of the Anglo-Saxon inhabitants of that continent, regarded it as the chief business of the Government, to promote, by all possible use of its legislative and administrative powers, the increase of population and the accumulation of property; they found the laws of real property exceedingly adverse to the easy alienation of land, which is, in a new country, absolutely essential to its settlement and improvement; they found the greatest deficiency in the internal communications of the country, and the utter want of local self-government rendered it necessary for them to apply to the Assembly for every road or bridge, or other public work that was needed; they wished to form themselves into companies for the establishment of banks, and the construction of railroads and canals, and to obtain the powers necessary for the completion of such works with funds of their own. And as the first requisite for the improvement of the country, they

they desired that a large proportion of the revenue should be applied to the completion of that great series of public works by which it was proposed to render the Saint Lawrence and the Ottawa navigable throughout their whole extent.

Jealousy of the Assembly, and dislike of improvements.

Without going so far as to accuse the Assembly of a deliberate design to check the settlement and improvement of Lower Canada, it cannot be denied that they looked with considerable jealousy and dislike on the increase and prosperity of what they regarded as a foreign and hostile race; they looked on the Province as the patrimony of their own race; they viewed it not as a country to be settled, but as one already settled; and instead of legislating in the American spirit, and first providing for the future population of the Province, their primary care was, in the spirit of legislation which prevails in the old world, to guard the interests and feelings of the present race of inhabitants, to whom they considered the new comers as subordinate; they refused to increase the burthens of the country by imposing taxes to meet the expenditure required for improvement, and they also refused to direct to that object any of the funds previously devoted to other purposes. The improvement of the harbour of Montreal was suspended, from a political antipathy to a leading English merchant who had been the most active of the Commissioners, and by whom it had been conducted with the most admirable success. It is but just to say that some of the works which the Assembly authorized and encouraged were undertaken on a scale of due moderation, and satisfactorily perfected and brought into operation. Others, especially the great communications which I have mentioned above, the Assembly showed a great reluctance to promote or even to permit. It is true that there was considerable foundation for their objections to the plan on which the Legislature of Upper Canada had commenced some of these works, and to the mode in which it had carried them on; but the English complained, that instead of profiting by the experience which they might have derived from this source, the Assembly seemed only to make its objections a pretext for doing nothing. The applications for banks, railroads and canals were laid on one side until some general measures could be adopted with regard to such undertakings; but the general measures thus promised were never passed, and the particular enterprizes in question were prevented. The adoption of a registry was refused on the alleged ground of its inconsistency with the French institutions of the Province, and no measure to attain this desirable end, in a less obnoxious mode, was prepared by the leaders of the Assembly. The feudal tenure was supported, as a mild and just provision for the settlement of a new country; a kind of assurance given by a Committee of the Assembly, that some steps should be taken to remove the most injurious incidents of the seignorial tenure, produced no practical results; and the enterprizes of the English were still thwarted by the obnoxious laws of the country. In all these decisions of the Assembly, in its discussions, and in the apparent motives of its conduct, the English population perceived traces of a desire to repress the influx and the success of their race. A measure for imposing a tax on emigrants, though recommended by the Home Government, and warranted by the policy of those neighbouring states, which give the greatest encouragement to immigration, was argued on such grounds in the Assembly, that it was not unjustly regarded as indicative of an intention to exclude any further accession to the English population; and the industry of the English was thus retarded by this conduct of the Assembly. Some districts, particularly that of the Eastern Townships, where the French race has no footing, were seriously injured by the refusal of necessary improvements; and the English inhabitants generally regarded the policy of the Assembly as a plan for preventing any further emigration to the Province, of stopping the growth of English wealth, and of rendering precarious the English property already invested or acquired in Lower Canada.

Collision between the Executive and the Assembly.

The Assembly of which they thus complained, and of which they entertained apprehensions so serious, was at the same time in collision with the Executive Government. The party in power, and which, by means of the Legislative Council, kept the Assembly in check, gladly availed itself of the discontents of this powerful and energetic minority, offered it its protection, and undertook the furtherance of its views; and thus was cemented the singular alliance between the English population and the Colonial officials, who combined from perfectly different motives, and with perfectly different objects, against a common enemy. The English desired reform and liberal measures from the Assembly, which

refused them, while it was urging other reforms and demanding other liberal measures from the Executive Government. The Assembly complained of the oppressive use of the power of the Executive; the English complained that they, a minority, suffered under the oppressive use to which power was turned by the French majority. Thus a bold and intelligent democracy was impelled, by its impatience for liberal measures, joined to its national antipathies, to make common cause with a government which was at issue with the majority on the question of popular rights. The actual conflict commenced by a collision between the Executive and the French majority; and, as the English population rallied round the Government, supported its pretensions, and designated themselves by the appellation of "loyal," the causes of the quarrel were naturally supposed to be much more simple than they really were; and the extent of the division which existed among the inhabitants of Lower Canada, the number and nature of the combatants arrayed on each side, and the irremediable nature of the dispute, were concealed from the public view.

Appeal to arms by the French.

The treasonable attempt of the French party to carry its political objects into effect by an appeal to arms, brought these hostile races into general and armed collision. I will not dwell on the melancholy scenes exhibited in the progress of the contest, or the fierce passions which held an unchecked sway during the insurrection, or immediately after its suppression. It is not difficult to conceive how greatly the evils, which I have described as previously existing, have been aggravated by the war; how terror and revenge nourished, in each portion of the population, a bitter and irreconcileable hatred to each other, and to the institutions of the country. The French population, who had for some time exercised a great and increasing power through the medium of the House of Assembly, found their hopes unexpectedly prostrated in the dust. The physical force which they had vaunted was called into action, and proved to be utterly inefficient. The hope of recovering their previous ascendancy under a constitution, similar to that suspended, almost ceased to exist. Removed from all actual share in the government of their country, they brood in sullen silence over the memory of their fallen countrymen, of their burnt villages, of their ruined property, of their extinguished ascendancy, and of their humbled nationality. To the Government and the English they ascribe these wrongs, and nourish against both an indiscriminating and eternal animosity. Nor have the English inhabitants forgotten in their triumph the terror with which they suddenly saw themselves surrounded by an insurgent majority, and the incidents which alone appeared to save them from the unchecked domination of their antagonists. They find themselves still a minority in the midst of a hostile and organized people; apprehensions of secret conspiracies and sanguinary designs haunt them unceasingly, and their only hope of safety is supposed to rest on systematically terrifying and disabling the French, and in preventing a majority of that race from ever again being predominant in any portion of the legislature of the province. I describe in strong terms the feelings which appear to me to animate each portion of the population; and the picture which I draw represents a state of things so little familiar to the personal experience of the people of this country, that many will probably regard it as the work of mere imagination; but I feel confident that the accuracy and moderation of my description will be acknowledged by all who have seen the state of society in Lower Canada during the last year. Nor do I exaggerate the inevitable constancy any more than the intensity of this animosity. Never again will the present generation of French Canadians yield a loyal submission to a British Government; never again will the English population tolerate the authority of a House of Assembly, in which the French shall possess or even approximate to a majority.

The French will not loyally submit to British Government, nor the English tolerate a French majority in the Assembly.

Nor is it simply the working of representative government which is placed out of question by the present disposition of the two races; every institution which requires for its efficiency a confidence in the mass of the people, or co-operation between its classes, is practically in abeyance in Lower Canada. The militia, on which the main defence of the Province against external enemies, and the discharge of many of the functions of internal police have hitherto depended, is completely disorganized. A muster of that force would, in some districts, be the occasion for quarrels between the races, and in the greater part of the country the attempting to arm or employ it would be merely arming the enemies of the Government. The course of justice is entirely obstructed by the same cause; a just decision in any political case is not to be relied upon; even the judicial bench is, in the opinion of

Obstruction of the course of justice.

of both races, divided into two hostile sections of French and English, from neither of whom is justice expected by the mass of the hostile party. The partiality of grand and petty juries is a matter of certainty; each race relies on the vote of its countrymen to save it harmless from the law, and the mode of challenging allows of such an exclusion of the hostile party that the French offender may make sure of, and the English hope for a favourable jury, and a consequent acquittal. This state of things, and the consequent impunity of political offences, is distinctly admitted by both sides. The trial of the murderers of Chartrand has placed this disposition of the French jurors in a most glaring light: the notes of the Chief Justice in this case were transmitted by me to the Secretary of State; and a perusal of them will satisfy every candid and well-ordered mind that a base and cruel assassination, committed without a single circumstance of provocation or palliation, was brought home by evidence which no man ever pretended to doubt, against the prisoners, whom the jury nevertheless acquitted. The duty of giving this dishonest verdict had been most assiduously and shamefully inculcated by the French press before the trial came on; the jurors are said to have been kept for some time previous in the hands of zealous partisans, whose business it was not only to influence their inclination, but to stimulate their courage; the array of the leaders of the party who were present at the trial was supposed to be collected for the same purpose: and it is notorious that the acquittal was celebrated at public entertainments, to which the jurors were invited in order that they might be thanked for their verdict.

Acquittal of the murderers of Chartrand.

But the influence of this animosity does not obstruct the course of justice in political cases alone. An example of obstruction of ordinary criminal justice recently occurred at Quebec. A person had been, during a previous term, indicted and tried for some offence seriously affecting his moral character. The charge had been supported by a witness whom the jury considered perjured, and the accused had been acquitted. Having reason to believe that the witness had been instigated by a neighbour, the acquitted person indicted this neighbour for subornation of perjury, and brought the witness, who had formerly appeared against himself, to prove the falsehood of his previous evidence, and the fact of his subornation. The proof of subornation appears to have rested, in some particulars, too much on the unsupported evidence of this witness; the jury differed in opinion, one portion of them believing the guilt of the accused to be on the whole satisfactorily established, the other refusing to believe that part of the case which depended solely on the evidence of a man who came into court to swear to the fact of his own previous perjury. This was a difference of opinion which might naturally divide a jury, but as all the parties were French, and as there is nothing in the circumstances which marks this as a case in which feelings of politics or origin could be supposed to operate, it will, I imagine, appear singular that the jury, being composed nearly equally of French and English, all the French were on one side, all the English on the other. After long discussion the jury came into court, and declared their inability to agree; and the foreman, on being told by the Judge that they must agree, answered that they were an equal number of French and English, and consequently never could agree. In the end they did not, and after being locked up for twelve hours, they were discharged without giving a verdict; so that even in a case in which no question of party or of race is concerned, the animosity of the races, nevertheless, appears to present an insurmountable barrier to the impartial administration of justice.

Another example of obstruction of justice.

In such a state of feelings the course of civil government is hopelessly suspended. No confidence can be felt in the stability of any existing institution, or the security of person and property. It cannot occasion surprise that this state of things should have destroyed the tranquillity and happiness of families; that it should have depreciated the value of property, and that it should have arrested the improvement and settlement of the country. The alarming decline of the value of landed property was attested to me by some of the principal proprietors of the Province. The continual and progressive decrease of the revenue, though in some degree attributable to other causes, indicates a diminution of the wealth of the country. The staple export trade of the Province, the timber trade, has not suffered; but instead of exporting grain, the Province is now obliged to import for its own consumption. The influx of emigrants, once so considerable, has very greatly diminished. In 1832 the number of emigrants who landed at the port of Quebec amounted to 52,000; in 1837 it had fallen to a few more than 22,000; and in 1838 it did not amount to 5,000. Insecurity begins to be so strongly

Evils to society from national animosities.

felt by the loyal inhabitants of the seignories, that many of them are compelled, by fear or necessity, to quit their occupations, and seek refuge in the cities. If the present state of things continues, the most enterprising and wealthy capitalists of the Province will thus in a short time be driven from the seats of their present industry.

Hopelessness of putting an end to animosities at present.

Nor does there appear to be the slightest chance of putting an end to this animosity during the present generation. Passions inflamed during so long a period cannot speedily be calmed. The state of education which I have previously described as placing the peasantry entirely at the mercy of agitators, the total absence of any class of persons, or any organization of authority that could counteract this mischievous influence, and the serious decline in the district of Montreal of the influence of the clergy, concur in rendering it absolutely impossible for the Government to produce any better state of feeling among the French population. It is even impossible to impress on a people so circumstanced the salutary dread of the power of Great Britain, which the presence of a large military force in the Province might be expected to produce. I have been informed by witnesses so numerous and so trustworthy, that I cannot doubt the correctness of their statements, that the peasantry were generally ignorant of the large amount of force which was sent into their country last year. The newspapers that circulate among them had informed them that Great Britain had no troops to send out; that in order to produce an impression on the minds of the country people, the same regiments were marched backwards and forwards in different directions, and represented as additional arrivals from home. This explanation was promulgated among the people by the agitators of each village; and I have no doubt that the mass of the habitans really believed that the Government was endeavouring to impose on them by this species of fraud. It is a population with whom authority has no means of contact or explanation. It is difficult even to ascertain what amount of influence the ancient leaders of the French party continue to possess. The name of Mr. Papineau is still cherished by the people; and the idea is current that, at the appointed time, he will return, at the head of an immense army, and re-establish "La Nation Canadienne." But there is great reason to doubt whether his name be not used as a mere watchword; whether the people are not in fact running entirely counter to his counsels and policy; and whether they are not really under the guidance of separate petty agitators, who have no plan but that of a senseless and reckless determination to show in every way their hostility to the British Government and English race. Their ultimate designs and hopes are equally unintelligible. Some vague expectation of absolute independence still seems to delude them. The national vanity, which is a remarkable ingredient in their character, induces many to flatter themselves with the idea of a Canadian Republic; the sounder information of others has led them to perceive that a separation from Great Britain must be followed by a junction with the great Confederation on their southern frontier. But they seem apparently reckless of the consequences, provided they can wreak their vengeance on the English. There is no people against which early associations and every conceivable difference of manners and opinions, have implanted in the Canadian mind a more ancient and rooted national antipathy than that which they feel against the people of the United States. Their more discerning leaders feel that their chances of preserving their nationality would be greatly diminished by an incorporation with the United States; and recent symptoms of Anti-Catholic feeling in New England, well known to the Canadian population, have generated a very general belief that their religion, which even they do not accuse the British party of assailing, would find little favour or respect from their neighbours. Yet none even of these considerations weigh against their present all-absorbing hatred of the English; and I am persuaded that they would purchase vengeance and a momentary triumph, by the aid of any enemies, or submission to any yoke. This provisional but complete cessation of their ancient antipathy to the Americans, is now admitted even by those who most strongly denied it during the last spring, and who then asserted that an American war would as completely unite the whole population against the common enemy, as it did in 1813. My subsequent experience leaves no doubt in my mind that the views which were contained in my Despatch of the 9th of August are perfectly correct; and that an invading American army might rely on the co-operation of almost the entire French population of Lower Canada.

The Canadians would revenge themselves on the English by any aid.

In

In the Despatch above referred to I also described the state of feeling among the English population, nor can I encourage a hope that that portion of the community is at all more inclined to any settlement of the present quarrel that would leave any share of power to the hostile race. Circumstances having thrown the English into the ranks of the Government, and the folly of their opponents having placed them, on the other hand, in a state of permanent collision with it, the former possess the advantage of having the force of Government, and the authority of the laws on their side in the present stage of the contest. Their exertions during the recent troubles have contributed to maintain the supremacy of the law, and the continuance of the connexion with Great Britain; but it would in my opinion be dangerous to rely on the continuance of such a state of feeling as now prevails among them, in the event of a different policy being adopted by the Imperial Government. Indeed the prevalent sentiment among them is one of anything but satisfaction with the course which has been long pursued, with reference to Lower Canada, by the British Legislature and Executive. The calmer view, which distant spectators are enabled to take of the conduct of the two parties, and the disposition which is evinced to make a fair adjustment of the contending claims, appear iniquitous and injurious in the eyes of men who think that they alone have any claim to the favour of that Government, by which they alone have stood fast. They complain loudly and bitterly of the whole course pursued by the Imperial Government, with respect to the quarrel of the two races, as having being founded on an utter ignorance or disregard of the real question at issue, as having fostered the mischievous pretensions of French nationality, and as having by the vacillation and inconsistency which marked it, discouraged loyalty and fomented rebellion. Every measure of clemency or even justice towards their opponents they regard with jealousy, as indicating a disposition towards that conciliatory policy which is the subject of their angry recollection; for they feel that being a minority, any return to the due course of constitutional government would again subject them to a French majority; and to this I am persuaded they would never peaceably submit. They do not hesitate to say that they will not tolerate much longer the being made the sport of parties at home, and that if the mother country forgets what is due to the loyal and enterprising men of her own race, they must protect themselves. In the significant language of one of their own ablest advocates, they assert that "Lower Canada must be *English*, at the expense, if necessary, of not being *British*."

The English population will never tolerate the French pretensions to nationality.

They complain of being the sport of parties at home.

I have, in Despatches of a later date than that to which I have had occasion so frequently to refer, called the attention of the Home Government to the growth of this alarming state of feeling among the English population. The course of the late troubles, and the assistance which the French insurgents derived from some citizens of the United States, have caused a most intense exasperation among the Canadian loyalists against the American Government and people. Their papers have teemed with the most unmeasured denunciations of the good faith of the authorities, of the character and morality of the people, and of the political institutions of the United States. Yet, under this surface of hostility, it is easy to detect a strong under current of an exactly contrary feeling. As the general opinion of the American people became more apparent during the course of the last year, the English of Lower Canada were surprized to find how strong, in spite of the first burst of sympathy, with a people supposed to be struggling for independence, was the real sympathy of their republican neighbours with the great objects of the minority. Without abandoning their attachment to their mother country, they have begun, as men in a state of uncertainty are apt to do, to calculate the probable consequences of a separation, if it should unfortunately occur, and be followed by an incorporation with the United States. In spite of the shock which it would occasion their feelings, they undoubtedly think that they should find some compensation in the promotion of their interests; they believe that the influx of American emigration would speedily place the English race in a majority; they talk frequently and loudly of what has occurred in Louisiana, where, by means which they utterly misrepresent, the end nevertheless of securing an English predominance over a French population, has undoubtedly been attained; they assert very confidently that the Americans would make a very speedy and decisive settlement of the pretensions of the French; and they believe, that after the first shock of an entirely new political state had been got over, they and their posterity would share in that amazing progress, and that great material

Exasperation of the Loyalists against the Americans,

but with a current of contrary feeling.

prosperity, which every day's experience shows them is the lot of the people of the United States. I do not believe that such a feeling has yet sapped their strong allegiance to the British empire; but their allegiance is founded on their deep-rooted attachment to British as distinguished from French institutions. And if they find that that authority which they have maintained against its recent assailants, is to be exerted in such a manner as to subject them again to what they call a French dominion, I feel perfectly confident that they would attempt to avert the result, by courting, on any terms, an union with an Anglo-Saxon people.

Evils of conflict of races aggravated by the conduct of Government.

Such is the lamentable and hazardous state of things produced by the conflict of races which has so long divided the Province of Lower Canada, and which has assumed the formidable and irreconcileable character which I have depicted. In describing the nature of this conflict, I have specified the causes in which it originated; and though I have mentioned the conduct and constitution of the Colonial Government as modifying the character of the struggle, I have not attributed to political causes a state of things which would, I believe, under any political institutions have resulted from the very composition of society. A jealousy between two races, so long habituated to regard each other with hereditary enmity, and so differing in habits, in language and in laws, would have been inevitable under any form of government. That liberal institutions and a prudent policy might have changed the character of the struggle I have no doubt; but they could not have prevented it; they could only have softened its character, and brought it more speedily to a more decisive and peaceful conclusion. Unhappily, however, the system of government pursued in Lower Canada has been based on the policy of perpetuating that very separation of the races, and encouraging these very notions of conflicting nationalities which it ought to have been the first and chief care of Government to check and extinguish. From the period of the conquest to the present time, the conduct of the Government has aggravated the evil, and the origin of the present extreme disorder may be found in the institutions by which the character of the colony was determined.

Two modes of dealing with conquered territories

There are two modes by which a government may deal with a conquered territory. The first course open to it is that of respecting the rights and nationality of the actual occupants; of recognizing the existing laws, and preserving established institutions; of giving no encouragement to the influx of the conquering people, and, without attempting any change in the elements of the community, merely incorporating the Province under the general authority of the central Government. The second is that of treating the conquered territory as one open to the conquerors, of encouraging their influx, of regarding the conquered race as entirely subordinate, and of endeavouring as speedily and as rapidly as possible to assimilate the character and institutions of its new subjects to those of the great body of its empire. In the case of an old and long settled country, in which the land is appropriated, in which little room is left for colonization, and in which the race of the actual occupants must continue to constitute the bulk of the future population of the province, policy as well as humanity render the well-being of the conquered people the first care of a just government, and recommend the adoption of the first-mentioned system; but in a new and unsettled country, a provident legislator would regard as his first object the interests not of the few individuals who happen at the moment to inhabit a portion of the soil, but those of that comparatively vast population by which he may reasonably expect that it will be filled; he would form his plans with a view of attracting and nourishing that future population, and he would therefore establish those institutions which would be most acceptable to the race by which he hoped to colonize the country. The course which I have described as best suited to an old and settled country, would have been impossible in the American continent, unless the conquering state meant to renounce the immediate use of the unsettled lands of the Province; and in this case such a course would have been additionally unadvisable, unless the British Government were prepared to abandon to the scanty population of French whom it found in Lower Canada, not merely the possession of the vast extent of rich soil which that Province contains, but also the mouth of the St. Lawrence, and all the facilities for trade which the entrance of that great river commands.

The first why unadvisable in Lower Canada.

Mistaken policy of the British Government.

In the first regulations adopted by the British Government for the settlement of the Canadas, in the Proclamation of 1763, and the Commission of the Governor-in-Chief

in-Chief of the Province of Quebec, in the offers by which officers and soldiers of the British army, and settlers from the other North American Provinces, were tempted to accept grants of land in the Canadas, we perceive very clear indications of an intention of adopting the second and the wiser of the two systems. Unfortunately, however, the conquest of Canada was almost immediately followed by the commencement of those discontents which ended in the independence of the United Provinces. From that period, the colonial policy of this country appears to have undergone a complete change. To prevent the further dismemberment of the Empire became the primary object with our statesmen; and an especial anxiety was exhibited to adopt every expedient which appeared calculated to prevent the remaining North American Colonies from following the example of successful revolt. Unfortunately, the distinct national character of the French inhabitants of Canada, and their ancient hostility to the people of New England, presented the easiest and most obvious line of demarcation. To isolate the inhabitants of the British from those of the revolted Colonies, became the policy of the Government; and the nationality of the French Canadians was therefore cultivated, as a means of perpetual and entire separation from their neighbours.* It seems also to have been considered the policy of the British Government to govern its Colonies by means of division, and to break them down as much as possible into petty isolated communities, incapable of combination, and possessing no sufficient strength for individual resistance to the Empire. Indications of such designs are to be found in many of the acts of the British Government with respect to its North American Colonies. In 1775 instructions were sent from England, directing that all grants of land within the Province of Quebec, then comprising Upper and Lower Canada, were to be made in fief and seigniory; and even the grants to the refugee loyalists, and officers and privates of the colonial corps, promised in 1786, were ordered to be made on the same tenure. In no instance was it more singularly exhibited than in the condition annexed to the grants of land in Prince Edward's Island, by which it was stipulated that the Island was to be settled by "foreign Protestants;" as if they were to be foreign in order to separate them from the people of New England, and Protestants in order to keep them apart from the Canadian and Acadian Catholics. It was part of the same policy to separate the French of Canada from the British emigrants, and to conciliate the former by the retention of their language, laws, and religious institutions. For this purpose Canada was afterwards divided into two Provinces, the settled portion being allotted to the French, and the unsettled being destined to become the seat of British colonization. Thus, instead of availing

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* This policy was not abandoned even at so late a period as the year 1816; as will appear by the following Despatch from Lord Bathurst to the Governor of Lower Canada:—

Sir, Downing-street, 1st July 1816.

You are, no doubt, aware of the inquiries which have been made in the Province as to the practicability of leaving in a state of nature that part of the frontier which lies between Lake Champlain and Montreal; and you have, no doubt, had under your review the Report of the Surveyor-general on this subject, which was enclosed in Sir Gordon Drummond's Despatch of 21st April 1816, No. 119. With the opinion which his Majesty's Government entertains upon this subject, it cannot but be a matter of regret to think that any settlements should have been made in the districts of Hemingford, Sherrington, Goodmanchester or Hinchinbrook. But at the same time I cannot recommend the dispossession of the settlers, at the expense which must result from the purchase of the lands which they have cleared, and the improvements which they have made upon them, unless indeed that purchase could be effected by an adequate assignment of other waste lands of the Crown in other quarters. I must confine myself, therefore, to instructing you to abstain altogether from making, hereafter, any grants in these districts, and to use every endeavour to induce those who have received grants there, and have not yet proceeded to the cultivation of them, to accept uncleared lands in other districts more distant from the frontier of the United States. In some cases, where the lands have been long granted, they must, I apprehend, under the usual conditions of the grants, have become resumable by the Crown; and in such case you can have no difficulty in preventing their cultivation; and the expediency of making other grants, in lieu of those resumed, will depend upon the particular circumstances of each individual case.

It is also very desirable that you should, as far as lies in your power, prevent the extension of roads in the direction of those particular districts beyond the limits of that division of the Province referred to in the plan of the Surveyor-general as being generally cultivated; and if any means should present themselves of letting those which have been already made, fall into decay, you will best comply with the views of his Majesty's Government, and materially contribute to the future security of the Province, by their adoption.

I have the honour, &c. &c.

Lieutenant-General Sir J. C. Sherbrooke, &c. &c. &c. (signed) *Bathurst.*

availing itself of the means which the extent and nature of the Province afforded for the gradual introduction of such an English population into its various parts as might have easily placed the French in a minority, the Government deliberately constituted the French into a majority, and recognized and strengthened their distinct national character. Had the sounder policy of making the Province English, in all its institutions, been adopted from the first, and steadily persevered in, the French would probably have been speedily outnumbered, and the beneficial operation of the free institutions of England would never have been impeded by the animosities of origin.

Continued inconsistency of British policy.

Not only, however, did the Government adopt the unwise course of dividing Canada, and forming in one of its divisions a French community, speaking the French language, and retaining French institutions, but it did not even carry this consistently into effect; for at the same time provision was made for encouraging the emigration of English into the very Province which was said to be assigned to the French. Even the French institutions were not extended over the whole of Lower Canada. The civil law of France, as a whole, and the legal provision for the Catholic clergy were limited to the portion of the country then settled by the French, and comprised in the seignories; though some provision was made for the formation of new seignories, almost the whole of the then unsettled portion of the Province was formed into townships, in which the law of England was partially established, and the Protestant religion alone endowed. Thus two populations of hostile origin and different characters, were brought into juxta-position under a common government, but under different institutions; each was taught to cherish its own language, laws and habits, and each, at the same time, if it moved beyond its original limits, was brought under different institutions, and associated with a different people. The unenterprising character of the French population, and, above all, its attachment to its church (for the enlargement of which, in proportion to the increase or diffusion of the Catholic population, very inadequate provision was made) have produced the effect of confining it within its ancient limits. But the English were attracted into the seignories, and especially into the cities, by the facilities of commerce afforded by the great rivers. To have effectually given the policy of retaining French institutions and a French population in Lower Canada a fair chance of success, no other institutions should have been allowed, and no other race should have received any encouragement to settle therein. The Province should have been set apart to be wholly French, if it was not to be rendered completely English. The attempt to encourage English emigration into a community, of which the French character was still to be preserved, was an error which planted the seeds of a contest of races in the very constitution of the Colony; this was an error, I mean, even on the assumption that it was possible to exclude the English race from French Canada. But it was quite impossible to exclude the English race from any part of the North American continent. It will be acknowledged by every one who has observed the progress of Anglo-Saxon colonization in America, that sooner or later the English race was sure to predominate even numerically in Lower Canada, as they predominate already, by their superior knowledge, energy, enterprise and wealth. The error, therefore, to which the present contest must be attributed, is the vain endeavour to preserve a French Canadian nationality in the midst of Anglo-American colonies and states.

French nationality not preservable amidst Anglo-American States.

The contest arose gradually.

That contest has arisen by degrees. The scanty number of the English who settled in Lower Canada during the earlier period of our possession, put out of the question any ideas of rivalry between the races. Indeed, until the popular principles of English institutions were brought effectually into operation, the paramount authority of the Government left little room for dispute among any but the few who contended for its favours. It was not until the English had established a vast trade, and accumulated considerable wealth, until a great part of the landed property of the Province was vested in their hands, until a large English population was found in the cities, had scattered itself over large portions of the country, and had formed considerable communities in the townships, and not until the development of representative government had placed substantial power in the hands of the people, that that people divided itself into races, arrayed against each other in intense and enduring animosity.

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The errors of the Government did not cease with that, to which I have attributed the origin of this animosity. The defects of the colonial constitution necessarily brought the executive Government into collision with the people; and the disputes of the Government and the people called into action the animosities of race; nor has the policy of the Government obviated the evils inherent in the constitution of the Colony, and the composition of society. It has done nothing to repair its original error, by making the Province English. Occupied in a continued conflict with the Assembly, successive Governors and their councils have overlooked, in great measure, the real importance of the feud of origin; and the Imperial Government, far removed from opportunities of personal observation of the peculiar state of society, has shaped its policy so as to aggravate the disorder. In some instances it has actually conceded the mischievous pretensions of nationality, in order to evade popular claims; as in attempting to divide the Legislative Council, and the patronage of Government, equally between the two races, in order to avoid the demands for an elective Council, and a responsible Executive: sometimes it has, for a while, pursued the opposite course. A policy founded on imperfect information, and conducted by continually changing hands, has exhibited to the Colony a system of vacillation which was in fact no system at all. The alternate concessions to the contending races have only irritated both, impaired the authority of Government, and, by keeping alive the hopes of a French Canadian nationality, counteracted the influences which might, ere this, have brought the quarrel to its natural and necessary termination. It is impossible to determine precisely the respective effects of the social and political causes. The struggle between the Government and the Assembly, has aggravated the animosities of race; and the animosities of race have rendered the political difference irreconcileable. No remedy can be efficient that does not operate upon both evils. At the root of the disorders of Lower Canada, lies the conflict of the two races, which compose its population; until this is settled, no good government is practicable; for whether the political institutions be reformed or left unchanged, whether the powers of the Government be entrusted to the majority or the minority, we may rest assured, that while the hostility of the races continues, whichever of them is entrusted with power, will use it for partial purposes.

Continued errors and vacillations of Government.

Good Government impracticable whilst conflict of races last.

I have described the contest between the French and English races in Lower Canada with minuteness, because it was my wish to produce a complete and general conviction of the prominent importance of that struggle, when we are taking into consideration the causes of those disorders which have so grievously afflicted the Province. I have not, however, during the course of my preceding remarks, been able to avoid alluding to other causes, which have greatly contributed to occasion the existing state of things; and I have specified among these the defects of the constitution, and the errors arising out of the system of government. It is, indeed, impossible to believe that the assigned causes of the struggle between the Government and the majority have had no effect, even though we may believe that they have had much less than the contending parties imagined. It is impossible to observe the great similarity of the constitutions established in all our North American Provinces, and the striking tendency of all to terminate in pretty nearly the same result, without entertaining a belief that some defect in the form of government, and some erroneous principle of administration, have been common to all; the hostility of the races being palpably insufficient to account for all the evils which have affected Lower Canada, inasmuch as nearly the same results have been exhibited among the homogeneous population of the other provinces. It is but too evident that Lower Canada, or the two Canadas, have not alone exhibited repeated conflicts between the executive and the popular branches of the legislature. The representative body of Upper Canada was, before the late election, hostile to the policy of the Government; the most serious discontents have only recently been calmed in Prince Edward's Island and New Brunswick; the Government is still, I believe, in a minority in the Lower House in Nova Scotia; and the dissensions of Newfoundland are hardly less violent than those of the Canadas. It may fairly be said, that the natural state of government in all these Colonies is that of collision between the executive and the representative

Collisions between the executive and representative body in all the North American Colonies

body. In all of them the administration of public affairs is habitually confided to those who do not co-operate harmoniously with the popular branch of the legislature; and the Government is constantly proposing measures which the majority of the Assembly reject, and refusing its assent to bills which that body has passed.

Such collisions show a deviation from sound constitutional principles.

A state of things, so different from the working of any successful experiment of representative government appears to indicate a deviation from sound constitutional principles or practice. Though occasional collisions between the Crown and the House of Commons have occurred in this country since the establishment of our constitution at the Revolution of 1688, they have been rare and transient. A state of frequent and lasting collisions appears almost identical with one of convulsion and anarchy; and its occurrence in any country is calculated to perplex us as to the mode in which any government can be carried on therein, without an entire evasion of popular control. But, when we examine into the system of government in these colonies, it would almost seem as if the object of those by whom it was established had been the combining of apparently popular institutions with an utter absence of all efficient control of the people over their rulers. Representative assemblies were established on the basis of a very wide, and, in some cases, almost universal suffrage; the annual meeting of these bodies was secured by positive enactment, and their apparent attributes were locally nearly as extensive as those of the English House of Commons. At the same time the Crown almost entirely relied on its territorial resources, and on duties imposed by Imperial Acts, prior to the introduction of the representative system, for carrying on the government, without securing the assent of the representative body either to its policy, or to the persons by whom that policy was to be administered.

Practical working of the Assembly in Lower Canada.

It was not until some years after the commencement of the present century that the population of Lower Canada began to understand the representative system which had been extended to them, and that the Assembly evinced any inclination to make use of its powers. Immediately, however, upon its so doing, it found how limited those powers were, and entered upon a struggle to obtain the authority which analogy pointed out as inherent in a representative assembly. Its freedom of speech immediately brought it into collision with the Governor; and the practical working of the Assembly commenced by its principal leaders being thrown into prison. In course of time, however, the Government was induced, by its necessities, to accept the Assembly's offer to raise an additional revenue by fresh taxes; and the Assembly thus acquired a certain control over the levying and appropriation of a portion of the public revenue. From that time, until the final abandonment in 1832 of every portion of the reserved revenue, excepting the casual and territorial funds, an unceasing contest was carried on, in which the Assembly, making use of every power which it gained, for the purpose of gaining more, acquired, step by step, an entire control over the whole revenue of the country.

Administration remained free from its influence.

I pass thus briefly over the events which have heretofore been considered the principal features of the Canadian controversy, because, as the contest has ended in the concession of the financial demands of the Assembly, and the admission by the Government of the impropriety of attempting to withhold any portion of the public revenues from its control, that contest can now be regarded as of no importance, except as accounting for the exasperation and suspicion which survived it. Nor am I inclined to think that the disputes which subsequently occurred are to be attributed entirely to the operation of mere angry feelings. A substantial cause of contest yet remained. The Assembly, after it had obtained entire control over the public revenues, still found itself deprived of all voice in the choice or even designation of the persons in whose administration of affairs it could feel confidence. All the administrative power of Government remained entirely free from its influence; and though Mr. Papineau appears by his own conduct to have deprived himself of that influence in the Government which he might have acquired, I must attribute the refusal of a civil list to the determination of the Assembly not to give up its only means of subjecting the functionaries of Government to any responsibility.

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The powers for which the Assembly contended, appear in both instances to be such as it was perfectly justified in demanding. It is difficult to conceive what could have been their theory of government who imagined that in any colony of England a body invested with the name and character of a representative Assembly, could be deprived of any of those powers which, in the opinion of Englishmen, are inherent in a popular legislature. It was a vain delusion to imagine that by mere limitations in the Constitutional Act, or an exclusive system of government, a body, strong in the consciousness of wielding the public opinion of the majority, could regard certain portions of the provincial revenues as sacred from its control, could confine itself to the mere business of making laws, and look on as a passive or indifferent spectator, while those laws were carried into effect or evaded, and the whole business of the country was conducted by men, in whose intentions or capacity it had not the slightest confidence. Yet such was the limitation placed on the authority of the Assembly of Lower Canada; it might refuse or pass laws, vote or withhold supplies, but it could exercise no influence on the nomination of a single servant of the Crown. The Executive Council, the law officers, and whatever heads of departments are known to the administrative system of the Province, were placed in power, without any regard to the wishes of the people or their representatives; nor indeed are there wanting instances in which a mere hostility to the majority of the Assembly elevated the most incompetent persons to posts of honour and trust. However decidedly the Assembly might condemn the policy of the Government, the persons who had advised that policy, retained their offices and their power of giving bad advice. If a law was passed after repeated conflicts, it had to be carried into effect by those who had most strenuously opposed it. The wisdom of adopting the true principle of representative government, and facilitating the management of public affairs, by entrusting it to the persons who have the confidence of the representative body, has never been recognized in the government of the North American Colonies. All the officers of government were independent of the Assembly; and that body which had nothing to say to their appointment, was left to get on as it best might, with a set of public functionaries, whose paramount feeling may not unfairly be said to have been one of hostility to itself.

The public functionaries were independent of the Assembly.

A body of holders of office thus constituted, without reference to the people or their representatives, must in fact, from the very nature of colonial government, acquire the entire direction of the affairs of the Province. A Governor, arriving in a colony in which he almost invariably has had no previous acquaintance with the state of parties, or the character of individuals, is compelled to throw himself almost entirely upon those whom he finds placed in the position of his official advisers. His first acts must necessarily be performed, and his first appointments made, at their suggestion. And as these first acts and appointments give a character to his policy, he is generally brought thereby into immediate collision with the other parties in the country, and thrown into more complete dependence upon the official party and its friends. Thus, a Governor of Lower Canada has almost always been brought into collision with the Assembly, which his advisers regard as their enemy. In the course of the contest in which he was thus involved, the provocations which he received from the Assembly, and the light in which their conduct was represented by those who alone had any access to him, naturally imbued him with many of their antipathies; his position compelled him to seek the support of some party against the Assembly; and his feelings and his necessities thus combined to induce him to bestow his patronage and to shape his measures to promote the interests of the party on which he was obliged to lean. Thus, every successive year consolidated and enlarged the strength of the ruling party. Fortified by family connexion, and the common interest felt by all who held, and all who desired, subordinate offices, that party was thus erected into a solid and permanent power, controlled by no responsibility, subject to no serious change, exercising over the whole government of the Province an authority utterly independent of the people and its representatives, and possessing the only means of influencing either the Government at home, or the colonial representative of the Crown.

Dependence of the Governor upon the official party.

This entire separation of the legislative and executive powers of a State, is the natural error of governments desirous of being free from the check of representative institutions. Since the Revolution of 1688, the stability of the English

Impossibility of the working of the Colonial system of government.

constitution has been secured by that wise principle of our Government which has vested the direction of the national policy, and the distribution of patronage, in the leaders of the Parliamentary majority. However partial the Monarch might be to particular ministers, or however he might have personally committed himself to their policy, he has invariably been constrained to abandon both, as soon as the opinion of the people has been irrevocably pronounced against them through the medium of the House of Commons. The practice of carrying on a representative government on a different principle, seems to be the rock on which the continental imitations of the British Constitution have invariably split; and the French Revolution of 1830 was the necessary result of an attempt to uphold a ministry with which no Parliament could be got to act in concert. It is difficult to understand how any English statesmen could have imagined that representative and irresponsible government could be successfully combined. There seems, indeed, to be an idea, that the character of representative institutions ought to be thus modified in colonies; that it is an incident of colonial dependence, that the officers of government should be nominated by the Crown, without any reference to the wishes of the community, whose interests are entrusted to their keeping. It has never been very clearly explained what are the imperial interests, which require this complete nullification of representative government. But if there be such a necessity, it is quite clear that a representative government in a colony must be a mockery, and a source of confusion. For those who support this system have never yet been able to devise, or to exhibit in the practical working of colonial government, any means for making so complete an abrogation of political influence palatable to the representative body. It is not difficult to apply the case to our own country. Let it be imagined that at a general election the opposition were to return 500 out of 658 members of the House of Commons, and that the whole policy of the ministry should be condemned, and every Bill introduced by it, rejected by this immense majority. Let it be supposed that the Crown should consider it a point of honour and duty to retain a ministry so condemned and so thwarted; that repeated dissolutions should in no way increase, but should even diminish, the ministerial minority, and that the only result which could be obtained by such a development of the force of the opposition, were not the slightest change in the policy of the ministry, not the removal of a single minister, but simply the election of a Speaker of the politics of the majority; and, I think, it will not be difficult to imagine the fate of such a system of government. Yet such was the system, such literally was the course of events in Lower Canada, and such in character, though not quite in degree, was the spectacle exhibited in Upper Canada, and, at one time or another, in every one of the North American Colonies. To suppose that such a system would work well there, implies a belief that the French Canadians have enjoyed representative institutions for half a century, without acquiring any of the characteristics of a free people; that Englishmen renounce every political opinion and feeling when they enter a colony, or that the spirit of Anglo-Saxon freedom is utterly changed and weakened among those who are transplanted across the Atlantic.

Opposition of the Assembly to the Government unavoidable.

It appears, therefore, that the opposition of the Assembly to the Government was the unavoidable result of a system which stinted the popular branch of the legislature of the necessary privileges of a representative body, and produced thereby a long series of attempts on the part of that body to acquire control over the administration of the Province. I say all this without reference to the ultimate aim of the Assembly, which I have before described as being the maintenance of a Canadian nationality against the progressive intrusion of the English race. Having no responsible ministers to deal with, it entered upon that system of long inquiries by means of its committees, which brought the whole action of the executive immediately under its purview, and transgressed our notions of the proper limits of Parliamentary interference. Having no influence in the choice of any public functionary, no power to procure the removal of such as were obnoxious to it merely on political grounds, and seeing almost every office of the Colony filled by persons in whom it had no confidence, it entered on that vicious course of assailing its prominent opponents individually, and disqualifying them for the public service, by making them the subjects of inquiries and consequent impeachments, not always conducted with even the appearance of a due regard to justice; and when nothing else could attain its end of altering the policy or the composition of the colonial government, it had recourse to that *ultima ratio* of representative

representative power to which the more prudent forbearance of the Crown has never driven the House of Commons in England, and endeavoured to disable the whole machine of Government by a general refusal of the supplies.

Popular leaders relieved of responsibility.

It was an unhappy consequence of the system which I have been describing, that it relieved the popular leaders of all the responsibilities of opposition. A member of opposition in this country acts and speaks with the contingency of becoming a minister constantly before his eyes, and he feels, therefore, the necessity of proposing no course, and of asserting no principles, on which he would not be prepared to conduct the Government, if he were immediately offered it. But the colonial demagogue bids high for popularity without the fear of future exposure. Hopelessly excluded from power, he expresses the wildest opinions, and appeals to the most mischievous passions of the people, without any apprehension of having his sincerity or prudence hereafter tested, by being placed in a position to carry his views into effect; and thus the prominent places in the ranks of opposition are occupied for the most part by men of strong passions, and merely declamatory powers, who think but little of reforming the abuses which serve them as topics for exciting discontent.

Collision also with the Legislative Council.

The collision with the executive government necessarily brought on one with the Legislative Council. The composition of this body, which has been so much the subject of discussion both here and in the Colony, must certainly be admitted to have been such as could give it no weight with the people, or with the representative body, on which it was meant to be a check. The majority was always composed of members of the party which conducted the executive government; the clerks of each Council were members of the other; and, in fact, the Legislative Council was practically hardly any thing but a veto in the hands of public functionaries on all the acts of that popular branch of the legislature in which they were always in a minority. This veto they used without much scruple. I am far from concurring in the censure which the Assembly and its advocates have attempted to cast on the acts of the Legislative Council. I have no hesitation in saying that many of the Bills which it is most severely blamed for rejecting, were Bills which it could not have passed without a dereliction of its duty to the constitution, the connexion with Great Britain, and the whole English population of the Colony. If there is any censure to be passed on its general conduct, it is for having confined itself to the merely negative and defensive duties of a legislative body; for having too frequently contented itself with merely defeating objectionable methods of obtaining desirable ends, without completing its duty by proposing measures, which would have achieved the good in view without the mixture of evil. The national animosities which pervaded the legislation of the Assembly, and its thorough want of legislative skill or respect for constitutional principles, rendered almost all its Bills obnoxious to the objections made by the Legislative Council; and the serious evil which their enactment would have occasioned, convinces me that the Colony has reason to congratulate itself on the existence of an institution which possessed and used the power of stopping a course of legislation that, if successful, would have sacrificed every British interest, and overthrown every guarantee of order and national liberty. It is not difficult for us to judge thus calmly of the respective merits of these distant parties; but it must have been a great and deep-rooted respect for the constitution and composition of the Legislative Council, that could have induced the representatives of a great majority to submit with patience to the impediment thus placed in their way by a few individuals. But the Legislative Council was neither theoretically unobjectionable, nor personally esteemed by the Assembly; its opposition appeared to that body but another form of official hostility, and it was inevitable that the Assembly should, sooner or later, make those assaults on the constitution of the Legislative Council which, by the singular want of judgment and temper with which they were conducted, ended in the destruction of the Provincial Constitution.

Purposes of the Assembly.

From the commencement, therefore, to the end of the disputes which mark the whole Parliamentary history of Lower Canada, I look on the conduct of the Assembly as a constant warfare with the executive, for the purpose of obtaining the powers inherent in a representative body by the very nature of representative

government. It was to accomplish this purpose, that it used every means in its power; but it must be censured for having, in pursuit of this object, perverted its powers of legislation, and disturbed the whole working of the constitution. It made the business of legislation, and the practical improvement of the country, subordinate to its struggle for power; and, being denied its legitimate privileges, it endeavoured to extend its authority in modes totally incompatible with the principles of constitutional liberty.

Attempt to alter the Constitutional Act.

One glaring attempt which was made directly and openly to subvert the constitution of the country, was, by passing a Bill for the formal repeal of those parts of the 31 Geo. 3, c. 31, commonly called the Constitutional Act, by which the constitution and powers of the Legislative Council were established. It can hardly be supposed that the framers of this Bill were unaware, or hoped to make any concealment of the obvious illegality of a measure, which, commencing, as all Canadian Acts do, by a recital of the 31 Geo. 3, as the foundation of the legislative authority of the Assembly, proceeded immediately to infringe some of the most important provisions of that very statute; nor can it be supposed that the Assembly hoped really to carry into effect this extraordinary assumption of power, inasmuch as the Bill could derive no legal effect from passing the Lower House, unless it should subsequently receive the assent of the very body which it purported to annihilate.

Claim of force of law for resolutions of the Assembly.

A more dangerous, because, in some measure, more effectual device for assuming unconstitutional powers, was practised by the Assembly in its attempts to evade the necessity of obtaining the assent of the other branches of the legislature, by claiming for its own resolutions, and that, too, on points of the greatest importance, the force of laws. A remarkable instance of this was exhibited in the Resolution which the Assembly passed on the rejection of a Bill for vacating the seats of Members on the acceptance of offices under the Crown; and which, in fact, and undisguisedly, purported, by its own single authority, to give effect to the provisions of the rejected Bill. This Resolution brought the Assembly into a long dispute with Lord Aylmer, in consequence of his refusing to issue a writ for the election of a Member in place of Mr. Mondelet, whose seat was declared vacant in consequence of his having accepted the office of executive councillor. The instance in which the Assembly thus attempted to enforce this principle of disqualification, happened to be one to which it could not be considered applicable, either from analogy to the law of England, or from the apparent intent of the Resolution itself; for the office which Mr. Mondelet accepted, though one of high importance and influence, was one to which no salary or emolument of any kind was attached.

Systematic abuses of constitutional forms.

But the evils resulting from such open attempts to dispense with the constitution were small, in comparison with the disturbance of the regular course of legislation by systematic abuse of constitutional forms, for the purpose of depriving the other branches of the legislature of all real legislative authority. The custom of passing the most important laws in a temporary form, has been an ancient and extensive defect of the legislation of the North American Colonies, partially authorized by royal instructions to the Governors, but never sanctioned by the Imperial Legislature, until it was established in Lower Canada by the 1st Vict. c. 9. It remained, however, for the Assembly of Lower Canada to reduce the practice to a regular system, in order that it might have the most important institutions of the Province periodically at its mercy, and use the necessities of the Government and the community for the purpose of extorting the concession of whatever demands it might choose to make. Objectionable in itself, on account of the uncertainty and continual changes which it tended to introduce into legislation, this system of temporary laws derived its worst character from the facilities which it afforded to the practice of "tacking" together various legislative measures; a practice not unknown to the British constitution, and which has sometimes been found useful, because the prudence of the House of Commons has induced that body rarely to have recourse to it, but which the legislators of Lower Canada converted into the ordinary mode of legislation. By the abuse of this practice, any branch of the legislature had, during every session, the power, if it had the inclination, to make the renewal of expiring laws the means

means of dictating its own terms to the others; and to this end it was systematically converted by the Assembly. It adopted the custom of renewing all expiring laws, however heterogeneous in their character, in one and the same Bill. Having the first choice to exercise, it renewed, of course, only those Acts of which it approved, and left to the Legislative Council and the Governors only the alternative of rejecting such as had proved to be beneficial, or of passing such as, in their opinion, had proved to be mischievous. A singular instance of this occurred in 1836 with respect to the renewal of the Jury Law, to which the Assembly attached great importance, and to which the Legislative Council felt a strong repugnance, on account of its having in effect placed the juries entirely in the hands of the French portion of the population. In order to secure the renewal of this law, the Assembly coupled it in the same Bill, by which it renewed the tolls of the Lachine Canal, calculating on the Council not venturing to defeat a measure of so much importance to the revenue as the latter, by resisting the former. The Council, however, rejected the Bill; and thus the Canal remained toll-free for a whole season, because the two Houses differed about a jury law.

Nor was this custom of "tacking," confined to the case of the renewal of expiring laws. A Bill, for the independence of the Judges was coupled with the establishment of a new tribunal for trying impeachments, and with other provisions, to which it was known that the Crown was decidedly hostile; and thus, in the attempt to extort an objectionable concession, a most desirable guarantee for the pure administration of justice was sacrificed.

The system thus framed, was completed by the regulations with respect to a quorum, and the use which the majority made of them. A quorum of nearly half the whole House was required for the transaction of business. Towards the end of every recent session, the majority used to break up the quorum, and disperse to their respective homes, without waiting to be prorogued, immediately after sending up a number of Bills to the Council, thus leaving no means of considering or adopting any amendments which that body might make, and leaving it no option but that of rejecting or confirming by wholesale the measures of the Assembly.

Parliamentary grants for local works.

But in describing the means by which the Assembly obtained, and attempted to consolidate, its power, I must not omit to direct particular attention to that which, after all, was the most effectual, and which originated in a defect common to the system of government in all the North American Colonies; it is, the practice of making Parliamentary grants for local works,—a system so vicious, and so productive of evil, that I believe that until it is entirely eradicated, representative government will be incapable of working well and smoothly in those Colonies.

Importance of public works in American legislation.

I know, indeed, of no difference in the machinery of government in the old and new world that strikes an European more forcibly than the apparently undue importance which the business of constructing public works appears to occupy in American legislation. In speaking of the character of a government, its merits appear to be estimated by the public works which it has carried into effect. If an individual is asked how his own legislature has acted, he will generally say what roads or bridges it has made, or neglected to make, in his own district; and if he is consulted about changes in a constitution, he seems to try their soundness by calculating whether his neighbourhood would get more and better roads and bridges under the existing, or the proposed system. On examining the proceedings of a legislature, we find that a great proportion of its discussions turns on such questions; and if we look to the budget, we find that a still greater proportion of the public money is applied to these purposes. Those who reflect on the circumstances of the New World, will not find it very difficult to account for the attention there paid to what is, necessarily, the first business of society, and is naturally made the first care of every responsible government. The provision which, in Europe, the State makes for the protection of its citizens against foreign enemies, is in America required for what a French writer has beautifully and accurately called, the "war with the wilderness." The defence of an important fortress, or the maintenance of a sufficient army or navy in exposed spots, is not more a matter of common concern to the European, than is the construction of the great communications to the American settler; and the State, very naturally, takes on itself the making of the works, which are matters of concern to all alike.

Height to which abuse of grants has been carried.

Even the municipal institutions of the northern States of the American Union have not entirely superseded the necessity of some interference on the part of their

their legislatures in aid of local improvements; though the main efforts of those States have been directed to those vast undertakings which are the common concern and the common glory of their citizens. In the southern States, where municipal institutions are less complete, the legislatures are in the habit of taking part more constantly and extensively in works which are properly of mere local interest; and great complaints are made of consequent corruption and mismanagement. But in the British Colonies, in none of which is there any effectual system of municipal government, the evil has been carried to the greatest height, and exercises the most noxious influence. The great business of the assemblies is, literally, parish business; the making parish roads and parish bridges. There are in none of these Provinces any local bodies possessing authority to impose local assessments, for the management of local affairs. To do these things is the business of the Assembly; and to induce the Assembly to attend to the particular interests of each county, is the especial business of its county member. The surplus revenue of the Province is swelled to as large an amount as possible, by cutting down the payment of public services to as low a scale as possible; and the real duties of government are, sometimes, insufficiently provided for, in order that more may be left to be divided among the constituent bodies. "When we want a bridge, we take a judge to build it," was the quaint and forcible way in which a member of a provincial legislature described the tendency to retrench, in the most necessary departments of the public service, in order to satisfy the demands for local works. This fund is voted by the Assembly on the motion of its members; the necessity of obtaining the previous consent of the Crown to money votes never having been adopted by the Colonial Legislatures from the practice of the British House of Commons. There is a perfect scramble among the whole body to get as much as possible of this fund for their respective constituents; cabals are formed, by which the different members mutually play into each other's hands; general politics are made to bear on private business, and private business on general politics; and at the close of the parliament, the member who has succeeded in securing the largest portion of the prize for his constituents, renders an easy account of his stewardship, with confident assurance of re-election.

Funds dispensed by Commissioners named by the Legislature.

The Provincial Assemblies being, as I have previously stated, in a state of permanent collision with the Government, have never been in the habit of entrusting the executive with any control over these funds; and they have been wholly dispensed by commissioners named by the legislature. The Assemblies do not appear to have been at all insensible to the possibility of turning this patronage to their own account. An electioneering handbill, which was circulated by the friends of Government at the last dissolution in Upper Canada, exhibited, in a very strong light, the expense of the commissioners of the Assembly, contrasted with those of the officers of the executive government; but the Province of Nova Scotia has carried this abuse to an extent which appears almost inconceivable. According to a report presented to me by Major Head, an assistant commissioner of inquiry whom I sent to that Colony, a sum of 10,000*l.* was, during the last session, appropriated to local improvements; this sum was divided into 830 portions, and as many commissioners were appointed to expend it, giving, on an average, a commissioner for rather more than every 12*l.*, with a salary of 5*s.* a day, and a further remuneration of two and a half per cent. on the money expended, to be deducted out of each share.

Abuse of this patronage.

Not only did the leaders of the Lower Canadian Assembly avail themselves of the patronage thus afforded, by the large surplus revenue of the Province, but they turned this system to much greater account, by using it to obtain influence over the constituencies. In a furious political struggle, like that which subsisted in Lower Canada, it was natural that a body, wielding, with hardly any responsibility, this direct power of promoting the immediate interests of each constituency, should show some favour to that which concurred in its political views, and should exhibit its displeasure towards that which obstinately resisted the majority. But the majority of the Assembly of Lower Canada is accused by its opponents of having, in the most systematic and persevering manner, employed this means of corrupting the electoral bodies. The adherents of Mr. Papineau are said to have been lavish in their promises of the benefits which they could obtain from the Assembly for the county whose suffrages they solicited. By such representations, the return of members of opposition politics is asserted, in many instances, to have been secured; and obstinate counties are alleged to have been sometimes starved into submission, by an entire withdrawal of grants, until they

they returned members favourable to the majority. Some of the English members who voted with Mr. Papineau, excused themselves to their countrymen by alleging, that they were compelled to do so, in order to get a road or a bridge, which their constituents desired. Whether it be true or false that the abuse was ever carried to such a pitch, it is obviously one, which might have been easily and safely perpetrated by a person possessing Mr. Papineau's influence in the Assembly.

Grants for education.

But the most bold and extensive attempt for erecting a system of patronage, wholly independent of the Government, was that which was, for some time, carried into effect by the grants for education made by the Assembly, and regulated by the Act, which the Legislative Council has been most bitterly reproached with refusing to renew. It has been stated, as a proof of the deliberate intention of the Legislative Council to crush every attempt to civilize and elevate the great mass of the people, that it thus stopped at once the working of about 1,000 schools, and deprived of education no less than 40,000 scholars, who were actually profiting by the means of instruction thus placed within their reach. But the reasons which induced, or rather compelled, the Legislative Council to stop this system, are clearly stated in the Report of that body, which contains the most unanswerable justification of the course which it pursued. By that it appears, that the whole superintendence and patronage of these schools had, by the expired law, been vested in the hands of the county Members; and that they had been allowed to manage the funds, without even the semblance of sufficient accountability. The Members of the Assembly had thus a patronage, in this single department, of about 25,000 *l.* per annum, an amount equal to half of the whole ordinary civil expenditure of the Province. They were not slow in profiting by the occasion thus placed in their hands; and as there existed in the Province no sufficient supply of competent schoolmasters and mistresses, they nevertheless immediately filled up the appointments with persons who were utterly and obviously incompetent. A great proportion of the teachers could neither read nor write. The gentleman whom I directed to inquire into the state of education in the Province, showed me a petition from certain schoolmasters, which had come into his hands; and the majority of the signatures were those of marksmen. These ignorant teachers could convey no useful instruction to their pupils; the utmost amount which they taught them was to say the Catechism by rote. Even within seven miles of Montreal, there was a schoolmistress thus unqualified. These appointments were, as might have been expected, jobbed by the members among their political partisans; nor were the funds very honestly managed. In many cases the members were suspected, or accused, of misapplying them to their own use; and in the case of Beauharnois, where the seigneur, Mr. Ellice, has, in the same spirit of judicious liberality by which his whole management of that extensive property has been marked, contributed most largely towards the education of his tenants, the school funds were proved to have been misappropriated by the county member. The whole system was a gross political abuse; and however laudable we must hold the exertions of those who really laboured to relieve their country from the reproach of being the least furnished with the means of education of any on the North American continent, the more severely must we condemn those who sacrificed this noble end, and perverted ample means to serve the purposes of party.

Grants for relief from failure of harvests.

I know not whether to ascribe the system which was adopted for the relief of the distress periodically occurring in certain districts to the same policy of extending the influence of the Assembly by local grants, or merely to the antiquated prejudices which seem to have pervaded many parts of the Assembly's legislation, which dictated laws against hucksters and the maintenance of foundling hospitals. No general system for the relief of destitution, no poor-law of any kind was established, and the wants of the country hardly demanded it. But when I arrived at Quebec, I received a number of petitions from parishes situated on the lower part of the St. Lawrence, praying for relief, in consequence of the failure of the harvest. I found, on inquiry, that relief had been granted to these districts for several successive years. The cause of the calamity was obvious; it was the unsuitableness of wheat crops under the wretched system of Canadian small farming, to the severe climate of that portion of the Province. By the side of the distressed parishes were large districts, in which a better system of farming, and, above all, the employment of the land for pasture and green crops, had diffused the most general comfort among the agricultural population, and completely obviated the occurrence of failure or distress. There were, in the vicinity of the distressed parishes, large

tracts of rich and unsettled land, available for the permanent amelioration of the condition of this suffering people; and there were valuable and extensive fisheries in the neighbourhood, which might have supported it in comfort; yet no persevering attempt had been made to provide permanent relief by encouraging the population which was thus thrown on the legislature for support, either to adopt a better system of agriculture, or to settle on other portions of the country, or to avail itself of the fisheries. The Assembly met the evil by relieving the distress in such a way as to stave off its immediate results, and ensure its recurrence. It gave food for the season of scarcity, and seed to sow a crop even of wheat as late as the 20th of June, which was of course to fail in its turn; for it had thus relieved the same kind of distress, in precisely the same places, for several successive years; and its policy seemed to be to pension a portion of the people to sow wheat where it would not ripen.

Lost opportunities for good legislation.

It is melancholy to think of the opportunities of good legislation which were sacrificed in this mere contest for power. No country in the world ever demanded from a paternal government, or patriotic representatives, more unceasing and vigorous reforms, both of its laws and its administrative system. Lower Canada had, when we received it at the conquest, two institutions, which alone preserved the semblance of order and civilization in the community,—the Catholic church and the militia, which was so constituted and used, as partially to supply the want of better civil institutions. The beneficial influence of the Catholic church has been cramped and weakened; the militia is now annihilated, and years must elapse ere it can be revived and used to any good purpose. Lower Canada remains without municipal institutions of local self-government, which are the foundations of Anglo-Saxon freedom and civilization; nor is their absence compensated by any thing like the centralization of France. The most defective judicial institutions remain unreformed. Alone, among the nations that have sprung from the French, Lower Canada remains under the unchanged civil laws of ancient France. Alone, among the nations of the American Continent, it is without a public system of education. Nor has it, in other respects, caught the spirit of American progress. While the Assembly was wasting the surplus revenues of the Province in jobs for the increase of patronage, and in petty peddling in parochial business, it left untouched those vast and easy means of communication which deserved, and would have repaid the application of the provincial revenues The state of New York made its own St. Lawrence from Lake Erie to the Hudson, while the Government of Lower Canada could not achieve, or even attempt the few miles of canal and dredging, which would have rendered its mighty rivers navigable almost to their sources. The time which should have been devoted to wise legislation, was spent in a contest for power between the executive and the people, which a wise executive would have stopped at the outset, by submitting to a legitimate responsibility, and which a wise people would have ceased to press when it had virtually attained its end. This collision, and the defective constitution were, in conjunction with the quarrel of the races, the causes of the mischiefs which I have detailed. It will be a ground, I trust, of permanent congratulation, that the contest terminated in the destruction of the impracticable constitution, which caused the strife; nor can I conceive any course of conduct which could so effectually have destroyed the previous system of mismanagement, and cleared the ground for future improvement, as that continued stoppage of supplies which the Assembly in its intemperance effected. It broke down at once the whole of that vicious appropriation of public funds, which was the great bane of provincial legislation, and has left the abuses of the Colony so long unfed, that a reforming Government may hereafter work upon an unencumbered soil.

Thorough disorganization of Institutions.

The inevitable result of the animosities of race, and of the constant collision of the different powers of the State, which I have described, was a thorough disorganization of the institutions and administrative system of the country. I do not think that I necessarily cast any stigma on my predecessors in Lower Canada, or on the uniform good intentions which the Imperial Government has clearly evinced towards every class, and every race in the Colony, when I assert, that a country which has been agitated by these social and political dissensions, has suffered under great misgovernment. The blame rests not on individuals, but on the vicious system, which has generated the manifold and deep-rooted abuses that pervade every department of the public service, and constitute the real grievances of the Colony. These grievances are common to the whole people of Lower

Lower Canada; and it is not one race, or one party only, that suffers by their existence; they have hindered the prosperity, and endangered the security of all; though, unquestionably, the interests which have most materially been retarded by misgovernment, are the English. From the highest to the lowest officers of the executive government, no important department is so organized as to act vigorously and completely, throughout the Province; and every duty which a government owes to its subjects is imperfectly discharged.

Want of vigorous administration of Royal Prerogative

The defective system of administration in Lower Canada, commences at the very source of power; and the efficiency of the public service is impaired throughout, by the entire want in the Colony of any vigorous administration of the prerogative of the Crown. The fact is, that, according to the present system, there is no real representative of the Crown in the Province; there is in it, literally, no power which originates and conducts the executive government. The Governor, it is true, is said to represent the Sovereign, and the authority of the Crown is, to a certain extent, delegated to him; but he is, in fact, a mere subordinate officer, receiving his orders from the Secretary of State, responsible to him for his conduct, and guided by his instructions. Instead of selecting a Governor, with an entire confidence in his ability to use his local knowledge of the real state of affairs in the Colony in the manner which local observation and practical experience best prescribe to him, it has been the policy of the Colonial Department, not only at the outset, to instruct a Governor as to the general policy which he was to carry into effect, but to direct him, from time to time, by instructions, sometimes very precise, as to the course which he was to pursue, in every important particular of his administration. Theoretically irresponsible to the Colonial Legislature, the Governor was, in effect, the only officer in the Colony who was at all responsible; inasmuch as the Assembly, by centring their attacks on him, and making him appear the sole cause of the difficulties of the Government, could occasion him so much vexation, and represent him in so unfavourable a light at home, that it frequently succeeded in imposing on him the necessity of resigning, or on the Colonial Minister, that of recalling him. In order to shelter himself from this responsibility, it has inevitably, and I must say very justifiably, been the policy of Governors to take care that the double responsibility shall be as light as possible; to endeavour to throw it, as much at possible, on the home Government, and to do as little as possible without previously consulting the Colonial Minister at home, and receiving his instructions. It has, therefore, been the tendency of the local government to settle every thing by reference to the Colonial Department in Downing-street. Almost every question on which it was possible to avoid, even with great inconvenience, an immediate decision, has been habitually the subject of reference; and this applies not merely to those questions on which the local executive and legislative bodies happened to differ, wherein the reference might be taken as a kind of appeal, but to questions of a strictly local nature, on which it was next to impossible for the Colonial Office to have any sufficient information. It had become the habit of the Colonial Office to originate these questions, to entertain applications from individuals, to refer these applications to the Governor, and, on his answer, to make a decision. The Governor has been enabled by this system to shift responsibility on the Colonial Office, inasmuch as in every important case he was, in reality, carrying into effect the order of the authority to which he was responsible. But the real vigour of the executive has been essentially impaired; distance and delay have weakened the force of its decisions; and the Colony has, in every crisis of danger, and almost every detail of local management, felt the mischief of having its executive authority exercised on the other side of the Atlantic.

Evils of committing details of Government to Colonial Department.

Nor has any thing been gained, either in effectual responsibility or sound information, by thus transferring the details of executive government to the Colonial Department at home. The complete and unavoidable ignorance in which the British public, and even the great body of its legislators, are with respect to the real interests of distant communities, so entirely different from their own, produces a general indifference, which nothing but some great colonial crisis ever dispels; and responsibility to Parliament, or to the public opinion of Great Britain, would, except on these great and rare occasions, be positively mischievous, if it were not impossible. The repeated changes caused by political events at home having no connexion with colonial affairs, have left, to most of the various representatives of the Colonial Department in Parliament, too little time to acquire even an elementary knowledge of the condition of those numerous and heterogeneous

communities for which they have had both to administer and legislate. The persons with whom the real management of these affairs has or ought to have rested, have been the permanent but utterly irresponsible members of the office. Thus the real government of the Colony has been entirely dissevered from the slight nominal responsibility which exists. Apart even from this great and primary evil of the system, the pressure of multifarious business thus thrown on the Colonial office, and the repeated changes of its ostensible directors, have produced disorders in the management of public business which have occasioned serious mischief, and very great irritation. This is not my own opinion merely; for I do but repeat that of a Select Committee of the present House of Assembly in Upper Canada, who, in a Report dated February 8, 1838, say, "It appears to your Committee, that one of the chief causes of dissatisfaction with the administration of colonial affairs arises from the frequent changes in the office of Secretary of State, to whom the Colonial department is intrusted. Since the time the late Lord Bathurst retired from that charge, in 1827, your Committee believe there has not been less than eight Colonial Ministers, and that the policy of each successive statesman has been more or less marked by a difference from that of his predecessor. This frequency of change in itself almost necessarily entails two evils; *first*, an imperfect knowledge of the affairs of the Colonies on the part of the Chief Secretary, and the consequent necessity of submitting important details to the subordinate officers of the department; and, *second*, the want of stability and firmness in the general policy of the Government, and which, of course, creates much uneasiness on the part of the Governors, and other officers of the Colonies, as to what measures may be approved.

Report from House of Assembly, Upper Canada.

"But undoubtedly" (continues the Report) "by far the greatest objection to the system is, the impossibility it occasions of any Colonial Minister, unaided by persons possessing local knowledge, becoming acquainted with the wants, wishes, feelings and prejudices of the inhabitants of the Colonies, during his temporary continuance in office, and of deciding satisfactorily upon the conflicting statements and claims that are brought before him. A firm, unflinching resolution to adhere to the principles of the constitution, and to maintain the just and necessary powers of the Crown, would do much towards supplying the want of local information. But it would be performing more than can be reasonably expected from human sagacity, if any man, or set of men, should always decide in an unexceptionable manner on subjects that have their origin thousands of miles from the seat of the Imperial Government, where they reside, and of which they have no personal knowledge whatever; and therefore wrong may be often done to individuals, or a false view taken of some important political question, that in the end may throw a whole community into difficulty and dissension, not from the absence of the most anxious desire to do right, but from an imperfect knowledge of facts upon which to form an opinion.

"To these objections" (adds the Report) "it may be answered, that although the Chief Secretary of State retires with a change of ministers, the Under Secretaries (or at least one of them) and the other subordinate officers of the department, remain and hold their offices permanently, and therefore information upon all subjects can be readily imparted to the superior by the gentlemen who are thus retained; and it may be admitted that the knowledge of this fact ought to lessen the force of the objections that rest on other grounds; but it cannot be disguised that there is a growing impatience and unwillingness on the part of the Colonists, especially in these extensive Provinces, to have the measures of Government, whether connected with their general system of government, legislation, or patronage, controlled by persons who are utter strangers to them, not responsible in any way to themselves or the British Parliament, and who perhaps, being advanced to their office from length of service, or other like cause, are not regarded as competent (perhaps unjustly) to manage and direct measures which they (the Colonists) deem of vital importance. Much of this feeling may be traced to pride; but it is a pride that springs from an honourable and laudable feeling, and always accompanies self-respect, true patriotism, and love of country, and it therefore ought not to be disregarded, nor should any attempt be made to lessen or control it, if it were possible to do so. But the imperfection that exists in the system of colonial government that prevails in England, is rendered more apparent by the want of that confidence that ought to be reposed in the distinguished officers, who from time to time are commissioned as Governors to different Colonies, than by any other fact that can be distinctly pointed out."

Instance of these evils.

I will now only point out one instance of these evils, and I select it because it is an instance occurring in relation to the most important function of the executive;

tive; namely, its exercise of the legislative prerogative of the Crown, and because its existence has been admitted by the present Secretary of State for the Colonies, in his instructions to my predecessor, Lord Gosford,—I mean the reservation of Bills for the Royal Assent. The "too frequent reservation of Bills" is a "grievance," says his Lordship, "of which my inquiries lead me to believe the reality." And in a subsequent part of the same Despatch, his Lordship admits, that, owing to this cause, great mischief has been done, by the wholly unintentional delay in giving the Royal Assent to some perfectly unobjectionable Bills, having for their object the endowment of colleges by benevolent persons. This delay his Lordship describes as "chiefly attributable to political events, and the consequent changes of the Colonial Administration at home." I know not to what cause is to be attributed a delay, which produced, with respect to another Bill, the still more serious effect of a doubt of its legality, after it had been considered and acted on as law. This Bill* was reserved; and the Royal Assent was so long delayed, through mere inadvertence, that, when it was sent out to the Colony as an Act, the question was raised whether the Royal Assent had been delayed beyond the two years allowed by law, and whether, having been so delayed, it was valid.

Ignorance of the people as to the proceedings of their government.

One of the greatest of all the evils arising from this system of irresponsible government, was the mystery in which the motives and actual purposes of their rulers were hid from the colonists themselves. The most important business of Government was carried on, not in open discussions or public acts, but in a secret correspondence between the Governor and the Secretary of State. Whenever this mystery was dispelled, it was long after the worst effects had been produced by doubt and misapprehension; and the Colonies have been frequently the last to learn the things that most concerned them, by the publication of papers on the order of the British Houses of Parliament.

Want of responsibility in other departments of the Government.

The Governor, thus slightly responsible, and invested with functions so ill-defined, found himself at the head of a system, in which all his advisers and subordinates had still less responsibility, and duties still less defined. Disqualified at first by want of local information, and very often, subsequently, by an entire absence of all acquaintance with the business of civil government, the Governor, on his arrival in the Colony, found himself under the necessity of being, in many respects, guided by the persons whom he found in office. In no country, therefore, could there be a greater necessity for a proper demarcation of the business of each public officer, and of a greater responsibility resting on each. Now, I do not at all exaggerate the real state of the case when I assert, that there is no head of any of the most important departments of public business in the Colony. The limited powers of the local government in a Colony necessarily obviate the necessity of any provision for some of the most important departments which elsewhere require a superintending mind. But the mere ordinary administration of justice, police, education, public works and internal communications, of finance and of trade, would require the superintendence of persons competent to advise the Governor, on their own responsibility, as to the measures which should be adopted; and the additional labours which fall on the heads of such departments in other countries, in devising improvements of the system and the laws relating to each, would certainly afford additional occupation, growing out of the peculiarly defective legislation and administration of Lower Canada. Yet, of no one of these departments is there any responsible head, by whose advice the Governor may safely be guided. There are some subordinate and very capable officers in each department, from whom he is, in fact, compelled to get information from time to time. But there is no one to whom he, or the public, can look for the correct management and sound decision on the policy of each of these important departments.

Constitution of the Executive Council.

The real advisers of the Governor have, in fact, been the Executive Council; and an institution more singularly calculated for preventing the responsibility of the acts of Government resting on any body, can hardly be imagined. It is a body, of which the constitution somewhat resembles that of the Privy Council; it is bound by a similar oath of secresy; it discharges in the same manner certain anomalous judicial functions; and its "consent and advice" are required in some cases in which the observance of that form has been thought a requisite check on the exercise of particular prerogatives of the Crown. But in other respects it bears a greater resemblance to a Cabinet, the Governor being in the habit of taking

* The 9 & 10 Geo. 4, c. 77. The period began to run in March 1829, and the Royal Assent was not given till May 1831.

taking its advice on most of the important questions of his policy. But as there is no division into departments in the council, there is no individual responsibility, and no individual superintendence. Each member of the Council takes an equal part in all the business brought before it. The power of removing members being very rarely exercised, the Council is, in fact, for the most part composed of persons placed in it long ago; and the Governor is obliged either to take the advice of persons in whom he has no confidence, or to consult only a portion of the Council. The secresy of the proceedings adds to the irresponsibility of the body; and when the Governor takes an important step, it is not known, or not authentically known, whether he has taken the advice of this Council or not, what members he has consulted, or by the advice of which of the body he has been finally guided. The responsibility of the Executive Council has been constantly demanded by the reformers of Upper Canada, and occasionally by those of the Lower Province. But it is really difficult to conceive how a desirable responsibility could be attained, except by altering the working of this cumberous machine, and placing the business of the various departments of Government in the hands of competent public officers.

Civil Secretary's office.

In the ordinary course of public business in the Colony, almost all matters come, in fact, before the Governor, or his immediate assistant, the Civil Secretary of the Province. The Civil Secretary's office is, in fact, the one general public office in which almost every species of business originates, or through which it passes in some stage or other. The applications which every day reach this office show the singular want of proper organization in the Province, and the great confusion of ideas respecting the functions of Government, generated in the minds of the people. A very considerable proportion consist of requests to the Governor to interfere with the course of civil justice. Every decision of subordinate officers is made matter of appeal; and no reference to the proper department satisfies the applicants, who imagine that they have a right to claim a personal investigation of every case by the Governor or the Civil Secretary. The appeals from the past are equally numerous; and it appears to be expected that every new Governor should sit in judgment on every decision of any or all of his predecessors, which happens to have dissatisfied the applicant.

No regular administration in the rural districts.

But if such is the bad organization and imperfection of the system at the seat of Government, it may be easily believed that the remainder of the Province enjoyed no very vigorous or complete administration. In fact, beyond the walls of Quebec, all regular administration of the country appeared to cease; and there literally was hardly a single public officer of the civil government, except in Montreal and Three Rivers, to whom any order could be directed. The Solicitor General commonly resides at Montreal; and in each of the districts there is a Sheriff. In the rest of the Province there is no Sheriff, no Mayor, no constable, no superior administrative officer of any kind. There are no county, no municipal, no parochial officers, either named by the Crown, or elected by the people. There is a body of unpaid Justices of the Peace, whom I will describe more particularly hereafter. The officers of the militia used to be employed for purposes of police, as far as regarded the service of criminal warrants; but their services were voluntary, and not very assiduous; and the whole body is now completely disorganized. In every case in which any information was required by the Govern ment, or any service was to be performed in a remote part of the Province, it was necessary either to send some one to the spot, or to find out, by inquiry at the seat of Government, the name of some resident there whom it was advisable and safe to consult on the subject, or direct to do the act required. In the state of parties in the country, such a step could hardly ever be taken, without trusting to very suspicious information, or delegating power to persons who would be, or be suspected of being, likely to abuse it.

French population incapable of aiding central authority.

This utter want of any machinery of executive government in the Province is not, perhaps, more striking than might be observed in some of the most flourishing portions of the American continent. But in the greater part of the States to which I refer, the want of means at the disposal of the central executive is amply supplied by the efficiency of the municipal institutions; and even where these are wanting, or imperfect, the energy and self-governing habits of an Anglo-Saxon population enable it to combine whenever a necessity arises. But the French population of Lower Canada possesses neither such institutions, nor such a character. Accustomed to rely entirely on the Government, it has no power of doing any thing for itself, much less of aiding the central authority.

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Want of municipal institutions.

The utter want of municipal institutions giving the people any control over their local affairs, may indeed be considered as one of the main causes of the failure of representative government, and of the bad administration of the country. If the wise example of those countries in which a free representative government has alone worked well, had been in all respects followed in Lower Canada, care would have been taken that, at the same time that a Parliamentary system, based on a very extended suffrage, was introduced into the country, the people should have been entrusted with a complete control over their own local affairs, and been trained for taking their part in the concerns of the Province, by their experience in the management of that local business which was most interesting and most easily intelligible to them. But the inhabitants of Lower Canada were unhappily initiated into self-government at exactly the wrong end, and those who were not trusted with the management of a parish, were enabled, by their votes, to influence the destinies of a State. During my stay in the Province, I appointed a commission to inquire into its municipal institutions, and the practicability of introducing an effective and free system for the management of local affairs. The gentlemen entrusted with this inquiry had, when they were interrupted in their labours, made considerable progress towards preparing a report, which will, I hope, develope, in a full and satisfactory manner, the extent of the existing evil, and the nature of the practicable remedies.

No French institutions for administrative purposes.

There never has been, in fact, any institution in Lower Canada, in which any portion of the French population have been brought together for any administrative purpose, nor is there among the divisions of the country any one which has been constituted with a view to such an end. The larger divisions, called "districts," are purely judicial divisions. The counties may be called merely Parliamentary divisions; for I know of no purpose for which they appear to have been constituted, except for the election of members for the House of Assembly; and during the present suspension of representative government, they are merely arbitrary and useless geographical divisions. There are no hundreds, or corresponding sub-divisions of counties. The parishes are purely ecclesiastical divisions, and may be altered by the Catholic Bishops. The only institution in the nature of local management, in which the people have any voice, is the *fabrique*, by which provision is made for the repairs of the Catholic churches.

System of townships.

The townships are inhabited entirely by a population of British and American origin; and may be said to be divisions established for surveying, rather than any other purposes. The eastern townships present a lamentable contrast in the management of all local matters to the bordering state of Vermont, in which the municipal institutions are the most complete, it is said, of any part even of New England. In any new settled district of New England, a small number of families settling within a certain distance of each other, are immediately empowered by law to assess themselves for local purposes, and to elect local officers. The settlers in the eastern townships, many of whom are natives of New England, and all of whom can contrast the state of things on their own with that which is to be seen on the other side of the line, have a serious and general cause of discontent in the very inferior management of all their own local concerns. The Government appears even to have discouraged the American settlers from introducing their own municipal institutions by common assent. "I understood," says Mr. Richards, in a Report to the Secretary of State of the Colonies, ordered by the House of Commons to be printed in March 1832, "that the Vermonters had crossed the line, and partially occupied several townships, bringing with them their own municipal customs; and that when the impropriety of electing their own officers was pointed out to them, they had quickly given them up, and promised to conform to those of Canada."

Want of municipal institutions in Quebec and Montreal.

But the want of municipal institutions has been and is most glaringly remarkable in Quebec and Montreal. These cities were incorporated a few years ago by a temporary provincial Act, of which the renewal was rejected in 1836. Since that time these cities have been without any municipal government; and the disgraceful state of the streets, and the utter absence of lighting, are consequences which arrest the attention of all, and seriously affect the comfort and security of the inhabitants.

Inefficient administration of justice.

The worst effects of this most faulty system of general administration will be developed in the view which I shall hereafter give of the practices adopted with respect to the public lands, and the settlement of the Province, but which I postpone for the present, because I purpose considering this subject with reference to all the North American Provinces. But I must here notice the mischievous results prominently exhibited in the provision which the government of Lower Canada makes for the first want of a people, the efficient administration of justice.

Civil law.

The law of the Province and the administration of justice are, in fact, a patch-work of the results of the interference at different times of different legislative powers, each proceeding on utterly different and generally incomplete views, and each utterly regardless of the other. The law itself is a mass of incoherent and conflicting laws, part French, part English, and with the line between each very confusedly drawn. Thus the criminal law is the criminal law of England as it was introduced in 1774, with such modifications as have since been made by the provincial legislature, it being now disputed whether the provincial legislature had any power to make any change whatever in that law, and it not being at all clear what is the extent of the phrase "criminal law." The civil law is the ancient civil law, also modified in some, but unfortunately very few, respects; and these modifications have been almost exclusively effected by Acts of the British Parliament and by ordinances of the Governor and Council constituted under the Quebec Act. The French law of evidence prevails in all civil matters, with a special exception of "commercial" cases, in which it is provided that the English law is to be adopted; but no two lawyers agree in their definition of "commercial."

Judicial divisions.

For judicial purposes, the Province is divided into four superior districts, having unlimited and supreme original jurisdiction, and one inferior, with limited jurisdiction. The four superior are those of Quebec and Montreal, Three Rivers and St. Francis; the inferior, that of Gaspé.

District of Gaspé.

The district of Gaspé is subordinate to that of Quebec, with some special provisions for the administration of justice within it under a particular Provincial Act, which expires next May. I could obtain no very satisfactory information respecting this district, except that every body appeared to be of opinion that, from its distance and scanty population, it had always met with very little attention from either the legislature or the executive government. About the administration of justice therein, I could hardly obtain any information; indeed, on one occasion, it being necessary, for some particular purpose, to ascertain the fact, inquiry was made at all the public offices in Quebec, whether or not there was any coroner for Gaspé. It was a long time before any information could be got on this point, and it was at last in some measure cleared up, by the Accountant General discovering an estimate for the salary of such an officer. The only positive information, therefore, that I can give respecting the present administration of justice in Gaspé is, that I received a petition from the inhabitants, praying that the Act by which it is regulated, might not be renewed.

Judges.

Each of the courts of Quebec and Montreal has a chief justice and three puisne judges; there is but one judge in each of the districts of Three Rivers and St. Francis. During term time judges from other districts make up the bench in these two.

Jurisdiction.

In all civil cases these courts have original jurisdiction to an unlimited amount; and in spite of the immense extent of all, but particularly of the two greater districts, the parties are in almost all cases brought up to the chief towns for the trial of their causes.

Attempt at circuits.

An attempt, but of a very trifling and abortive character, has been made to introduce the English system of circuits. The judges of these districts make circuits once a year, in order to try causes in which the disputed value is not more than £.10. sterling. The limitation of the value, the introduction of small-debt courts, and the consequent failure of attendance on the part of a bar during their progress, and the very insufficient time allotted for the stay at each place, have, I am informed, rendered these circuits almost useless; and

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even the suits which might be tried at the circuits are generally in preference carried up for trial to the chief places of these districts.

Expensiveness of justice.

There are some complaints that excessive fees are taken in the courts of Montreal and Quebec. The distribution of legal patronage is a matter of great, it is not easy to say, of how just complaint; but the substantial evil of the administration of civil justice consists in the practical denial of it caused by the utter inefficiency of the circuit system, and enormous expense and delay of carrying every suit, where the value in dispute is more than £.10. sterling, from the extremities of the three large and settled districts of the Province to the three district towns; in the vicious constitution of the inferior tribunals by which it has been attempted to supply the want of an effective system, either of circuits or local courts; and in the very faulty nature of the supreme appellate jurisdiction of the Province.

Commissioners of small causes.

The minor litigation of the country is, in fact, carried on throughout these three districts in the courts of the Commissioners of Small Causes. These courts are established in the different parishes by the Governor, on an application made by a certain number of the parishioners, according to forms prescribed by the provincial statute, in which this institution takes its rise, and have jurisdiction over all debts not exceeding 25 dollars, equal to 6 *l.* 5 *s.* currency. The Commissioners are appointed by the Governor, upon the recommendation of the petitioners; these are residents in the parish, and almost wholly unversed in law. The constitution of these courts is, in fact, nothing else in substance, but an elective judiciary, elected under the most irregular, fraudulent and absurd electoral system that could possibly be devised. I cannot better illustrate this description, than by narrating simply the mode in which the appointment is, in fact, made. It is, and has for a long time been, left almost entirely in the hands of a subordinate assistant in the Civil Secretary's office. This gentleman stated that he took no steps, and indeed by law he could not, until he received a petition, with the requisite number of names attached. His impression was, that these signatures were generally obtained by assiduous canvassing in the parish, generally on the part of some person who wanted the appointment of clerk, which is paid, and who took this trouble, in order to secure the nomination of commissioners, from whom he expected to get the appointment. After some inquiry from any person whom this assistant secretary thought proper to consult respecting the characters of the persons proposed, they were, almost as a matter of course, appointed. After a short time, if some other person in the district happened to acquire more popularity, and to covet the office, a petition was got up containing charges against the occupant of the office, and praying for his removal, and the substitution of his rival. Upon most of the appointments also, there arose long controversies respecting the politics, qualification and character of the candidate for office; and a removal or new appointment was always attributed to some political causes by the newspapers of each party or race. The inquiry into the qualification of persons proposed, the investigation of the charges made, the defence urged in reply, and the distant and unsatisfactory evidence adduced in support of each, formed a large proportion of the business of the Civil Secretary's office. Whatever appointment was made, the Government was sure to create dissatisfaction; and the administration of justice was left in the hands of incompetent men, whose appointment had been made in such a manner, as even, sometimes, to render their integrity suspicious, in the eyes, not only of those who had opposed, but also of those who had supported their nomination. I shall only add, that sometime previous to my leaving the Province, I was very warmly and forcibly urged, by the highest legal authorities in the country, to abolish all these tribunals at once, on the ground that a great many of them, being composed entirely of disaffected French Canadians, were busily occupied in harassing loyal subjects, by entertaining actions against them, on account of the part they had taken in the late insurrection. There is no appeal from their decision; and it was stated that they had in the most barefaced manner given damages against loyal persons for acts done in the discharge of their duty, and judgments by default against persons who were absent, as volunteers in the service of the Queen, and enforced their judgment by levying distresses on their property.

Court of Appeal.

I must now turn from the lowest to the highest civil tribunal of the Province. In a country in which the administration of justice is so imperfect in all the inferior stages, and in which two different and often conflicting systems of law are administered by judges whose professional education and origin necessarily cause

different leanings in favour of the respective systems in which each is more particularly versed, the existence of a good and available appellate jurisdiction, which may keep the law uniform and certain, is matter of much greater importance than in those countries in which the law is homogeneous, and its administration by the subordinate tribunals is satisfactory. But the appellate jurisdiction of Lower Canada is vested in the Executive Council, a body established simply for political purposes, and composed of persons in great part having no legal qualifications whatsoever. The Executive Council sits as a court of appeal, four times in the year, and for the space of ten days during each session; on these occasions the two Chief Justices of Quebec and Montreal were, *ex officio*, presidents, and each in turn presided when appeals from the other's district were heard. The laymen who were present to make up the necessary quorum of five, as a matter of course, left the whole matter to the presiding Chief Justice, except in some instances, in which party feelings or pecuniary interests are asserted to have induced the unprofessional members to attend in unusual numbers, to disregard the authority of the Chief Justice, and to pervert the law. In the general run of cases, therefore, the decision was left to the President alone, and each Chief Justice became, in consequence, the real Judge of appeal from the whole court of the other district. It is a matter of perfect and undisputed notoriety, that this system has produced the results which ought to have been foreseen as inevitable; and that, for some time before I arrived in the Province, the two Chief Justices had constantly differed in opinion upon some most important points, and had been in the habit of generally reversing each other's judgments. Not only, therefore, was the law uncertain and different in the two districts, but, owing to the ultimate power of the Court of Appeal, that which was the real law of each district, was that which was held not to be law by the Judges of that district. This is not merely an inference of my own; it is very clear that it was the general opinion of the profession and the public. The Court of Appeal, as re-modelled by me, at the only sitting which it held, reversed all but one of the judgments brought before it. This induced a member of the court to remark to one of the Chief Justices, that so general a reversal of the law of a very competent court below, by a tribunal so competent as the Court of Appeals then was, appeared to him utterly inexplicable, inasmuch as it could in nowise be attributed, as it was before, to the influence of a single Judge. The reply of the Chief Justice was, that the matter was easily accounted for; that the system previously adopted in the Court of Appeals had rendered the decision of the court below so complete a nullity, that the parties and counsel below often would not take the trouble to enter into the real merits of their case, and that the real bearing and law of the case were, generally, most fully stated before the Court of Appeals.

Re-organization of Court of Appeals.

As the business of the Court of Appeals was thus of great extent and importance, it became necessary that, having, from political considerations, altered the composition of the Executive Council, I should re-organize the Court of Appeals. I determined to do this upon the best principle that I could carry into effect, under the circumstances of the case; for, as the constitution of the Court of Appeals is prescribed by the Constitutional Act, I could not vest the appellate jurisdiction in any other body than the Executive Council. I called, therefore, to the Executive Council the Chief Justice and one Puisne Judge from each of the two districts of Quebec and Montreal, and by summoning also the Judge of Three Rivers, I gave the members of the two conflicting tribunals an impartial arbiter in the person of M. Valliere de St. Real, admitted by universal consent to be the ablest French lawyer in the Province. But the regulations of the Executive Council, which it was supposed I could not alter in this case, required the presence of a quorum of five; and as no Judge could sit on an appeal from his own court, I had now only provided three for every appeal from the two greater districts. In order to make up the quorum, the court was therefore attended by two other executive councillors, one of whom, by his thorough knowledge of commercial law, and his general legal experience, was commonly admitted to have rendered essential service. I believe I may confidently say that the decisions of this court carried far greater weight than those of any previous court of appeals.

Appeal to Privy Council.

The further appeal to the Privy Council, allowed in cases where the value was above £.500, is, from the great delay and great expense attendant on it, hardly ever resorted to. The establishment of a good appellate jurisdiction for the whole of the North American Colonies is therefore greatly desired by every Province; and

and a competent tribunal for this purpose would spare the cost and delay of a resort to the Privy Council, and answer all the purposes proposed to be attained by the present double system of appeal.

Faulty judicial divisions for purposes of criminal justice.

The evils of the system of criminal justice are not so various; but, from the faulty judicial division and administrative system of the Province, the defects which exist in the constitution of the courts of justice are even more severely felt in this department. For, except at the principal towns of the five districts, there is not the slightest provision for criminal justice; and to these places all prisoners must be brought for trial from the most remote parts, subject to their jurisdiction. Thus from the extreme settlements on the Ottawa, where is now the great seat of the lumber trade, and of the large and wild population which it brings together, all prisoners have to be carried a distance of 200 miles, by bad and uncertain means of conveyance, to Montreal for trial. On the left bank of the Ottawa the law has, according to a high legal authority, no power. It was but lately that a violent mob, called Shiners, for a long time set the law at defiance, and had entirely at their mercy the large properties invested in that part of the country.

Sheriffs, &c.

Besides those in the five places above mentioned, there are only three county gaols, one of which is in the district of Gaspé. There are no sessions held in any other than those places. At the Quebec, Montreal and Three Rivers quarter sessions there were, some years ago, professional and salaried chairmen, but the Assembly discontinued them. There are sheriffs only in the districts, and not in each county. They are named by the Crown for life, and are removable at pleasure. The offices are very lucrative, and are said to have been frequently disposed of from personal or political favouritism. It is also matter of complaint, that insufficient security has been taken from those appointed to them; and many individuals have consequently sustained very serious loss from the defalcation of sheriffs.

Perversion of juries.

But the most serious mischief in the administration of criminal justice, arises from the entire perversion of the institution of juries, by the political and national prejudices of the people. The trial by jury was introduced with the rest of the English criminal law. For a long time the composition of both grand and petit juries was settled by the Governor, and they were at first taken from the cities, which were the *chefs lieux* of the district. Complaints were made that this gave an undue preponderance to the British in those cities; though, from the proportions of the population, it is not very obvious how they could thereby obtain more than an equal share. In consequence, however, of these complaints, an order was issued under the government of Sir James Kempt, directing the sheriffs to take the juries not only from the cities, but from the adjacent country, for fifteen leagues in every direction. An Act was subsequently passed, commonly called "Mr. Viger's Jury Act," extending these limits to those of the district. The principle of taking the jury from the whole district, to which the jurisdiction of the court extended, is undoubtedly in conformity with the principles of English law; and Mr. Viger's Act, adopting the other regulations of the English jury law, provided a fair selection of juries. But if we consider the hostility and proportions of the two races, the practical effect of this law was to give the French an entire preponderance in the juries. This Act was one of the temporary Acts of the Assembly, and, having expired in 1836, the Legislative Council refused to renew it. Since that period, there has been no jury law whatever. The composition of the juries has been altogether in the hands of the Government: Private instructions, however, have been given to the sheriff to act in conformity with Sir James Kempt's ordinance; but though he has always done so, the public have had no security for any fairness in the selection of the juries. There was no visible check on the sheriff; the public knew that he could pack a jury whenever he pleased, and supposed, as a matter of course, that an officer, holding a lucrative appointment at the pleasure of Government, would be ready to carry into effect those unfair designs which they were always ready to attribute to the Government. When I arrived in the Province, the public was expecting the trials of the persons accused of participation in the late insurrection. I was, on the one hand, informed by the law officers of the Crown and the highest judicial authorities, that not the slightest chance existed under any fair system of getting a jury that would convict any of these men however clear the evidence of their guilt might be;

and on the other side, I was given to understand, that the prisoners and their friends supposed that, as a matter of course, they would be tried by packed juries, and that even the most clearly innocent of them would be convicted.

The people have not confidence in criminal justice.

It is, indeed, a lamentable fact, which must not be concealed, that there does not exist in the minds of the people of this Province the slightest confidence in the administration of criminal justice; nor were the complaints, or the apparent grounds for them, confined to one party.

Complaints of French against tampering with juries.

The French complain that the institution of both grand and petit juries have been repeatedly tampered with against them. They complain that when it has suited the interests of the Government to protect persons guilty of gross offences against the French party, they have attained their end by packing the grand jury. Great excitement has long existed among the French party, in consequence of a riot which took place at the election for the West Ward of Montreal, in May 1832, on which occasion the troops were called out, fired on the people, and killed three of them. An indictment was preferred against the magistrates and officers who ordered the troops to fire. It was urged by the French that the grand jury was composed almost entirely of Englishmen; that 12 out of the 23 were taken from the parish of Lachine, the smallest in the whole island; a selection which, they said, could hardly be attributed to mere chance, and that they were not in the usual station in life of grand jurymen. The opposite party, it must be observed, however, argued that this apparent selection of a majority of the grand jury from a single parish was a necessary result of some ill-contrived provision of Mr. Viger's Jury Act. The bill was thrown out, and all judicial investigation into the circumstances consequently quashed. I am merely mentioning the complaints of parties. I know not whether the preceding allegations were well founded, but there can be no doubt that such was the impression produced among the French Canadians by these proceedings, which, in their minds, completely destroyed all confidence in the administration of justice.

The French Canadians further complain that the favourable decision of a grand jury was of no avail to those who had fallen under the displeasure of the Government. There are several instances in the recent history of Lower Canada, in which an attorney-general, being dissatisfied with the conduct of the grand jury in ignoring a bill, either repeatedly preferred indictments for the same offence, until he obtained a grand jury which would find them, or filed *ex-officio* informations.

Complaints of English against juries.

Nor are the complaints of the English population of a less serious nature. They assert, unhappily on too indisputable grounds, that the Canadian grand and petit juries have invariably used their power to insure impunity to such of their countrymen as had been guilty of political offences. The case of Chartrand is not the only one in which it is generally believed that this has been done. The murderers of an Irish private soldier of the 24th regiment, of the name of Hands, are asserted to have been saved by an equally gross violation of their oaths on the part of the jury. A respectable and intelligent member of the grand jury which sat at Montreal in October 1837, informed the Government that nothing could be more proper than the behaviour of a great majority of the jurymen, who were French Canadians, while they were occupied with cases not connected with politics. They attended patiently to the evidence, and showed themselves well disposed to follow the opinion of the foreman, who was a magistrate of great competence; but it was added, that the instant they came to a political case, all regard for even the appearance of impartiality vanished, and they threw out the bills by acclamation, without listening to the remonstrances of the foreman.

Trial by jury at present bad.

The trial by jury is therefore, at the present moment, not only productive in Lower Canada of no confidence in the honest administration of the laws, but also provides impunity for every political offence.

The magistracy.

I cannot close this account of the system of criminal justice, without making some remarks with respect to the body by which it is administered in its primary stages and minor details to the great mass of the people of the Province. I mean the magistracy; and I cannot but express my regret, that among the few institutions for the administration of justice throughout the country, which have been adopted in Lower Canada from those of England, should be that of unpaid Justices of the Peace. I do not mean in any way to disparage the character, or depreciate the

the usefulness, of that most respectable body in this country. But the warmest admirer of that institution must admit that its benefits result entirely from the peculiar character of the class from which our magistracy is selected; and that without the general education, the moral responsibility imposed by their high station in the eyes of their countrymen, the check exercised by the opinion of their own class, and of an intelligent and vigilant public, and the habits of public business, which almost every Englishman, more or less, acquires, even the country gentlemen of England could not wield their legally irresponsible power as Justices of the Peace to the satisfaction of their countrymen. What, then, must be conceived of the working of this institution in a colony, by a class over whom none of these checks exist, and whose station in life and education would alone almost universally exclude them from a similar office at home? When we transplant the institutions of England into our colonies, we ought at least to take care beforehand that the social state of the colony should possess those peculiar materials on which alone the excellence of those institutions depends in the mother country. The body of Justices of the Peace scattered over the whole of Lower Canada, are named by the Governor, on no very accurate local information, there being no lieutenants or similar officers of counties in this, as in the Upper Province. The real property qualification required for the magistracy is so low, that in the country parts almost every one possesses it; and it only excludes some of the most respectable persons in the cities. In the rural districts the magistrates have no clerks. The institution has become unpopular among the Canadians, owing to their general belief that the appointments have been made with a party and national bias. It cannot be denied that many most respectable Canadians were long left out of the commission of the peace, without any adequate cause; and it is still more undeniable, that most disreputable persons of both races have found their way into it, and still continue to abuse the power thus vested in them. Instances of indiscretion, of ignorance, and of party feeling, and accusations of venality, have been often adduced by each party. Whether these representations be exaggerated or not, or whether they apply to a small or to a large portion of the magistracy, it is undeniable that the greatest want of confidence in the practical working of the institution exists; and I am therefore of opinion, that whilst this state of society continues, and, above all, in the present exasperation of parties, a small stipendiary magistracy would be much better suited to both Upper and Lower Canada.

Police of Quebec.

The police of the Province has always been lamentably defective. No city, from the lawless and vicious character of a great part of its population, requires a more vigilant police than Quebec. Until May 1836, the police of this city was regulated by an Act which then expired, and was not renewed, and it consisted of 48 watchmen, of whom half served every night for the whole town. The day police consisted of six constables, who were under no efficient control. On the expiration of this Act there was no night police at all; and murders occurring in the streets, the inhabitants formed a voluntary patrol for the upper town. Lord Gosford, in December 1837, appointed Mr. Young inspector of police, with eight policemen under him; a serjeant and eight men of the Volunteer Seamen's Company were placed under his order; and another magistrate had a corporal and twelve men of the same company for the police of the lower town. Finding their force wholly insufficient, receiving daily complaints, and witnessing daily instances of disorder and neglect, and, above all, being much pressed to increase the police by the owners of vessels who had no power of restraining the desertion of their crews, I ordered a regular police of 32 men to be organized on the plan of the London police in June last. This body was further augmented in October to 75; and this number is represented to me by the inspector as by no means more than sufficient.

Of Montreal.

In Montreal, where no approach to a general system of police had been made, I directed Mr. Leclerc, who had been appointed a stipendiary magistrate by Lord Gosford, to organize a force similar to that of Quebec. The number of this is now carried, I think, as high as 100.

No rural police.

Throughout the rest of the Province, where the functions of a police used to be discharged by the militia, that body being now disorganized, there is, in fact

no police at all. In the course of the autumn, I was informed by Mr. Young, that at St. Catharine's, 46 miles from Quebec, a man, after notoriously committing an assault with intent to murder, was still at large a fortnight after the act; and that no means had been found of executing a warrant issued against him by a county magistrate. As the only means of enforcing the law, Mr. Young was authorized to send policemen sworn in as special constables, the place being out of his jurisdiction; and by them the arrest was effected. When Theller and Dodge escaped from the citadel, and were supposed to have taken the direction of the Kennebec road, no means existed of stopping their flight, except by sending the police of Quebec to the very frontier of the United States.

As there was no rural police, the same step had been taken in the case of a deserter.

Defective means of education.

In the course of the preceding account, I have already incidentally given a good many of the most important details of the provision for education made in Lower Canada. I have described the general ignorance of the people, and the abortive attempt which was made, or rather which was professed to be made, for the purpose of establishing a general system of public instruction; I have described the singular abundance of a somewhat defective education which exists for the higher classes, and which is solely in the hands of the Catholic priesthood. It only remains that I should add, that though the adults who have come from the Old Country are generally more or less educated, the English are hardly better off than the French for the means of education for their children, and indeed possess scarcely any, except in the cities.

No colleges for Protestants.

There exists at present no means of college education for Protestants in the Province; and the desire of obtaining general, and still more, professional instruction, yearly draws a great many young men into the United States.

Inquiries of Commissioner.

I can indeed add little to the general information possessed by the Government respecting the great deficiency of instruction, and of the means of education in this Province. The commissioner whom I appointed to inquire into the state of education in the Province, endeavoured very properly to make inquiries so minute and ample, that the real state of things should be laid fully open; and with this view, he had with great labour prepared a series of questions, which he had transmitted to various persons in every parish. At the time when his labours were brought to a close, together with mine, he had received very few answers; but as it was desirable that the information which he had thus prepared the means of obtaining, should not be lost, a competent person has been engaged to receive and digest the returns. Complete information respecting the state of education, and of the result of past attempts to instruct the people, will thus, before long, be laid before the Government.

Population would submit to assessment for purposes of education.

The inquiries of the commissioner were calculated to inspire but slender hopes of the immediate practicability of any attempt to establish a general and sound system of education for the Province. Not that the people themselves are indifferent or opposed to such a scheme. I was rejoiced to find that there existed among the French population a very general and deep sense of their own deficiencies in this respect, and a great desire to provide means for giving their children those advantages which had been denied to themselves. Among the English the same desire was equally felt; and I believe that the population of either origin would be willing to submit to local assessments for this purpose.

Provision in the United States.

The inhabitants of the North American Continent, possessing an amount of material comfort, unknown to the peasantry of any other part of the world, are generally very sensible to the importance of education. And the noble provision which every one of the northern States of the Union has gloried in establishing for the education of its youth, has excited a general spirit of emulation amongst the neighbouring Provinces, and a desire, which will probably produce some active efforts, to improve their own educational institutions.

Obstacles to general system.

It is therefore much to be regretted, that there appear to exist obstacles to the establishment of such a general system of instruction as would supply the wants, and, I believe, meet the wishes of the entire population. The Catholic Clergy, to whose

whose exertions the French and Irish population of Lower Canada are indebted for whatever means of education they have ever possessed, appear to be very unwilling that the State should in any way take the instruction of youth out of their hands. Nor do the clergy of some other denominations exhibit generally a less desire to give to education a sectarian character, which would be peculiarly mischievous in this Province, inasmuch as its inevitable effect would be to aggravate and perpetuate the existing distinctions of origin. But as the laity of every denomination appear to be opposed to these narrow views, I feel confident that the establishment of a strong popular government in this Province would very soon lead to the introduction of a liberal and general system of public education.

Nothing done by Government.

I am grieved to be obliged to remark, that the British Government has, since its possession of this Province, done, or even attempted, nothing for the promotion of general education. Indeed the only matter in which it has appeared in connexion with the subject, is one by no means creditable to it. For it has applied the Jesuits' estates, part of the property destined for purposes of education, to supply a species of fund for secret service; and for a number of years it has maintained an obstinate struggle with the Assembly in order to continue this misappropriation.

State of Hospitals Prisons, &c.

Under the head of the Hospitals, Prisons and Charitable Institutions of Lower Canada, I beg to refer to some valuable information collected, by my direction, by Sir John Doratt, during the exercise of his office of Inspector-general of Hospitals and Charitable and Literary Institutions, which will be found in a separate part of the Appendix to this Report. I regret that the pressure of more urgent duties did not allow me time to institute into these subjects so searching and comprehensive an inquiry as I should have desired to make in other circumstances. But there are some points brought under my notice by Sir John Doratt, to which I think it important that the attention of Your Majesty's Government should be directed without delay. I advert to the existing want of any public establishment for the reception of insane persons either in Lower or Upper Canada; to the bad state of the prisons in general, and especially the disgraceful condition of the gaol of the city of Quebec; to the defects of the quarantine station at Grosse Isle; to the low and ignorant state of the medical profession throughout the rural districts; and to the necessity of a change in the system of providing for the insane, the invalid poor, and foundlings, by payments of public monies to convents for that purpose. It is evident that considerable abuses exist in the management of several philanthropic institutions. I have adverted, in another part of my Report, to the subject of pauperism, as connected with emigration; and the evidence there cited is in some respects confirmed by the information communicated by Sir John Doratt.

Religion in Lower Canada.

It is a subject of very just congratulation, that religious differences have hardly operated as an additional cause of dissension in Lower Canada; and that a degree of practical toleration, known in very few communities, has existed in this Colony from the period of the conquest down to the present time.

The Catholic church.

The French Canadians are exclusively Catholics, and their church has been left in possession of the endowments which it had at the conquest. The right to tithe is enjoyed by their priests; but as it is limited by law to lands of which the proprietor is a Catholic, the priest loses his tithe the moment that an estate passes, by sale or otherwise, into the hands of a Protestant. This enactment, which is at variance with the true spirit of national endowments for religious purposes, has a natural tendency to render the clergy averse to the settlement of Protestants in the seigniories. But the Catholic priesthood of this Province have, to a very remarkable degree, conciliated the good-will of persons of all creeds; and I know of no parochial clergy in the world whose practice of all the Christian virtues, and zealous discharge of their clerical duties, is more universally admitted, and has been productive of more beneficial consequences. Possessed of incomes sufficient, and even large, according to the notions entertained in the country, and enjoying the advantage of education, they have lived on terms of

Virtues of the clergy;

equality and kindness with the humblest and least instructed inhabitants of the rural districts. Intimately acquainted with the wants and characters of their neighbours, they have been the promoters and dispensers of charity, and the effectual guardians of the morals of the people; and in the general absence of any permanent institutions of civil government, the Catholic church has presented almost the only semblance of stability and organization, and furnished the only effectual support for civilization and order. The Catholic clergy of Lower Canada are entitled to this expression of my esteem, not only because it is founded on truth, but because a grateful recognition of their eminent services, in resisting the arts of the disaffected, is especially due to them from one who has administered the government of the Province in these troubled times.

recognition of their services.

Want of extension of Catholic institutions.

The Constitutional Act, while limiting the application of the clergy reserves in the townships to a Protestant clergy, made no provision for the extension of the Catholic clerical institution, in the event of the French population settling beyond the limits of the seigniories. Though I believe that some power exists, and has been in a few cases used, for the creation of new Catholic parishes, I am convinced that this absence of the means of religious instruction has been the main cause of the indisposition of the French population to seek new settlements, as the increase of their numbers pressed upon their resources. It has been rightly observed, that the religious observances of the French Canadians are so intermingled with all their business, and all their amusements, that the priest and the church are with them, more than with any other people, the centres of their little communities. In order to encourage them to spread their population, and to seek for comfort and prosperity in new settlements, a wise government would have taken care to aid, in every possible way, the diffusion of their means of religious instruction.

Clergy reserves. Meaning of "Protestant clergy."

The Protestant population of Lower Canada have been of late somewhat agitated by the question of the clergy reserves. The meaning of the ambiguous phrase "Protestant clergy" has been discussed with great ardour in various quarters; and each disputant has displayed his ingenuity in finding reasons for a definition in accordance with his own inclination, either to the aggrandizement of his own sect, or the establishment of religious equality. Owing to the small numbers of the British population, to the endowment of the Catholic church in most of the peopled and important districts of the Colony, and, above all, to the much more formidable and extensive causes of dissension existing in the Province, the dispute of the various Protestant denominations for the funds reserved for a "Protestant clergy," has not assumed the importance which it has acquired in Upper Canada. In my account of that Province I shall give a more detailed explanation of the present position of this much-disputed question. I have reason to know, that the apprehension of measures tending to establish the predominance of a particular creed and clergy, has produced an irritation in this Province which has very nearly deprived the Crown of the support of some portions of the British population, in a period of very imminent danger. I must therefore most strongly recommend, that any plan by which the question of clergy reserves shall be set at rest in Upper Canada, should also be extended to the Lower Province. The endowments of the Catholic church, and the services of its numerous and zealous parochial clergy, have been of the greatest benefit to the large body of Catholic emigrants from Ireland, who have relied much on the charitable as well as religious aid which they have received from the priesthood. The priests have an almost unlimited influence over the lower classes of Irish; and this influence is said to have been very vigorously exerted last winter, when it was much needed, to secure the loyalty of a portion of the Irish during the troubles. The general loyalty exhibited by the Irish settlers in the Canadas, during the last winter, and the importance of maintaining it unimpaired in future times of difficulty, render it of the utmost moment that the feelings and interests of the Catholic clergy and population should invariably meet with due consideration from the Government.

Importance of consideration for the Catholic clergy and people.

Financial system should be settled by local government.

Setting on one side the management of the Crown Lands, and the revenue derived therefrom, which will be treated of fully in another part, it is not necessary

sary that I should, on the present occasion, enter into any detailed account of the financial system of Lower Canada, my object being merely to point out the working of the general system of Government, as operating to produce the present condition of the Province. I need not inquire whether its fiscal, monetary or commercial arrangements have been in accordance with the best principles of public economy. But I have reason to believe that improvements may be made in the mode of raising and expending the Provincial revenue. During my stay in Canada, the evils of the banking and monetary systems of the Province forced themselves on my attention. I am not inclined, however, to regard these evils as having been in anywise influential in causing the late disorders. I cannot regard them as indicative of any more mismanagement or error, than are observable in the measures of the best governments with respect to questions of so much difficulty; and though the importance of finding some sufficient remedy for some of these disorders has, as I shall hereafter explain, very materially influenced my views of the general plan to be adopted for the government of this and the other North American Colonies, I regard the better regulation of the financial and monetary systems of the Province as a matter to be settled by the local Government, when established on a permanent basis.

Sources of public revenue.

With the exception of the small amount now derived from the casual and territorial funds, the public revenue of Lower Canada is derived from duties imposed, partly by imperial and partly by provincial statutes. These duties are, in great proportion, levied upon articles imported into the Colony from Great Britain and foreign countries; they are collected at the principal ports by officers of the Imperial Customs.

Diminution of revenue.

The amount of the revenue has within the last four years diminished from about 150,000*l.*, to little more than 100,000*l.* per annum. This diminution is ascribed principally to the decreased consumption of spirituous liquors, and some other articles of foreign import, in consequence of the growth of native manufactures of such articles. Nevertheless, as the permanent expenditure of the civil government only amounts to about 60,000*l.* a year, there remains still a considerable surplus to be disposed of for local purposes, in the mischievous manner which I have described in the preceding pages. A vigorous and efficient government would find the whole revenue hardly adequate to its necessities; but in the present state of things, I consider the existence and application of this surplus revenue as so prejudicial, that I should, as the less of two evils, recommend a reduction of the duties levied, were it possible to do this without an equal diminution of the revenue of Upper Canada, which can by no means afford it.

Financial disputes between two Provinces.

The financial relations between these two Provinces are a source of great and increasing disputes. The greater part, almost the whole of the imports of Upper Canada entering at the ports of Lower Canada, the Upper Province has urged and established its claim to a proportion of the duties levied on them. This proportion is settled, from time to time, by Commissioners appointed from each Province. Lower Canada now receives about three, and Upper Canada about two fifths of the whole amount: nor is this the greatest cause of dissension and dissatisfaction. The present revenue of Upper Canada being utterly inadequate to its expenditure, the only means that that Province will have of paying the interest of its debt, will be by increasing its Customs' duties. But as these are almost all levied in Lower Canada, this cannot be done without raising the taxation also of the Lower Canadians, who have, as it is, a large surplus revenue. It was for the better settlement of these points of difference, that the union of the two Canadas was proposed in 1822; and the same feeling produces a great part of the anxiety now manifested for that measure by a portion of the people of Upper Canada.

Post Office.

A considerable revenue is raised from all these Provinces by the Post-office establishment common to all of them, and subordinate to the General Post-office in England. The surplus revenue, which appears from a Report to the House of Assembly to amount to no less than £. 10,000 per annum, is transmitted to England. The Assembly made it a matter of great complaint that an important internal public institution of the Provinces should be entirely regulated and administered by the rulers and servants of an English public office, and that so large an amount of revenue, raised entirely without the consent of the Colonies, in a manner

not at all free from objections, should be transmitted to the mother country.* I cannot but say that there is great justice in these complaints, and I am decidedly of opinion that if any plan of an united government of these Provinces should be adopted, the control and revenue of the post-office should be given up to the Colony.

Little direct taxation in Lower Canada.

For the reasons I have before explained, there is hardly the semblance of direct taxation in Lower Canada for general and local purposes. This immunity from taxation has been sometimes spoken of as a great privilege of the people of Lower Canada, and a great proof of the justice and benevolence of their government. The description which I have given of the singularly defective provision made for the discharge of the most important duties of both the general and the local government will, I think, make it appear that this apparent saving of the pockets of the people has been caused by their privation of many of the institutions which every civilized community ought to possess. A people can hardly be congratulated on having had at little cost a rude and imperfect administration of justice, hardly the semblance of police, no public provision for education, no lighting, and bad pavements in its cities, and means of communication so imperfect, that the loss of time, and wear and tear caused in taking any article to market, may probably be estimated at ten times the expense of good roads. If the Lower Canadians had been subjected, or rather had been taught to subject themselves to a much greater amount of taxation, they would probably at this time have been a much wealthier, a much better governed, a much more civilized, and a much more contented people.

UPPER CANADA.

State of Upper Canada.

THE information which I have to give respecting the state of Upper Canada not having been acquired in the course of any actual administration of the government of that Province, will necessarily be much less ample and detailed than that which I have laid before Your Majesty respecting Lower Canada. My object will be to point out the principal causes to which a general observation of the Province induces me to attribute the late troubles; and even this task will be performed with comparative ease and brevity, inasmuch as I am spared the labour of much explanation and proof, by being able to refer to the details which I have given, and the principles which I have laid down, in describing the institutions of the Lower Province.

Difficulty of ascertaining real objects of struggles.

At first sight it appears much more difficult to form an accurate idea of the state of Upper than of Lower Canada. The visible and broad line of demarcation which separates parties by the distinctive characters of race, happily has no existence in the Upper Province. The quarrel is one of an entirely English, if not British population. Like all such quarrels, it has, in fact, created, not two, but several parties; each of which has some objects in common with some one of those to which it is opposed. They differ on one point, and agree on another; the sections, which unite together one day, are strongly opposed the next; and the very party, which acts as one, against a common opponent, is in truth composed of divisions seeking utterly different or incompatible objects. It is very difficult to make out from the avowals of parties the real objects of their struggles, and still less easy is it to discover any cause of such importance as would account for its uniting any large mass of the people in an attempt to overthrow, by forcible means, the existing form of Government.

Isolation of districts.

The peculiar geographical character of the Province greatly increases the difficulty of obtaining very accurate information. Its inhabitants scattered along an

* The privilege of franking possessed by a few public officers in this Province, is of a singular kind. For, as it is necessary for the public service that such a privilege should be exercised, and as the English office accords no immunities to the functionaries of a Colonial Government, the postage is charged on all franked letters, and the Provincial Treasury has to pay the amount over to the Post Office. This, in fact, destroys in a great measure the utility of the privilege for public purposes; because public officers are unwilling to use the post for their communications, when their doing so diminishes the revenues of the Province.

an extensive frontier, with very imperfect means of communication, and a limited and partial commerce, have, apparently no unity of interest or opinion. The Province has no great centre with which all the separate parts are connected, and which they are accustomed to follow in sentiment and action; nor is there that habitual intercourse between the inhabitants of different parts of the country, which, by diffusing through all a knowledge of the opinions and interests of each, makes a people one and united, in spite of extent of territory and dispersion of population. Instead of this, there are many petty local centres, the sentiments and the interests (or at least what are fancied to be so) of which, are distinct, and perhaps opposed. It has been stated to me by intelligent persons from England, who had travelled through the Province for purposes of business, that this isolation of the different districts from each other was strikingly apparent in all attempts to acquire information in one district respecting the agricultural or commercial character of another; and that not only were very gross attempts made to deceive an inquirer on these points, but that even the information which had been given in a spirit of perfect good faith, generally turned out to be founded in great misapprehension. From these causes a stranger who visits any one of these local centres, or who does not visit the whole, is almost necessarily ignorant of matters, a true knowledge of which is essential to an accurate comprehension of the real position of parties, and of the political prospects of the country.

Features of the contest in the Assembly, &c.

The political contest which has so long been carried on in the Assembly and the press appears to have been one, exhibiting throughout its whole course the characteristical features of the purely political part of the contest in Lower Canada; and, like that, originating in an unwise distribution of power in the constitutional system of the Province. The financial disputes which so long occupied the contending parties in Lower Canada were much more easily and wisely arranged in the Upper Province; and the struggle, though extending itself over a variety of questions of more or less importance, avowedly and distinctly rested on the demand for responsibility in the Executive Government.

The "family compact."

In the preceding account of the working of the constitutional system in Lower Canada, I have described the effect which the irresponsibility of the real advisers of the Governor had in lodging permanent authority in the hands of a powerful party, linked together not only by common party interests, but by personal ties. But in none of the North American Provinces has this exhibited itself for so long a period or to such an extent, as in Upper Canada, which has long been entirely governed by a party commonly designated throughout the Province as the "family compact," a name not much more appropriate than party designations usually are, inasmuch as there is, in truth, very little of family connexion among the persons thus united. For a long time this body of men, receiving at times accessions to its numbers, possessed almost all the highest public offices, by means of which, and of its influence in the Executive Council, it wielded all the powers of government; it maintained influence in the legislature by means of its predominance in the Legislative Council; and it disposed of the large number of petty posts which are in the patronage of the Government all over the Province. Successive Governors, as they came in their turn, are said to have either submitted quietly to its influence, or, after a short and unavailing struggle, to have yielded to this well-organized party the real conduct of affairs. The bench, the magistracy, the high offices of the Episcopal Church, and a great part of the legal profession, are filled by the adherents of this party: by grant or purchase, they have acquired nearly the whole of the waste lands of the Province; they are all-powerful in the chartered banks, and, till lately, shared among themselves almost exclusively all offices of trust and profit. The bulk of this party consists, for the most part, of native-born inhabitants of the Colony, or of emigrants who settled in it before the last war with the United States; the principal members of it belong to the church of England, and the maintenance of the claims of that church has always been one of its distinguishing characteristics.

Opposition of reformers, and results.

A monopoly of power so extensive and so lasting could not fail, in process of time, to excite envy, create dissatisfaction, and ultimately provoke attack; and an opposition consequently grew up in the Assembly which assailed the ruling party, by appealing to popular principles of government, by denouncing the alleged

jobbing and profusion of the official body, and by instituting inquiries into abuses, for the purpose of promoting reform, and especially economy. The question of the greatest importance, raised in the course of these disputes, was that of the disposal of the clergy reserves; and, though different modes of applying these lands, or rather the funds derived from them, were suggested, the reformers, or opposition, were generally very successful in their appeals to the people, against the project of the tory or official party, which was that of devoting them exclusively to the maintenance of the English Episcopal Church. The reformers, by successfully agitating this and various economical questions, obtained a majority. Like almost all popular colonial parties, it managed its power with very little discretion and skill, offended a large number of the constituencies, and, being baffled by the Legislative Council, and resolutely opposed by all the personal and official influence of the official body, a dissolution again placed it in a minority in the Assembly. This turn of fortune was not confined to a single instance; for neither party has for some time possessed the majority in two successive Parliaments. The present is the fifth of these alternating Houses of Assembly

Objects and conduct of the reformers.

The reformers, however, at last discovered that success in the elections insured them very little practical benefit. For the official party not being removed when it failed to command a majority in the Assembly, still continued to wield all the powers of the executive government, to strengthen itself by its patronage, and to influence the policy of the colonial Governor and of the Colonial Department at home. By its secure majority in the Legislative Council, it could effectually control the legislative powers of the Assembly. It could choose its own moment for dissolving hostile Assemblies; and could always insure, for those that were favourable to itself, the tenure of their seats for the full term of four years allowed by the law. Thus the reformers found that their triumph at elections could not in any way facilitate the progress of their views, while the executive government remained constantly in the hands of their opponents. They rightly judged that, if the higher offices and the Executive Council were always held by those who could command a majority in the Assembly, the constitution of the Legislative Council was a matter of very little moment, inasmuch as the advisers of the Governor could always take care that its composition should be modified so as to suit their own purposes. They concentrated their powers, therefore, for the purpose of obtaining the responsibility of the Executive Council; and I cannot help contrasting the practieal good sense of the English reformers of Upper Canada with the less prudent course of the French majority in the Assembly of Lower Canada, as exhibited in the different demands of constitutional change, most earnestly pressed by each. Both, in fact, desired the same object, namely, an extension of popular influence in the Government. The Assembly of Lower Canada attacked the Legislative Council; a body, of which the constitution was certainly the most open to obvious theoretical objections, on the part of all the advocates of popular institutions, but, for the same reason, most sure of finding powerful defenders at home. The reformers of Upper Canada paid little attention to the composition of the Legislative Council, and directed their exertions to obtaining such an alteration of the Executive Council as might have been obtained without any derangement of the constitutional balance of power; but they well knew, that if once they obtained possession of the Executive Council, and the higher offices of the Province, the Legislative Council would soon be unable to offer any effectual resistance to their meditated reforms.

Contrast with the French majority.

Question as to Executive Council.

It was upon this question of the responsibility of the Executive Council that the great struggle has for a long time been carried on between the official party and the reformers; for the official party, like all parties long in power, was naturally unwilling to submit itself to any such responsibility as would abridge its tenure, or cramp its exercise of authority. Reluctant to acknowledge any responsibility to the people of the Colony, this party appears to have paid a somewhat refractory and nominal submission to the Imperial Government, relying in fact on securing a virtual independence by this nominal submission to the distant authority of the Colonial Department, or to the powers of a Governor, over whose policy they were certain, by their facilities of access, to obtain a paramount influence.

Views of reformers in general.

The views of the great body of the Reformers appear to have been limited, according to their favourite expression, to the making the Colonial Constitution

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"an exact transcript" of that of Great Britain; and they only desired that the Crown should in Upper Canada, as at home, entrust the administration of affairs to men possessing the confidence of the Assembly. It cannot be doubted, however, that there were many of the party who wished to assimilate the institutions of the Province rather to those of the United States than to those of the mother country. A few persons, chiefly of American origin, appear to have entertained these designs from the outset; but the number had at last been very much increased by the despair which many of those who started with more limited views conceived of their being ever carried into effect under the existing form of Government.

Local jobbing.

Each party, while it possessed the ascendancy, has been accused by its opponents of having abused its power over the public funds in those modes of local jobbing which I have described as so common in the North American Colonies. This, perhaps, is to be attributed partly to the circumstances adverted to above, as increasing the difficulty of obtaining any accurate information as to the real circumstances of the Province. From these causes it too often happened that the members of the House of Assembly come to the meeting of the legislature ignorant of the real character of the general interests intrusted to their guardianship, intent only on promoting sectional objects, and anxious chiefly to secure for the county they happen to represent, or the district with which they are connected, as large a proportion as possible of any funds which the legislature may have at its disposal. In Upper Canada, however, the means of doing this were never so extensive as those possessed by the Lower Province; and the great works which the Province commenced on a very extended scale, and executed in a spirit of great carelessness and profusion, have left so little surplus revenue, that this Province alone, among the North American Colonies, has fortunately for itself been compelled to establish a system of local assessments, and to leave local works, in a great measure, to the energy and means of the localities themselves. It is asserted, however, that the nature of those great works, and the manner in which they were carried on, evinced merely a regard for local interests, and a disposition to strengthen party influence. The inhabitants of the less thickly peopled districts complained that the revenues of the Province were employed in works by which only the frontier population would benefit. The money absorbed by undertakings which they described as disproportioned to the resources and to the wants of the Province, would, they alleged, have sufficed to establish practicable means of communication over the whole country; and they stated, apparently not without foundation, that had this latter course been pursued, the population and the resources of the Province would have been so augmented as to make the works actually undertaken both useful and profitable. The carelessness and profusion which marked the execution of these works, the management of which, it was complained, was entrusted chiefly to members of the ruling party, were also assumed to be the result of a deliberate purpose, and to be permitted, if not encouraged, in order that a few individuals might be enriched at the expense of the community. Circumstances to which I shall hereafter advert, by which the further progress of these works has been checked, and the large expenses incurred in bringing them to their present state of forwardness, have been rendered unavailing, have given greater force to these complaints, and, in addition to the discontent produced by the objects of the expenditure, the governing party has been made responsible for a failure in the accomplishment of these objects, attributable to causes over which it had no control. But to whatever extent these practices may have been carried, the course of the Parliamentary contest in Upper Canada has not been marked by that singular neglect of the great duties of a legislative body, which I have remarked in the proceedings of the Parliament of Lower Canada. The statute book of the Upper Province abounds with useful and well-constructed measures of reform, and presents an honourable contrast to that of the Lower Province.

Useful reforms.

Third party of recent emigrants.

While the parties were thus struggling, the operation of a cause, utterly unconnected with their disputes, suddenly raised up a very considerable third party, which began to make its appearance among the political disputants about the time that the quarrel was at its height. I have said that in Upper Canada there is no animosity of races; there is nevertheless a distinction of origin, which has exercised a very important influence on the composition of parties, and appears likely,

sooner or later, to become the prominent and absorbing element of political division. The official and reforming parties which I have described, were both composed, for the most part, and were almost entirely led, by native-born Canadians, American settlers or emigrants of a very ancient date; and as one section of this more ancient population possessed, so another was the only body of persons that claimed, the management of affairs, and the enjoyment of offices conferring emolument or power, until the extensive emigration from Great Britain, which followed the disastrous period of 1825 and 1826, changed the state of things, by suddenly doubling the population, and introducing among the ancient disputants for power, an entirely new class of persons. The new-comers, however, did not for a long time appear as a distinct party in the politics of Upper Canada. A large number of the higher class of emigrants, particularly the half-pay officers, who were induced to settle in this Province, had belonged to the Tory party in England, and, in conformity with their ancient predilections, naturally arrayed themselves on the side of the official party, contending with the representatives of the people. The mass of the humbler order of emigrants, accustomed in the mother country to complain of the corruption and profusion of the Government, and to seek for a reform of abuses, by increasing the popular influence in the representative body, arrayed themselves on the side of those who represented the people, and attacked oligarchical power and abuses; but there was still a great difference of opinion between each of the two Canadian parties and that section of the British which for a while acted with it. Each of the Canadian parties, while it differed with the other about the tenure of political powers in the Colony, desired almost the same degree of practical independence of the mother country; each felt and each betrayed in its political conduct a jealousy of the emigrants, and a wish to maintain the powers of office and the emoluments of the professions in the hands of persons born or long resident in the Colony. The British, on the contrary, to whichever party they belong, appear to agree in desiring that the connexion with the mother country should be drawn closer. They differ very little among themselves, I imagine, in desiring such a change as should assimilate the Government of Upper Canada, in spirit as well as in form, to the Government of England, retaining an executive sufficiently powerful to curb popular excesses, and giving to the majority of the people, or to such of them as the less liberal would trust with political rights, some substantial control over the administration of affairs. But the great common object was, and is, the removal of those disqualifications to which British emigrants are subject, so that they might feel as citizens, instead of aliens, in the land of their adoption.

Proceedings of Sir F. Head.

Such was the state of parties, when Sir F. Head, on assuming the government of the Colony, dismissed from the Executive Council some of the members who were most obnoxious to the House of Assembly, and requested three individuals to succeed them. Two of these gentlemen, Dr. Rolph and Mr. R. Baldwin, were connected with the reforming party, and the third, Mr. Dunn, was an Englishman, who had held the office of Receiver General for nearly 14 years, and up to that time had abstained from any interference in politics. These gentlemen were, at first, reluctant to take office, because they feared that, as there were still three of the former Council left, they should be constantly maintaining a doubtful struggle for the measures which they considered necessary. They were, however, at length induced to forego their scruples, chiefly upon the representations of some of their friends, that when they had a Governor who appeared sincere in his professions of reform, and who promised them his entire confidence, it was neither generous nor prudent to persist in a refusal which might be taken to imply distrust of his sincerity; and they accordingly accepted office. Among the first acts of the Governor, after the appointment of this Council, was, however, the nomination to some vacant offices of individuals, who were taken from the old official party, and this without any communication with his Council. These appointments were attacked by the House of Assembly, and the new Council, finding that their opinion was never asked upon these, or other matters, and that they were seemingly to be kept in ignorance of all those public measures, which popular opinion nevertheless attributed to their advice, remonstrated privately on the subject with the Governor. Sir Francis desired them to make a formal representation to him on the subject; they did so, and this produced such a reply from him, as left them no choice but to resign. The occasion of the differences which had caused the resignation,

resignation, was made the subject of communication between the Governor and the Assembly, so that the whole community were informed of the grounds of the dispute.

Real question decided by general election of 1836.

The contest which appeared to be thus commenced on the question of the responsibility of the Executive Council, was really decided on very different grounds. Sir F. Head, who appears to have thought that the maintenance of the connexion with Great Britain depended upon his triumph over the majority of the Assembly, embarked in the contest, with a determination to use every influence in his power, in order to bring it to a successful issue. He succeeded, in fact, in putting the issue in such a light before the Province, that a great portion of the people really imagined that they were called upon to decide the question of separation by their votes. The dissolution, on which he ventured, when he thought the public mind sufficiently ripe, completely answered his expectations. The British, in particular, were roused by the proclaimed danger to the connexion with the mother country; they were indignant at some portions of the conduct and speeches of certain members of the late majority, which seemed to mark a determined preference of American over British Institutions. They were irritated by indications of hostility to British emigration, which they saw, or fancied they saw, in some recent proceedings of the Assembly. Above all, not only they, but a great many others, had marked with envy the stupendous public works which were at that period producing their effect in the almost marvellous growth of the wealth and population of the neighbouring state of New York; and they reproached the Assembly with what they considered an unwise economy, in preventing the undertaking or even completion of similar works, that might, as they fancied, have produced a similar development of the resources of Upper Canada. The general support of the British determined the elections in favour of the Government; and though very large and close minorities, which in many cases supported the defeated candidates, marked the force which the reformers could bring into the field, even in spite of the disadvantages under which they laboured from the momentary prejudices against them, and the unusual manner in which the Crown, by its representative, appeared to make itself a party in an electioneering contest, the result was the return of a very large majority hostile in politics to that of the late Assembly.

Failure of result aimed at by Sir F. Head.

It is rather singular, however, that the result which Sir F. Head appears really to have aimed at, was by no means secured by this apparent triumph. His object in all his previous measures, and in the nomination of the Executive Councillors, by whom he replaced the retiring members, was evidently to make the Council a means of administrative independence for the Governor. Sir F. Head would seem to have been, at the commencement of his administration, really desirous of effecting certain reforms which he believed to be needful, and of rescuing the substantial power of the Government from the hands of the party by which it had been so long monopolized. The dismissal of the old members of the Executive Council was the consequence of this intention; but though willing to take measures for the purpose of emancipating himself from the thraldom in which it was stated that other Governors had been held, he could not acquiesce in the claims of the House of Assembly to have a really responsible Colonial Executive. The result of the elections was to give him, as he conceived, a House of Assembly pledged to support him, as Governor, in the exercise of the independent authority he had claimed. On the very first occasion, however, on which he attempted to protect an officer of the Government, unconnected with the old official party, from charges which, whether well or ill founded, were obviously brought forward on personal grounds, he found that the new House was even more determined than its predecessor to assert its right to exercise a substantial control over the Government; and that, unless he was disposed to risk a collision with both branches of the legislature, then composed of similar materials, and virtually under one influence, he must succumb. Unwilling to incur this risk, when, as he justly imagined, there was no party upon whose support he could rely to bear him safely through the contest, he yielded the point. Although the committee appointed to inquire into the truth of the charges made against Mr. Hepburn refused to adopt a report confirming these charges prepared by their chairman (by whom the accusation had been brought forward, and by whom the committee was virtually nominated), Sir F. Head persuaded the individual in question to resign his office, and to take one

of very inferior emolument. From that time he never attempted to assert the independence which the new House of Assembly had been elected to secure. The Government consequently reverted in effect to the party which he had found in office when he assumed the Governorship, and which it had been his first act to dispossess. In their hands it still remains; and I must state that it is the general opinion, that never was the power of the "family compact" so extensive or so absolute as it has been from the first meeting of the existing Parliament down to the present time.

Real result of Sir F. Head's policy.

It may, indeed, be fairly said, that the real result of Sir F. Head's policy was to establish that very administrative influence of the leaders of a majority in the Legislature which he had so obstinately disputed. The Executive Councillors of his nomination, who seem to have taken office almost on the express condition of being mere ciphers, are not, in fact, then, the real government of the Province. It is said that the new officers of Government whom Sir F. Head appointed from without the pale of official eligibility, feel more apprehension of the present House than, so far as can be judged, was ever felt by their predecessors with regard to the most violent of the reforming Houses of Assembly. Their apprehension, however, is not confined to the present House; they feel that, under no conceivable contingency, can they expect an Assembly disposed to support them; and they accordingly appear to desire such a change in the colonial system as might make them dependent upon the Imperial Government alone, and secure them against all interference from the Legislature of the Province, whatever party should obtain a preponderance in the Assembly.

Legislature does not possess sufficient popular confidence.

While the nominal Government thus possesses no real power, the Legislature, by whose leaders the substantial power is enjoyed, by no means possesses so much of the confidence of the people, as a Legislature ought to command, even from those who differ from it on the questions of the day. I say this without meaning to cast any imputation on the Members of the House of Assembly, because, in fact, the circumstances under which they were elected, were such as to render them peculiarly objects of suspicion and reproach to a large number of their countrymen. They were accused of having violated their pledges at the election. It is said that many of them came forward, and were elected, as being really reformers, though opposed to any such claims to colonial independence as might involve a separation from the mother country. There seems to be no doubt that in several places, where the Tories succeeded, the electors were merely desirous of returning members who would not hazard any contest with England, by the assertion of claims which, from the proclamation of the Lieutenant Governor, they believed to be practically needless; and who should support Sir F. Head in those economical reforms which the country desired, far more than political changes—reforms, for the sake of which alone political changes had been sought. In a number of other instances, too, the elections were carried by the unscrupulous exercise of the influence of the Government, and by a display of violence on the part of the Tories, who were emboldened by the countenance afforded to them by the authorities. It was stated, but I believe without any sufficient foundation, that the Government made grants of land to persons who had no title to them, in order to secure their votes. This report originated in the fact, that patents for persons who were entitled to grants, but had not taken them out, were sent down to the polling places, to be given to the individuals entitled to them, if they were disposed to vote for the Government candidate. The taking such measures, in order to secure their fair right of voting to the electors in a particular interest, must be considered rather as an act of official favouritism, than as an electoral fraud. But we cannot wonder that the defeated party put the very worst construction on acts which gave some ground for it; and they conceived, in consequence, a strong resentment against the means by which they believed that the representative of the Crown had carried the elections, his interference in which in any way was stigmatized by them as a gross violation of constitutional privilege and propriety.

Exasperation of the people.

It cannot be matter of surprise, that such facts and such impressions produced in the country an exasperation and a despair of good Government, which extended far beyond those who had actually been defeated at the poll. For there was nothing in the use which the leaders of the Assembly have made of their power,

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to soften the discontent excited by their alleged mode of obtaining it. Many even of those who had supported the successful candidates, were disappointed in every expectation which they had formed of the policy to be pursued by their new representatives. No economical reforms were introduced. The Assembly, instead of supporting the Governor, compelled his obedience to itself, and produced no change in the administration of affairs, except that of reinstating the "family compact" in power. On some topics, on which the feelings of the people were very deeply engaged, as, for instance, the clergy reserves, the Assembly is accused of having shown a disposition to act in direct defiance of the known sentiments of a vast majority of its constituents. The dissatisfaction arising from these causes, was carried to its height, by an Act, that appeared in defiance of all constitutional right, to prolong the power of a majority which, it was supposed, counted on not being able to retain its existence after another appeal to the people. This was the passing an Act preventing the dissolution of the existing, as well as any future Assembly, on the demise of the Crown. The Act was passed in expectation of the approaching decease of his late Majesty; and it has, in fact, prolonged the existence of the present Assembly from the period of a single year to one of four. It is said that this step is justified by the example of the other North American Colonies. But it is certain that it nevertheless caused very great dissatisfaction, and was regarded as an unbecoming usurpation of power.

Proximate causes of the insurrection.

It was the prevalence of the general dissatisfaction thus caused, that emboldened the parties who instigated the insurrection to an attempt, which may be characterized as having been as foolishly contrived and as ill-conducted, as it was wicked and treasonable. This outbreak, which common prudence and good management would have prevented from coming to a head, was promptly quelled by the alacrity with which the population, and especially the British portion of it, rallied round the Government. The proximity of the American frontier, the nature of the border country, and the wild and daring character, together with the periodical want of employment of its population, have unfortunately enabled a few desperate exiles to continue the troubles of their country, by means of the predatory gangs which have from time to time invaded and robbed, under the pretext of revolutionizing the Province. But the general loyalty of the population has been evinced by the little disposition that has been exhibited by any portion of it to accept of the proffered aid of the refugees and foreign invaders, and by the unanimity with which all have turned out to defend their country.

Mackenzie's treasonable enterprize.

It has not, indeed, been exactly ascertained what proportion of the inhabitants of Upper Canada were prepared to join Mackenzie in his treasonable enterprize, or were so disposed that we may suppose they would have arrayed themselves on his side, had he obtained any momentary success, as indeed was for some days within his grasp. Even if I were convinced that a large proportion of the population would, under any circumstances, have lent themselves to his projects, I should be inclined to attribute such a disposition merely to the irritation produced by those temporary causes of dissatisfaction with the government of the Province which I have specified, and not to any settled design on the part of any great number, either to subvert existing institutions, or to change their present connexion with Great Britain for a junction with the United States. I am inclined to view the insurrectionary movements which did take place as indicative of no deep-rooted disaffection, and to believe that almost the entire body of the reformers of this Province sought only by constitutional means to obtain those objects for which they had so long peaceably struggled before the unhappy troubles occasioned by the violence of a few unprincipled adventurers and heated enthusiasts.

Difficulties of adjustment increased by late events.

It cannot, however, be doubted, that the events of the past year have greatly increased the difficulty of settling the disorders of Upper Canada. A degree of discontent, approaching, if not amounting, to disaffection, has gained considerable ground. The causes of dissatisfaction continue to act on the minds of the reformers; and their hope of redress, under the present order of things, has been seriously diminished. The exasperation caused by the conflict itself, the suspicions and terrors of that trying period, and the use made by the triumphant party of the power thrown into their hands, have heightened the passions which existed before. It certainly appeared too much as if the rebellion had been purposely invited by the

Government, and the unfortunate men who took part in it deliberately drawn into a trap by those who subsequently inflicted so severe a punishment on them for their error. It seemed, too, as if the dominant party made use of the occasion afforded it by the real guilt of a few desperate and imprudent men, in order to persecute or disable the whole body of their political opponents. A great number of perfectly innocent individuals were thrown into prison, and suffered in person, property and character. The whole body of reformers were subjected to suspicion, and to harassing proceedings, instituted by magistrates, whose political leanings were notoriously adverse to them. Severe laws were passed, under colour of which, individuals very generally esteemed were punished without any form of trial.

Irritation excited.

The two persons who suffered the extreme penalty of the law unfortunately engaged a great share of the public sympathy; their pardon had been solicited in petitions signed, it is generally asserted, by no less than 30,000 of their countrymen. The rest of the prisoners were detained in confinement a considerable time. A large number of the subordinate actors in the insurrection were severely punished, and public anxiety was raised to the highest pitch by the uncertainty respecting the fate of the others, who were from time to time partially released. It was not until the month of October last that the whole of the prisoners were disposed of, and a partial amnesty proclaimed, which enabled the large numbers who had fled the country, and so long, and at such imminent hazard, hung on its frontier, to return in security to their homes. I make no mention of the reasons which, in the opinion of the local government, rendered these different steps advisable, because my object is not to discuss the propriety of its conduct, but to point out the effect which it necessarily had in augmenting irritation.

Feelings of the reform party.

The whole party of the reformers, a party which I am inclined to estimate as very considerable, and which has commanded large majorities in different Houses of Assembly, has certainly felt itself assailed by the policy pursued. It sees the whole powers of Government wielded by its enemies, and imagines that it can perceive also a determination to use these powers inflexibly against all the objects which it most values. The wounded private feelings of individuals, and the defeated public policy of a party, combine to spread a wide and serious irritation; but I do not believe that this has yet proceeded so far as to induce at all a general disposition to look to violent measures for redress. The reformers have been gradually recovering their hopes of regaining their ascendancy by constitutional means; the sudden pre-eminence which the question of the clergy reserves and rectories has again assumed during the last summer, appears to have increased their influence and confidence; and I have no reason to believe that any thing can make them generally and decidedly desirous of separation, except some such act of the Imperial Government as shall deprive them of all hopes of obtaining real administrative power, even in the event of their again obtaining a majority in the Assembly. With such a hope before them, I believe that they will remain in tranquil expectation of the result of the general election, which cannot be delayed beyond the summer of 1840.

Difficulty of classifying parties.

To describe the character and objects of the other parties in this Province would not be very easy; and their variety and complication is so great, that it would be of no great advantage were I to explain the various shades of opinion that mark each. In a very laboured essay, which was published in Toronto during my stay in Canada, there was an attempt to classify the various parties in the Province under six different heads. Some of these were classified according to strictly political opinions, some according to religion, and some according to birthplace; and each party, it was obvious, contained in its ranks a great many who would, according to the designations used, have as naturally belonged to some other. But it is obvious, from all accounts of the different parties, that the nominal Government, that is, the majority of the Executive Council, enjoy the confidence of no considerable party, and that the party called the "family compact," which possesses the majority in both branches of the Legislature, is, in fact, supported at present by no very large number of persons of any party. None are more hostile to them than the greater part of that large and spirited British-born population, to whose steadfast exertions the preservation of the Colony during the last winter is mainly attributable, and who see with indignation that a monopoly of power and profit is still retained by a small body of men, which seems bent on excluding from

from any participation in it the British emigrants. Zealously co-operating with the dominant party in resisting treason and foreign invasion, this portion of the population, nevertheless, entertains a general distrust and dislike of them; and though many of the most prominent of the British emigrants have always acted and still invariably act in opposition to the reformers, and dissent from their views of responsible government, I am very much inclined to think that they, and certainly the great mass of their countrymen, really desire such a responsibility of the government, as would break up the present monopoly of office and influence.

Peculiar complaints of British settlers.

Besides those causes of complaint which are common to the whole of the Colony, the British settlers have many peculiar to themselves. The emigrants who have settled in the country within the last ten years, are supposed to comprise half the population. They complain that while the Canadians are desirous of having British capital and labour brought into the Colony, by means of which, their fields may be cultivated, and the value of their unsettled possessions increased, they refuse to make the Colony really attractive to British skill and British capitalists. They say that an Englishman emigrating to Upper Canada, is practically as much an alien in that British Colony as he would be if he were to emigrate to the Un ted States. He may equally purchase and hold lands, or invest his capital in trade in one country as in the other, and he may in either exercise any mechanical avocation, and perform any species of manual labour. This, however, is the extent of his privileges; his English qualifications avail him little or nothing. He cannot, if a surgeon, licensed to act in England, practise without the license of a Board of Examiners in the Province. If an attorney, he has to submit to an apprenticeship of five years before he is allowed to practise. If a barrister, he is excluded from the profitable part of his profession, and though allowed to practise at the bar, the permission thus accorded to him is practically of no use in a country where, as nine attornies out of ten are barristers also, there can be no business for a mere barrister. Thus, a person who has been admitted to the English bar, is compelled to serve an apprenticeship of three years to a Provincial lawyer.

Obstacles in the way of settlers.

By an Act passed last Session, difficulties are thrown in the way of the employment of capital in banking, which have a tendency to preserve the monopoly possessed by the chartered banks of the Colony, in which the Canadian party are supreme, and the influence of which is said to be employed directly as an instrument for upholding the political supremacy of the party. Under the system, also, of selling land pursued by the Government, an individual does not acquire a patent for his land until he has paid the whole of the purchase-money, a period of from four to ten years, according as his purchase is a Crown or clergy lot; and until the patent issues, he has no right to vote. In some of the new states of America, on the contrary, especially in Illinois, an individual may practise as a surgeon or lawyer almost immediately on his arrival in the country, and he has every right of citizenship after a residence of six months in the state. An Englishman is, therefore, in effect less an alien in a foreign country than in one which forms a part of the British Empire. Such are the superior advantages of the United States at present, that nothing but the feeling, that in the one country he is among a more kindred people, under the same laws, and in a society whose habits and sentiments are similar to those to which he has been accustomed, can induce an Englishman to settle in Canada, in preference to the States; and if, in the former, he is deprived of rights which he obtains in the latter, though a foreigner, it is not to be wondered at that he should, in many cases, give the preference to the land in which he is treated most as a citizen. It is very possible that there are but few cases in which the departure of an Englishman from Upper Canada to the States can be traced directly to any of these circumstances in particular; yet the state of society and of feeling which they have engendered, has been among the main causes of the great extent of re-emigration to the new states of the Union. It operates, too, still more to deter emigration from England to the Provinces, and thus both to retard the advance of the Colony, and to deprive the mother country of one of the principal advantages on account of which the existence of Colonies is desirable —the field which they afford for the employment of her surplus population and wealth. The native Canadians, however, to whatever political party they may belong, appear to be unanimous in the wish to preserve these exclusive privileges. The course of legislation, since the tide of emigration set most strongly to the

country, and while under its influence the value of all species of property was rising, and the resources of the Province were rapidly, and (for the old inhabitants) profitably developed, has been to draw a yet more marked line between the two classes, instead of obliterating the former distinctions. The law excluding English lawyers from practice is of recent origin. The Speaker of the reforming House of Assembly, Mr. Bidwell, was among the strongest opponents of any alteration of that law which might render it less rigidly exclusive, and, on more than one occasion, gave his casting vote against a Bill having for its object the admission of an English lawyer to practise in the Province without serving a previous apprenticeship. This point is of more importance in a Colony than it would at first sight appear to any one accustomed only to such a state of society as exists in England. The members of the legal profession are in effect the leaders of the people, and the class from which, in a larger proportion than from any other class, legislators are taken. It is, therefore, not merely a monopoly of profit, but, to a considerable extent, a monopoly of power, which the present body of lawyers contrive, by means of this exclusion, to secure to themselves. No man of mature age emigrating to a Colony, could afford to lose five years of his life in an apprenticeship from which he could acquire neither learning nor skill. The few professional men, therefore, who have gone to Upper Canada have turned their attention to other pursuits, retaining, however, a strong feeling of discontent against the existing order of things. And many who might have emigrated remain at home, or seek some other Colony where their course is not impeded by similar restrictions.

The country should be made attractive to emigrants.

But as in Upper Canada, under a law passed immediately after the last war with the States, American citizens are forbidden to hold land, it is of the more consequence that the country should be made as attractive as possible to the emigrating middle classes of Great Britain, the only class from which an accession of capital, to be invested in the purchase or improvement of lands, can be hoped for. The policy of the law just referred to, may well be doubted, whether the interests of the Colony or of the mother country are considered, since the wealth and activity, and consequent commerce of the Province, would have been greatly augmented, had its natural advantages of soil and position been allowed to operate in attracting those who were most aware of their existence, and eminently fitted to aid in their development; and there is great reason to believe that the uncertainty of the titles which many Americans possess to the land on which they have squatted since the passing of this law, is the main cause of much of the disloyalty, or rather very lukewarm loyalty, evinced by that population in the western district. But when this exclusion had been determined upon, it would at least have been wise to have removed every thing that might have seemed like an obstacle in the way of those for whom the land was to be kept open, instead of closing the principal avenues to wealth or distinction against them in a spirit of petty provincial jealousy.

Question of clergy reserves.

The great practical question, however, on which these various parties have for a long time been at issue, and which has within a very few months again become the prominent matter in debate, is that of the clergy reserves. The prompt and satisfactory decision of this question is essential to the pacification of Canada; and as it was one of the most important questions referred to me for investigation, it is necessary that I should state it fully, and not shrink from making known the light in which it has presented itself to my mind. The disputes on this subject are now of long standing. By the Constitutional Act a certain portion of the land in every township was set apart for the maintenance of a "Protestant" clergy. In that portion of this Report which treats of the management of the waste lands, the economical mischiefs which have resulted from this appropriation of territory, are fully detailed; and the present disputes relate solely to the application, and not to the mode of raising, the funds, which are now derived from the sale of the clergy reserves. Under the term "Protestant Clergy," the clergy of the Church of England have always claimed the sole enjoyment of these funds. The members of the Church of Scotland have claimed to be put entirely on a level with the Church of England, and have demanded that these funds should be equally divided between both. The various denominations of Protestant Dissenters have asserted that the term includes them, and that out of these funds an equal provision should be made for all christians who do not belong to the Church of Rome. But a great body

body of all Protestant denominations, and the numerous Catholics who inhabit the Province, have maintained that any such favour towards any one, or even all of the Protestant sects, would be most unadvisable, and have either demanded the equal application of those funds to the purposes of all religious creeds whatsoever, or have urged the propriety of leaving each body of religionists to maintain its own establishment, to repeal or disregard the law, and to apply the clergy funds to the general purposes of the Government, or to the support of a general system of education.

Proceedings of Provincial Legislatures.

The supporters of these different schemes having long contended in this Province, and greatly inconvenienced the Imperial Government, by constant references to its decision, the Secretary of State for the Colonies, proposed to leave the determination of the matter to the provincial Legislatures, pledging the Imperial Government to do its utmost to get a Parliamentary sanction to whatever course they might adopt. Two Bills, in consequence, passed the last House of Assembly, in which the reformers had the ascendancy, applying these funds to the purposes of education; and both these Bills were rejected by the Legislative Council.

Effect of Sir J. Colborne's establishment of rectories.

During all this time, however, though much irritation had been caused by the exclusive claims of the Church of England, and the favour shown by the Government to one, and that a small religious community, the clergy of that church, though an endowed, were not a dominant, priesthood. They had a far larger share of the public money than the clergy of any other denomination; but they had no exclusive privileges, and no authority, save such as might spring from their efficient discharge of their sacred duties, or from the energy, ability or influence of members of their body. But the last public act of Sir John Colborne, before quitting the Government of the Province in 1835, which was the establishment of the fifty-seven Rectories, has completely changed the aspect of the question. It is understood that every rector possesses all the spiritual and other privileges enjoyed by an English rector; and that though he may have no right to levy tithes (for even this has been made a question), he is in all other respects in precisely the same position as a clergyman of the Established Church in England. This is regarded by all other teachers of religion in the country as having at once degraded them to a position of legal inferiority to the clergy of the Church of England; and it has been resented most warmly. In the opinion of many persons, this was the chief pre-disposing cause of the recent insurrection, and it is an abiding and unabated cause of discontent. Nor is this to be wondered at. The Church of England in Upper Canada, by numbering in its ranks all those who belong to no other sect, represents itself as being more numerous than any single denomination of Christians in the country. Even admitting, however, the justice of the principle upon which this enumeration proceeds, and giving that Church credit for all that it thus claims, its number could not amount to one third, probably not a fourth, of the population. It is not, therefore, to be expected that the other sects, three at least of whom, the Methodists, the Presbyterians and the Catholics, claim to be individually more numerous than the Church of England, should acquiesce quietly in the supremacy thus given to it. And it is equally natural that the English Dissenters and Irish Catholics, remembering the position which they have occupied at home, and the long and painful struggle through which alone they have obtained the imperfect equality they now possess, should refuse to acquiesce for themselves in the creation of a similar establishment in their new country, and thus to bequeath to their children a strife as arduous and embittered as that from which they have so recently and imperfectly escaped.

But for this act, it would have been possible, though highly impolitic, to have allowed the clergy reserves to remain upon their former undetermined and unsatisfactory footing. But the question as to the application of this property, must now be settled, if it is intended that the Province is to be free from violent and perilous agitation. Indeed, the whole controversy, which had been in a great measure suspended by the insurrection, was, in the course of the last summer, revived with more heat than ever by the most inopportune arrival in the Colony of opinions given by the English Law Officers of the Crown in favour of the legality of the establishment of the rectories. Since that period, the question has again absorbed public attention; and it is quite clear that it is upon this practical point that issue must sooner or later be joined on all the constitutional

questions to which I have previously adverted. I am well aware that there are not wanting some who represent the agitation of this question as merely the result of its present unsettled character, and who assert, that if the claims of the English Church to the exclusive enjoyment of this property were established by the Imperial Parliament, all parties, however loud their present pretensions, or however vehement their first complaints, would peacefully acquiesce in an arrangement which would then be inevitable. This might be the case if the establishment of some dominant church were inevitable. But it cannot be necessary to point out that, in the immediate vicinity of the United States, and with their example before the people of Canada, no injustice, real or fancied, occasioned and supported by a British rule, would be regarded in this light. The result of any determination on the part of the British Government or Legislature to give one sect a predominance and superiority, would be, it might be feared, not to secure the favoured sect, but to endanger the loss of the Colony, and, in vindicating the exclusive pretensions of the English Church, to hazard one of the fairest possessions of the British Crown.

State of society adverse to the principle of a dominant church.

I am bound, indeed, to state, that there is a degree of feeling, and an unanimity of opinion, in the question of ecclesiastical establishments over the northern part of the continent of America, which it will be prudent not to overlook in the settlement of this question. The superiority of what is called "the voluntary principle" is a question on which I may almost say that there is no difference of opinion in the United States; and it cannot be denied, that on this, as on other points, the tone of thought prevalent in the Union has exerted a very considerable influence over the neighbouring Provinces. Similar circumstances, too, have had the effect of accustoming the people of both countries to regard this question in a very different light from that in which it appears in the Old World; and the nature of the question is indeed entirely different in old and new countries. The apparent right which time and custom give to the maintenance of an ancient and respected institution cannot exist in a recently settled country, in which every thing is new; and the establishment of a dominant Church there is a creation of exclusive privileges in favour of one out of many religious denominations, and that composing a small minority, at the expense not merely of the majority, but of many as large minorities. The Church, too, for which alone it is proposed that the State should provide, is the Church which, being that of the wealthy, can best provide for itself, and has the fewest poor to supply with gratuitous religious instruction. Another consideration, which distinguishes the grounds on which such a question must be decided in old and new countries, is, that the state of society in the latter is not susceptible of such an organization as is necessary for the efficiency of any Church Establishment of which I know, more especially of one so constituted as the Established Church of England; for the essence of the Establishment is its parochial clergy. The services of a parochial clergy are almost inapplicable to a colony, where a constantly varying population is widely scattered over the country. Any clergy there must be rather missionary than parochial.

Members of Anglican church likely to remain a minority.

A still stronger objection to the creation of a Church Establishment in this Colony is, that not merely are the members of the Church of England a small minority at present; but, inasmuch as the majority of emigrants are not members of the Church of England, the disproportion is likely to increase, instead of disappearing, in the course of time. The mass of British emigrants will be either from the middle classes of Great Britain, or the poorer classes of Ireland; the latter almost exclusively Catholics, and the former in a great proportion either Scotch Presbyterians or English Dissenters.

Mode of settlement suggested.

It is most important that this question should be settled, and so settled as to give satisfaction to the majority of the people of the two Canadas, whom it equally concerns. And I know of no mode of doing this but by repealing all provisions in Imperial Acts that relate to the application of the clergy reserves, and the funds arising from them, leaving the disposal of the funds to the local legislature, and acquiescing in whatever decision it may adopt. The views which I have expressed on this subject sufficiently mark my conviction, that, without the adoption of such a course, the most mischievous practical cause of dissension will not be removed.

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Policy towards the Catholics.

I feel it my duty also, in this as in the Lower Province, to call especial attention to the policy which has been, and which ought to be, pursued towards the large Catholic population of the Province. On this subject I have received complaints of a general spirit of intolerance and disfavour towards all persons of this creed, to which I am obliged to give considerable credit, from the great respectability and undoubted loyalty of those from whom the complaints were received. Bishop M'Donnell, the venerable Roman Catholic Bishop of Kingston, and Mr. Manahan, M. P. P. for the county of Hastings, have made representations in letters, which will be given in the Appendix to this Report. The Catholics constitute at least a fifth of the whole population of Upper Canada. Their loyalty was most generally and unequivocally exhibited at the late outbreak. Nevertheless, it is said that they are wholly excluded from all share in the government of the country and the patronage at its disposal. "In Upper Canada," says Mr. Manahan, "there never was one Irish Roman Catholic an Executive or Legislative Councillor; nor has one been ever appointed to any public situation of emolument and profit in the Colony."

Complaints o Orangeism.

The Irish Catholics complain very loudly and justly of the existence of Orangeism in this Colony. They are justly indignant that, in a Province which their loyalty and bravery have materially contributed to save, their feelings are outraged by the symbols and processions of this association. It is somewhat difficult to understand the nature and objects of the rather anomalous Orangeism of Upper Canada. Its members profess to desire to uphold the Protestant religion, but to be free from those intolerant feelings towards their Catholic countrymen, which are the distinctive marks of the Irish Orangemen. They assert, that their main object, to which the support of the English Church is subsidiary, is to maintain the connexion with Great Britain. They have sworn, it is said, many ignorant Catholics into their body; and at their public dinners, after drinking the "pious, glorious and immortal memory," with all the usual formality of abuse of the Catholics, they toast the health of the Catholic Bishop, M'Donnell. It would seem that their great purpose has been to introduce the machinery, rather than the tenets, of Orangeism; and the leaders probably hope to make use of this kind of permanent conspiracy and illegal organization to gain political power for themselves. In fact, the Catholics scarcely appear to view this institution with more jealousy than the reformers of the Province. It is an Irish Tory institution, having not so much a religious as a political bearing. The Irish Catholics who have been initiated have entered it chiefly from its supposed national character, and probably with as little regard to the political as to the religious objects with which it is connected. Still the organization of this body enables its leaders to exert a powerful influence over the populace; and it is stated that, at the last general election, the Tories succeeded in carrying more than one seat by means of the violence of the organized mob thus placed at their disposal. It is not, indeed, at the last election only that the success of the Government candidate has been attributed to the existence of this association. At former elections, especially those for the county of Leeds, it is asserted, that the return of the Canadian Deputy Grand Master, and of the then Attorney General, his colleague, was procured by means of a violent and riotous mob of Orangemen, who prevented the voters in the opposition interest from coming up to the poll. In consequence of this and other similar outrages, the Assembly presented an address to Sir Francis Head, begging "that his Excellency would be pleased to inform the House whether the Government of the Province had taken, or determined to take, any steps to prevent or discourage public processions of Orange societies, or to discourage the formation and continuance of such societies." To this Address the Governor made the following reply:—"The Government of this Province has neither taken, nor has it determined to take, any steps to prevent or discourage the formation or continuance of such societies." It is to be presumed that this answer proceeded from a disbelief of the truth of those charges of outrage and riot which were made the foundation of the address. But it can excite no surprise that the existence of such an institution, offending one class by its contemptuous hostility to their religion, and another by its violent opposition to their politics, and which had been sanctioned by the Governor, as was conceived, on account of its political tendencies, should excite among both classes a deep feeling of indignation, and add seriously to the distrust with which the Government was regarded.

Impediments to industrial progress.

In addition to the irritation engendered by the position of parties, by the specific causes of dispute to which I have adverted, and by those features in the Government of the Colony which deprive the people of all power to effect a settlement of the questions by which the country is most deeply agitated, or to redress abuses in the institutions, or in the administration of the Province, there are permanent causes of discontent, resulting from the existence of deep-seated impediments in the way of its industrial progress. The Province is without any of those means by which the resources of a country are developed, and the civilization of a people is advanced or upheld. The general administration of justice, it is true, appears to be much better in Upper than in Lower Canada. Courts of Justice, at least, are brought into every man's neighbourhood by a system of circuits; and there is still some integrity in juries. But there are general complaints of the union of political and judicial functions in the Chief Justice; not because any suspicion attaches to that Judge's discharge of his duties, but on account of the party grounds upon which his subordinates are supposed to be appointed, and the party bias attributed to them. Complaints, too, similar to those which I have adverted to in the Lower Province, are made against the system by which the Sheriffs are appointed. It is stated, that they are selected exclusively from the friends or dependents of the ruling party; that very insufficient securities are taken from them; and that the money arising from executions and sales, which are represented as unhappily very numerous in this Province, generally remains in their hands for at least a year. For reasons also which I have specified in my account of the Lower Province, the composition of the Magistracy appears to be a serious cause of mischief and dissatisfaction.

Want of means of communication, &c.

But, independently of these sources of complaint, are the impediments which I have mentioned. A very considerable portion of the Province has neither roads, post-offices, mills, schools, nor churches. The people may raise enough for their own subsistence, and may even have a rude and comfortless plenty, but they can seldom acquire wealth; nor can even wealthy land-owners prevent their children from growing up ignorant and boorish, and from occupying a far lower mental, moral and social position than they themselves fill. Their means of communication with each other, or the chief towns of the Province, are limited and uncertain. With the exception of the labouring class, most of the emigrants who have arrived within the last ten years, are poorer now than at the time of their arrival in the Province. There is no adequate system of local assessment to improve the means of communication; and the funds occasionally voted for this purpose are, under the present system, disposed of by a House of Assembly which represents principally the interests of the more settled districts, and which, it is alleged, has been chiefly intent in making their disposal a means of strengthening the influence of its members in the constituencies which they represent. These funds have consequently almost always been applied in that part of the country where they were least needed; and they have been too frequently expended so as to produce scarcely any perceptible advantages. Of the lands which were originally appropriated for the support of schools throughout the country, by far the most valuable portion has been diverted to the endowment of the University, from which those only derive any benefit who reside in Toronto, or those who, having a large assured income, are enabled to maintain their children in that town at an expense which has been estimated at 50*l.* per annum for each child. Even in the most thickly peopled districts there are but few schools, and those of a very inferior character; while the more remote settlements are almost entirely without any.

Contrast between Upper Canada and the United States.

Under such circumstances there is little stimulus to industry or enterprise, and their effect is aggravated by the striking contrast presented by such of the United States as border upon this province, and where all is activity and progress. I shall hereafter, in connexion with the disposal of the public lands, advert to circumstances affecting not Upper Canada merely, but the whole of our North American Colonies in an almost equal degree, which will illustrate in detail the causes and results of the more prominent of these evils. I have referred to the topic in this place in order to notice the inevitable tendency of these inconveniences to aggravate whatever discontent may be produced by purely political causes, and to draw attention to the fact, that those who are most satisfied with the present political state of the Province, and least disposed to attribute economical injuries or social derangement to the form or the working of the Government,

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feel and admit that there must have been something wrong to have caused so striking a difference in progress and wealth between Upper Canada and the the neighbouring states of the Union. I may also observe, that these evils affect chiefly that portion of the people which is composed of British emigrants, and who have had no part in the causes to which they are attributable. The native-born Canadians, as they generally inhabit the more settled districts of the Province, are the owners of nearly all the waste lands, and have almost exclusively had the application of all public funds, might be expected to have escaped from the evils alluded to, and even to have profited by the causes out of which they have sprung. The number of those who have thus profited is, however, comparatively small; the majority of this class, in common with the emigrant population, have suffered from the general depression, and share in the discontent and restlessness which this depression has produced.

Prohibitory revenue laws.

The trade of the country is, however, a matter which appears to demand a notice here, because so long as any such marked and striking advantages in this respect are enjoyed by Americans, as at present arise from causes which Government has the power to remove, it is impossible but that many will look forward with desire to political changes. There are laws which regulate, or rather prohibit, the importation of particular articles, except from England, especially of tea, which were framed originally to protect the privileges of monopolies here; but which have been continued in the Province after the English monopoly has been removed. It is not that these laws have any appreciable effect in raising the price of the commodities in question: almost all used in the Province is smuggled across the frontier, but their operation is at once injurious to the fair dealer, who is undersold by persons who have obtained their articles in the cheaper market of the United States, and to the Province which can neither regulate the traffic, nor make it a source of revenue. It is probable, indeed, that the present law has been allowed to continue through inadvertence; but, if so, it is no very satisfactory evidence of the care or information of the Imperial Government, that it knows or feels so little the oppressive influence of the laws to which it subjects its dependencies.

New York desired as a port of entry.

Another and more difficult topic connected with this subject, is the wish of this Province that it should be allowed to make use of New York as a port of entry. At present the rate of duty upon all goods coming from the United States, whatever may be their nature, or the port in Europe from which they have been shipped, is such as to compel all importers to receive the articles of their trade through the Saint Lawrence, the navigation of which river opens generally several weeks later than the time at which goods may be obtained in all the parts of Upper Canada bordering upon Lake Ontario, by way of Oswego. The dealer, therefore, must submit to an injurious delay in his business, or must obtain his goods in the autumn, and have his capital lying dead for six months. Either of these courses must lessen the amount of traffic, by diminishing the quantity, or increasing the price, of all commodities; and the mischief is seriously enhanced by the monopoly which the present system places in the hands of what are called the "forwarders" on the Saint Lawrence and the Rideau Canal. If goods might be shipped from England to be landed at New York in bond, and to be admitted into Upper Canada free of duty, upon the production of a certificate from the officer of customs at the English port from which they are shipped, this inconvenience would be removed, and the people of the Province would in reality benefit by their connexion with England, in the superior cheapness of their articles, without paying for it as highly as they do at present in the limitation of their commerce.

Spirit of improvement impeded by financial relations with Lower Canada.

I have already stated, in my account of Lower Canada, the difficulties and disputes which are occasioned by the financial relations of the two Provinces. The state of affairs, however, which causes these disputes is of far greater practical mischief to Upper Canada. That Province some years ago conceived the very noble project of removing or obviating all the natural impediments to the navigation of the Saint Lawrence; and the design was to make these works on a scale so commensurate with the capabilities of that broad and deep river, as to enable sea-going vessels to navigate its whole course to the head of Lake Huron. The design was, perhaps, too vast, at least for the first effort of a State at that time comparatively so small and poor; but the boldness with which the people undertook it, and the immense sacrifices which they made in order to achieve it, are gratifying indications of a spirit which bids fair hereafter to render Upper Canada as thriving a country as any State of the American Union. The House of Assembly,

with this object in view, took a large portion of the shares of the Welland Canal, which had been previously commenced by a few enterprising individuals. It then commenced the great ship canal, called the Cornwall Canal, with a view of enabling ships of considerable draught to avoid the Long Sault Rapids; and this work was, at an immense outlay, brought very far towards a completion. It is said that there was great mismanagement, and perhaps no little jobbing, in the application of the funds, and the execution of the work. But the greatest error committed was the undertaking the works in Upper, without ensuring their continuation in Lower Canada. For the whole of the works in the Upper Province, when completed, would be comparatively, if not utterly, useless, without the execution of similar works on that part of the St. Lawrence which lies between the Province line and Montreal. But this co-operation the Lower Canadian Assembly refused or neglected to give; and the works of the Cornwall Canal are now almost suspended, from the apparent inutility of completing them.

Upper Canada denied the means of completing local works.

The necessary expense of these great undertakings was very large; and the prodigality superadded thereto, has increased it to such an extent, that this Province is burthened with a debt of more than a million of pounds; the whole revenue, which is about £.60,000, being hardly adequate to pay the interest. The Province has already been fortunately obliged to throw the whole support of the few and imperfect local works which are carried on in different parts of the Province on local assessments; but it is obvious that it will soon be obliged to have recourse to direct taxation to meet its ordinary civil expenditure. For the custom duties cannot be increased without the consent of Lower Canada; and that consent it is useless to expect from any House of Assembly chosen under the suspended constitution. The canals, of which the tolls would, if the whole series of necessary works were completed, in all probability render the past outlay a source of profit, instead of loss, remain in a state of almost hopeless suspension: the Cornwall Canal being unfinished, and the works already completed daily falling into decay, and the Welland Canal, which has been a source of great commercial benefit, being now in danger of becoming useless, from want of money to make the necessary repairs. After all its great hopes, and all the great sacrifices which it has made to realize them, Upper Canada now finds itself loaded with an enormous debt, which it is denied the means of raising its indirect taxation to meet, and mocked by the aspect of those unfinished works, which some small combined efforts might render a source of vast wealth and prosperity, but which now are a source of useless expense and bitter disappointment.

Discontent of the colonists.

It may well be believed that such a state of things is not borne without repining by some of the most enterprising and loyal people of the Province. It is well known that the desire of getting over these difficulties has led many persons in this Province to urge the singular claim to have a convenient portion of Lower Canada taken from that Province, and annexed to Upper Canada; and that it induces many to desire an union of the Provinces as the only efficient means of settling all these disputes on a just and permanent footing. But it cannot be matter of surprise, that in despair of any sufficient remedies being provided by the Imperial Government, many of the most enterprising colonists of Upper Canada look to that bordering country, in which no great industrial enterprise ever feels neglect, or experiences a check, and that men the most attached to the existing form of government would find some compensation in a change, whereby experience might bid them hope that every existing obstacle would be speedily removed, and each man's fortune share in the progressive prosperity of a flourishing State.

British policy has disregarded the wants of the Province.

A dissatisfaction with the existing order of things, produced by causes such as I have described, necessarily extends to many who desire no change in the political institutions of the Province. Those who most admire the form of the existing system, wish to see it administered in a very different mode. Men of all parties feel that the actual circumstances of the Colony are such as to demand the adoption of widely different measures from any that have yet been pursued in reference to them. They ask for greater firmness of purpose in their rulers, and a more defined and consistent policy on the part of the Government; something, in short, that will make all parties feel that an order of things has been established to which it is necessary that they should conform themselves, and which is not to be subject to any unlooked for and sudden interruption consequent upon some unforeseen move in the game of politics in England. Hitherto the course of policy adopted by

by the English Government towards this Colony, has had reference to the state of parties in England, instead of the wants and circumstances of the Province; neither party could calculate upon a successful result to their struggles for any particular object, because though they might be able to estimate accurately enough their strength in the Colony, they could not tell how soon some hidden spring might be put in motion in the Colonial Office in England which would defeat their best laid plans, and render utterly availing whole years of patient effort.

THE EASTERN PROVINCES AND NEWFOUNDLAND.

Inquiries into the other North American Colonies.

Though I have stated my opinion that my inquiries would have been very incomplete, had they been confined to the two Canadas, the information which I am enabled to communicate with respect to the other North American Colonies is necessarily very limited. As, however, in these Provinces, with the exception of Newfoundland, there are no such discontents as threaten the disturbance of the public tranquillity, I did not think it necessary to institute any minute inquiries into the details of the various departments of Government. It is only necessary that I should state my impression of the general working of the Government in these Colonies, in order that if institutions similar to those of the disturbed Provinces should here appear to be tending to similar results, a common remedy may be devised for the impending as well as for existing disorders. On this head I have obtained much useful information from the communications which I had with the Lieutenant-Governors of these Colonies, as well as with individuals connected with them, but, above all, from the frequent and lengthened discussions which passed between me and the gentlemen who composed the deputations sent to me last autumn from each of the three Eastern Provinces, for the purpose of discussing the principles as well as details of a plan of general government for the whole of the British North American Colonies. It was most unfortunate that the events of temporary, but pressing importance which compelled my return to England, interrupted those discussions; but the delegates with whom I had the good fortune to carry them on, were gentlemen of so much ability, so high in station, and so patriotic in their views, that their information could not fail to give me a very fair view of the working of the colonial constitution under somewhat different circumstances in each. I insert in the Appendix a communication which I received from one of those gentlemen, Mr. Young, a leading and very active Member of the House of Assembly of Nova Scotia, respecting that Province.

Letter from Mr. Young.

Working of the government of these Provinces.

It is not necessary, however, that I should enter into any lengthened account of the nature or working of the form of government established in these Provinces, because in my account of Lower Canada I have described the general characteristics of the system common to all, and adduced the example of these Provinces in illustration of the defects of their common system. In all these Provinces we find representative government coupled with an irresponsible executive; we find the same constant collision between the branches of the Government; the same abuse of the powers of the representative bodies, owing to the anomaly of their position, aided by the want of good municipal institutions, and the same constant interference of the imperial administration in matters which should be left wholly to the Provincial Governments. And if in these Provinces there is less formidable discontent and less obstruction to the regular course of Government, it is because in them there has been recently a considerable departure from the ordinary course of the colonial system, and a nearer approach to sound constitutional practice.

New Brunswick.

This is remarkably the case in New Brunswick, a province which was till a short time ago one of the most constantly harassed by collisions between the executive and legislative powers; the collision has now been in part terminated by the concession of all the revenues of the Province to the Assembly. The policy of this concession, with reference to the extent and mode in which it was made, will be discussed in the separate Report on the disposal and management of public lands; but the policy of the Government in this matter has at any rate put an end to disputes about the revenue, which were on the point of producing a constant Parliamentary conflict between the Crown and the Assembly in many respects like that which has subsisted in Lower Canada; but a more important advance has been made towards the practice of the British constitution in a recent change which has been made in the Executive and Legislative Councils of the Colony, whereby, as I found from the representatives of the present

official body in the delegation from New Brunswick, the administrative power of the Province had been taken out of the hands of the old official party, and placed in those of members of the former liberal opposition. The constitutional practice had been, in fact, fully carried into effect in this Province; the Government had been taken out of the hands of those who could not obtain the assent of the majority of the Assembly, and placed in the hands of those who possessed its confidence; the result is, that the Government of New Brunswick, till lately one of the most difficult in the North American Colonies, is now the most harmonious and easy.

Nova Scotia.

In Nova Scotia some, but not a complete approximation has been made to the same judicious course. The Government is in a minority in the House of Assembly, and the Assembly and the Legislative Council do not perfectly harmonize. But the questions which divide parties at present happen really to be of no very great magnitude; and all are united and zealous in the great point of maintaining the connexion with Great Britain. It will be seen from Mr. Young's paper, that the questions at issue, though doubtless of very considerable importance, involve no serious discussion between the Government and the people. The majority of the opposition is stated by the official party to be very uncertain, and is admitted by themselves to be very narrow. Both parties look with confidence to the coming general election; and all feel the greatest reliance on the good sense and good intentions of the present Lieutenant Governor, Sir Colin Campbell.

Constitution of Executive and Legislative Councils.

I must, however, direct particular attention to the following temperate remarks of Mr. Young on the constitution of the Executive and Legislative Councils:

"The majority of the House of Assembly is dissatisfied with the composition of the Executive and Legislative Councils, and the preponderance in both of interests which they conceive to be unfavourable to reform; this is the true ground, as I take it, of the discontent that is felt. The respectability and private virtues of the gentlemen who sit at the two Council Boards are admitted by all; it is of their political and personal predilections that the people complain; they desire reforming and liberal principles to be more fully represented and advocated there, as they are in the Assembly.

"The majority of the House, while they appreciate and have acknowledged the anxiety of his Excellency the Lieutenant Governor to gratify their just expectations, have also expressed their dissatisfaction, that the Church of England should have been suffered to retain a majority in both councils, notwithstanding the remonstrances of the House, and the precise and explicit directions of the Colonial Secretary. Religious dissensions are happily unknown among us, and the true way to prevent their growth and increase, is to avoid conferring an inordinate power on any one sect, however worthy it may be of respect or favour."

Prince Edward's Island.

The political history of Prince Edward's Island is contained in the system pursued with regard to its settlement, and the appropriation of its lands, which is fully detailed in the subsequent view of that department of government in the North American Colonies; and its past and present disorders are but the sad result of that fatal error which stifled its prosperity in the very cradle of its existence, by giving up the whole Island to a handful of distant proprietors. Against this system, this small and powerless community has in vain been struggling for some years: a few active and influential proprietors in London have been able to drown the remonstrances, and defeat the efforts of a distant and petty Province: for the ordinary evils of distance are, in the instance of Prince Edward's Island, aggravated by the scantiness of its population, and the confined extent of its territory. This island, most advantageously situated for the supply of the surrounding Colonies, and of all the fisheries, possesses a soil peculiarly adapted to the production of grain; and, from its insular position, is blessed with a climate far more genial than a great part of the continent which lies to the southward. Had its natural advantages been turned to proper account, it might at this time have been the granary of the British Colonies, and, instead of barely supporting a poor and unenterprising population of 40,000, its mere agricultural resources would, according to Major Head, have maintained in abundance a population of at least ten times that number. Of nearly 1,400,000 acres contained in the island, only 10,000 are said to be unfit for the plough. Only 100,000 are now under cultivation. No one can mistake the cause of this lamentable waste

of

of the means of national wealth. It is the possession of almost the whole soil of the island by absentee proprietors, who would neither promote nor permit its cultivation, combined with the defective government which first caused and has since perpetuated the evil. The simple legislative remedy for all this mischief having been suggested by three successive Secretaries of State, has been embodied in an Act of the local legislature, which was reserved for the Royal Assent; and the influence of the proprietors in London was such, that that assent was for a long time withheld. The question was referred to me during my stay in Canada; and I believe I may have the satisfaction of attributing to the recommendation which I gave, in accordance with the earnest representations of the Lieutenant-Governor, Sir Charles Fitzroy, the adoption at last of a measure intended to remove the abuse that has so long retarded the prosperity of this Colony.

Backward state of these Colonies.

The present condition of these Colonies presents none of those alarming features which mark the state of the two Canadas. The loyalty and attachment to the mother country which animate their inhabitants, is warm and general. But their varied and ample resources are turned to little account. Their scanty population exhibits, in most portions of them, an aspect of poverty, backwardness and stagnation; and wherever a better state of things is visible, the improvement is generally to be ascribed to the influx of American settlers or capitalists. Major Head describes his journey through a great part of Nova Scotia as exhibiting the melancholy spectacle of "half the tenements abandoned, and lands every where falling into decay;" "and the lands," he tells us, "that were purchased 30 and 40 years ago, at 5*s.* an acre, are now offered for sale at 3*s.*" "The people of Prince Edward's Island are," he says, "permitting Americans to take out of their hands all their valuable fisheries, from sheer want of capital to employ their own population in them." "The country on the noble river, St. John's," he states, "possesses all that is requisite, except 'that animation of business which constitutes the value of a new settlement.'" But the most striking indication of the backward state of these Provinces, is afforded by the amount of the population. These Provinces, among the longest settled on the North American Continent, contain nearly 30,000,000 of acres, and a population, estimated at the highest, at no more than 365,000 souls, giving only one inhabitant for every 80 acres. In New Brunswick, out of 16,500,000 acres, it is estimated that at least 15,000,000 are fit for cultivation; and the population being estimated at no more than 140,000, there is not one inhabitant for 100 acres of cultivable land.

Comparison with United States.

It is a singular and melancholy feature in the condition of these Provinces, that the resources rendered of so little avail to the population of Great Britain, are turned to better account by the enterprising inhabitants of the United States. While the emigration from the Province is large and constant, the adventurous farmers of New England cross the frontier, and occupy the best farming lands. Their fishermen enter our bays and rivers, and in some cases monopolise the occupations of our own unemployed countrymen; and a great portion of the trade of the St. John's is in their hands. Not only do the citizens of a foreign nation do this, but they do it with British capital." Major Head states, "that an American merchant acknowledged to him that the capital with which his countrymen carried on their enterprises in the neighbourhood of St. John's, was chiefly supplied by Great Britain; and," he adds, as a fact within his own knowledge, "that wealthy capitalists at Halifax, desirous of an investment for their money, preferred lending it in the United States to applying it to speculation in New Brunswick, or to lending it to their own countrymen in that Province."

I regret to say, that Major Head also gives the same account respecting the difference between the aspect of things in these Provinces, and the bordering State of Maine. On the other side of the line, good roads, good schools and thriving farms afford a mortifying contrast to the condition in which a British subject finds the neighbouring possessions of the British Crown.

Newfoundland.

With respect to the Colony of Newfoundland, I have been able to obtain no information whatever, except from sources open to the public at large. The Assembly of that Island signified their intention of making an appeal to me respecting some differences with the Governor, which had their immediate origin in a dispute with a Judge. Owing, probably, to the uncertain and tardy means of communication between Quebec and that Island, I received no further communication on this or any other subject, until after my arrival in England, when I received an Address expressive of regret at my departure.

I know nothing, therefore, of the state of things in Newfoundland, except that there is, and long has been, the ordinary colonial collision between the representative body on one side, and the executive on the other; that the representatives have no influence on the composition or the proceedings of the executive government; and that the dispute is now carried on, as in Canada, by impeachments of various public officers on one hand, and prorogations on the other. I am inclined to think that the cause of these disorders is to be found in the same constitutional defects as those which I have signalized in the rest of the North American Colonies. If it be true, that there exists in this island a state of society which renders it unadvisable that the whole of the local government should be entirely left to the inhabitants, I believe that it would be much better to incorporate this Colony with a larger community, than to attempt to continue the present experiment of governing it by a constant collision of constitutional powers.

DISPOSAL OF PUBLIC LANDS. EMIGRATION.

Worst method of disposing of public lands.

I have mentioned the peculiar importance which, in newly-settled societies, is attached to works for creating and improving the means of communication. But in such communities, and especially when only a small proportion of the land has been occupied by settlers, there is a still more momentous subject of public concern. I allude to an operation of Government, which has a paramount influence over the happiness of individuals, and the progress of society towards wealth and greatness I am speaking of the disposal, by the Government, of the lands of the new country. In old countries no such matter ever occupies public attention; in new colonies, planted on a fertile and extensive territory, this is the object of the deepest moment to all, and the first business of the Government. Upon the manner in which this business is conducted, it may almost be said that every thing else depends. If lands are not bestowed on the inhabitants and new comers with a generous hand, the society endure the evils of an old and over-peopled state, with the superadded inconveniences that belong to a wild country. They are pinched for room even in the wilderness, are prevented from choosing the most fertile soils and favourable situations, and are debarred from cultivating that large extent of soil, in proportion to the hands at work, which can alone compensate, in quantity of produce, for the rude nature of husbandry in the wilderness. If, on the other hand, the land is bestowed with careless profusion, great evils of another kind are produced. Large tracts become the property of individuals, who leave their lands unsettled and untouched. Deserts are thus interposed between the industrious settlers; the natural difficulties of communication are greatly enhanced; the inhabitants are not merely scattered over a wide space of country, but are separated from each other by impassable wastes; the cultivator is cut off or far removed from a market in which to dispose of his surplus produce, and procure other commodities; and the greatest obstacles exist to co-operation in labour, to exchange, to the division of employments, to combination for municipal or other public purposes, to the growth of towns, to public worship, to regular education, to the spread of news, to the acquisition of common knowledge, and even to the civilizing influences of mere intercourse for amusement. Monotonous and stagnant indeed must ever be the state of a people who are permanently condemned to such separation from each other. If, moreover, the land of a new country is so carelessly surveyed that the boundaries of property are incorrectly or inadequately defined, the Government lays up a store of mischievous litigation for the people. Whatever delay takes place in perfecting the titles of individuals to lands alienated by the Government, occasions equal uncertainty and insecurity of property. If the acquisition of land, in whatever quantities, is made difficult or troublesome, or is subjected to any needless uncertainty or delay, applicants are irritated, settlement is hindered, and immigration to the colony is discouraged, as emigration from it is promoted. If very different methods of proceeding have effect in the same colony, or in different parts of the same group of colonies, the operation of some can scarcely fail to interfere with or counteract the operation of others; so that the object of the Government must somewhere, or at some time, be defeated. And frequent changes of system are sure to be very injurious, not only by probably displeasing those who either obtain land just before, or desire to obtain some just after, each change, but also by giving a character of irregularity, uncertainty, and even mystery, to the most important proceeding of Government. In this way settlement and emigration are discouraged; inasmuch as the people, both of the colony and of the mother country,

country, are deprived of all confidence in the permanency of any system, and of any familiar acquaintance with any of the temporary methods. It would be easy to cite many other examples of the influence of Government in this matter. I will mention but one more here. If the disposal of public lands is administered partially—with favour to particular persons or classes—a sure result is, the anger of all who do not benefit by such favouritism (the far greater number, of course), and consequently, the general unpopularity of the Government.

Best method of disposing of lands.

Under suppositions the reverse of these, the best, instead of the worst, effects would be produced; a constant and regular supply of new land in due proportion to the wants of a population increasing by births and immigration; all the advantages to which facilities of transport and communication are essential; certainty of limits and security of title to property in land; the greatest facilities in acquiring the due quantity; the greatest encouragements to immigration and settlement; the most rapid progress of the people in material comfort and social improvement, and a general sense of obligation to the Government. What a contrast do the two pictures present! Neither of them is over coloured; and a mere glance at both suffices to show that in the North American Colonies of England, as in the United States, the function of authority most full of good or evil consequences has been the disposal of public land.

Measures taken for inquiry.

Impressed, before my departure from England, with a sense of the great importance of this subject, and indulging a hope, founded on the very remarkable success of a new method of disposing of public lands in Your Majesty's Australian Colonies, that I might be able to recommend beneficial reforms in the North American Provinces, I took precautions for instituting a thoroughly efficient inquiry into the whole subject generally, and in detail. And I was the more disposed to do this, because while an inquiry by a Select Committee of the House of Commons in 1836 furnished abundant information on the subject, as respects most parts of Your Majesty's Colonial Empire, the North American Provinces had been specifically excluded from that inquiry; and I could not obtain in England any authentic, or at least sufficient, information as to the disposal of public lands in any of them. Within a very short time after my arrival in Canada, the expediency of a searching inquiry into the subject became more than ever apparent to me. A common belief in the great extent of my powers revived innumerable complaints of abuse, and applications for justice or favour, which had slumbered during previous years. During my residence in the Canadas, scarcely a day passed without my receiving some petition or representation relating to the Crown Lands' Department; and matters belonging to this branch of Government necessarily occupied a far larger proportion than any other of my correspondence with the Secretary of State. The information which I now possess was chiefly obtained by means of a commission of inquiry, which, having regard to the probable advantages of an uniform system for the whole of British North America, and to the deep and universal interest taken in this subject by the colonists, I issued in Your Majesty's name, and made applicable to all the Provinces. Minutes of the Evidence given before the Commissioners are appended to the present Report, together with a separate Report, containing the outline of a plan for the future administration of this all-influential department of Government. If that plan, or any other founded on similar principles, should be adopted by Your Majesty and the Imperial Legislature, I do firmly believe that an impulse will be given to the prosperity of Your Majesty's North American possessions, surpassing what their most sanguine well-wisher, if unacquainted with the facts, would be capable of imagining; and more calculated than any other reform whatever to attach the people of British North America to Your Majesty's Throne, and to cement and perpetuate an intimate connexion between the colonies and the mother country. I shall have to return to this point hereafter. I have mentioned it here, for the purpose of inviting Your Majesty's attention, and awakening that of Your Ministers and of Parliament to a theme which, however little it has hitherto interested the Imperial Government, is the object of constant and earnest discussion in the colonies.

Commission, *Appendix* (B.)

Practice of United States;

In the United States, ever since the year 1796, the disposal of public land not already appropriated to particular states, has been strictly regulated by a law of Congress; not by different laws for the various parts of the country, but by one law

of Great Britain.

for the whole of the public lands, and a law which we may judge to have been conducive to the prosperity of the people, both from its obvious good effects, and from its almost unquestioned continuance for so many years. In the British North American Colonies, with one partial exception, there never has been, until quite recently, any law upon the subject. The whole of the public lands have been deemed the property of the Crown, and the whole of the administration for disposing of them to individuals, with a view to settlement, has been conducted by officers of the Crown; under instructions from the Treasury or the Colonial Department in England. The Provincial Assemblies, except quite recently in New Brunswick and Upper Canada, have never had any voice in this matter; nor is the popular control in those two cases much more than nominal. The Imperial Parliament has never interfered but once, when, leaving all other things untouched, it enacted the unhappy system of "Clergy Reserves." With these very slight exceptions, the Lords of the Treasury and Colonial Secretary of State for the time being have been the only legislators; and the provincial agents of the Colonial Secretary, responsible to him alone, have been the sole executors.

Efficiency of system of United States.

The system of the United States appears to combine all the chief requisites of the greatest efficiency. It is uniform throughout the vast federation; it is unchangeable save by Congress, and has never been materially altered; it renders the acquisition of new land easy, and yet, by means of a price, restricts appropriation to the actual wants of the settler; it is so simple as to be readily understood; it provides for accurate surveys and against needless delays; it gives an instant and secure title; and it admits of no favouritism, but distributes the public property amongst all classes and persons upon precisely equal terms. That system has promoted an amount of immigration and settlement, of which the history of the world affords no other example; and it has produced to the United States a revenue which has averaged about half a million sterling per annum, and has amounted in one twelvemonth to above four millions sterling, or more than the whole expenditure of the Federal Government.

No system in the North American Colonies.

In the North American Colonies there never has been any system. Many different methods have been practised, and this not only in the different colonies, but in every colony at different times, and within the same colony at the same time. The greatest diversity and most frequent alteration would almost seem to have been the objects in view. In only one respect has there been uniformity. Every where the greatest profusion has taken place, so that in all the colonies, and nearly in every part of each colony, more, and very much more land has been alienated by the Government, than the grantees had at the time, or now have the means of reclaiming from a state of wilderness; and yet in all the colonies until lately, and in some of them still, it is either very difficult or next to impossible for a person of no influence to obtain any of the public land. More or less in all the colonies, and in some of them to an extent which would not be credited, if the fact were not established by unquestionable testimony, the surveys have been inaccurate, and the boundaries, or even the situation of estates, are proportionably uncertain. Every where needless delays have harassed and exasperated applicants; and every where, more or less, I am sorry but compelled to add, gross favouritism has prevailed in the disposal of public lands. I have mentioned but a part of the evils, grievances and abuses, of which Your Majesty's subjects in the colonies justly complain, as having arisen from mal-administration in this department. Those evils remain wholly unremedied, most of those grievances are unredressed, and not a few of those abuses are unreformed at this hour. Their present existence has been forced on my conviction by indisputable evidence. If they had passed away, I should scarcely have alluded to them. If I had any hope of seeing them removed, otherwise than by means of giving them authentic publicity, I should have hesitated to speak of them as I have done. As it is, I should ill perform the duty which Your Majesty was pleased to confide to me, if I failed to describe them in the plainest terms.

Contrast with United States.

The results of long misgovernment in this department are such as might have been anticipated by any person understanding the subject. The administration of the public lands, instead of always yielding a revenue, cost for a long while more than it produced. But this is, I venture to think, a trifling consideration when compared with others. There is one in particular which has occurred to every observant traveller in these regions, which is a constant theme of boast in the

the States bordering upon our colonies, and a subject of loud complaint within the colonies. I allude to the striking contrast which is presented between the American and the British sides of the frontier line in respect to every sign of productive industry, increasing wealth, and progressive civilization.

Picture of the American side.

By describing one side, and reversing the picture, the other would be also described. On the American side, all is activity and bustle. The forest has been widely cleared; every year numerous settlements are formed, and thousands of farms are created out of the waste; the country is intersected by common roads; canals and railroads are finished, or in the course of formation; the ways of communication and transport are crowded with people, and enlivened by numerous carriages and large steam-boats. The observer is surprised at the number of harbours on the lakes, and the number of vessels they contain; while bridges, artificial landing-places, and commodious wharves are formed in all directions as soon as required. Good houses, warehouses, mills, inns, villages, towns and even great cities, are almost seen to spring up out of the desert. Every village has its schoolhouse and place of public worship. Every town has many of both, with its township buildings, its book stores, and probably one or two banks and newspapers; and the cities, with their fine churches, their great hotels, their exchanges, court-houses and municipal halls, of stone or marble, so new and fresh as to mark the recent existence of the forest where they now stand, would be admired in any part of the Old World. On the British side of the line, with the exception of a few favoured spots, where some approach to American prosperity is apparent, all seems waste and desolate. There is but one railroad in all British America, and that, running between the St. Lawrence and Lake Champlain, is only 15 miles long. The ancient city of Montreal, which is naturally the commercial capital of the Canadas, will not bear the least comparison, in any respect, with Buffalo, which is a creation of yesterday. But it is not in the difference between the larger towns on the two sides that we shall find the best evidence of our own inferiority. That painful but undeniable truth is most manifest in the country districts through which the line of national separation passes for 1,000 miles. There, on the side of both the Canadas, and also of New Brunswick and Nova Scotia, a widely scattered population, poor, and apparently unenterprising, though hardy and industrious, separated from each other by tracts of intervening forest, without towns and markets, almost without roads, living in mean houses, drawing little more than a rude subsistence from ill-cultivated land, and seemingly incapable of improving their condition, present the most instructive contrast to their enterprising and thriving neighbours on the American side. I was assured that in the Eastern Townships of Lower Canada, bordering upon the line, it is a common practice for settlers, when they wish to meet, to enter the State of Vermont, and make use of the roads there for the purpose of reaching their destination in the British Province. Major Head, the Assistant Commissioner of Crown Lands' Inquiry, whom I sent to New Brunswick, states, that when travelling near the frontier line of that Province and the State of Maine, now on one side and then on the other, he could always tell on which side he was by the obvious superiority of the American settlements in every respect. Where the two countries are separated by the St. Lawrence and the Lakes, this difference is less perceptible; but not less in fact, if I may believe the concurrent statements of numerous eye-witnesses, who had no motive for deceiving me. For further corroboration, I might refer indeed to numerous and uncontradicted publications; and there is one proof of this sort so remarkable, that I am induced to notice it specially. A highly popular work, which is known to be from the pen of one of Your Majesty's chief functionaries in Nova Scotia, abounds in assertions and illustrations of the backward and stagnant condition of that Province, and the great superiority of neighbouring American settlements. Although the author, with a natural disinclination to question the excellence of government, attributes this mortifying circumstance entirely to the folly of the people, in neglecting their farms to occupy themselves with complaining of grievances and abuses, he leaves no doubt of the fact.

Of the British side.

App. (B.) *Min. Ev. q.* 427, 438.

This view is confirmed by another fact equally indisputable. Throughout the frontier, from Amherstburgh to the ocean, the market value of land is much greater on the American than on the British side. In not a few parts of the frontier this difference amounts to as much as a thousand per cent., and in some cases even more. The average difference, as between Upper Canada and the States of New York and Michigan, is notoriously several hundred per cent.

Difference in value between British Provinces and United States.

cent. Mr. Hastings Kerr, of Quebec, whose knowledge of the value of land in Lower Canada is generally supposed to be more extensive and accurate than that of any other person, states that the price of wild land in Vermont and New Hampshire, close to the line, is five dollars per acre, and in the adjoining British townships only one dollar. On this side the line a very large extent of land is wholly unsaleable, even at such low prices; while on the other side property is continually changing hands. The price of two or three shillings per acre would purchase immense tracts in Lower Canada and New Brunswick. In the adjoining States it would be difficult to obtain a single lot for less than as many dollars. In and near Stanstead, a border township of Lower Canada, and one of the most improved, forty-eight thousand acres of fine land, of which Governor Sir R. S. Milne obtained a grant to himself in 1810, was recently sold at the price of two shillings per acre. Mr. Stayner, the Deputy Postmaster General, one of the largest proprietors of wild land in Lower Canada, says:—"Twenty years ago, or thereabout, I purchased wild land at what was then considered a low price, in the natural hope that it would be gradually increasing in value, and that, whenever I might choose to sell, it would be at such a profit as would afford me a fair return for the use of the money employed. So far, however, from realizing this expectation, I now find, after the lapse of so many years, when the accumulated interest upon the money invested has increased the cost of the land 150 per cent.—I say I find that I could not, if compelled to sell this land, obtain more for it than it originally cost me." I learned from others besides Mr. Kerr, but quote his words, that "the system pursued in granting Crown Lands in Lower Canada has been such as to render it impossible to obtain money on mortgage of land, because there is no certainty as to the value: when a sale is forced, there may be a perfect glut in the market and no purchasers." Similar statements might be cited in abundance. It might be supposed by persons unacquainted with the frontier country, that the soil on the American side is of very superior natural fertility. I am positively assured that this is by no means the case; but that, on the whole, superior natural fertility belongs to the British territory. In Upper Canada, the whole of the great peninsula between Lakes Erie and Huron, comprising nearly half the available land of the Province, consists of gently-undulating alluvial soil, and, with a smaller proportion of inferior land than probably any other tract of similar extent in that part of North America, is generally considered the best grain country on that continent. The soil of the border townships of Lower Canada is allowed, on all hands, to be superior to that of the border townships of New York, Vermont, and New Hampshire; while the lands of New Brunswick, equal in natural fertility to those of Maine, enjoy superior natural means of communication. I do not believe that the universal difference in the value of land can any where be fairly attributed to natural causes.

Min. Ev. q. 399.

Re-emigration from British Colonies to the border states.

Still less can we attribute to such causes another circumstance, which in some measure accounts for the different values of property, and which has a close relation to the subject of the public lands. I mean the great amount of re-emigration from the British Colonies to the border States. This is a notorious fact. Nobody denies it; almost every colonist speaks of it with regret. What the proportion may be of those emigrants from the United Kingdom who, soon after their arrival, remove to the United States, it would be very difficult to ascertain precisely. Mr. Bell Forsyth, of Quebec, who has paid much attention to the subject, and with the best opportunities of observing correctly in both the Canadas, estimates that proportion at sixty per cent. of the whole. Mr. Hawke, the chief agent for emigrants in Upper Canada, calculates that out of two-thirds of the immigrants by the St. Lawrence who reach that Province, one-fourth re-emigrate chiefly to settle in the States. It would appear, however, that the amount of emigration from Upper Canada, whether of new comers or others, must be nearer Mr. Forsyth's estimate. The population was reckoned at 200,000 in January 1830. The increase by births since then should have been at least three per cent. per annum, or 54,000. Mr. Hawke states the number of immigrants from Lower Canada, since 1829, to have been 165,000; allowing that these also would have increased at the rate of three per cent. per annum, the whole increase by immigration and births should have been nearly 200,000. But Mr. Hawke's estimate of immigrants takes no account of the very considerable number who enter the Province by way of New York and the Erie Canal. Reckoning these at only 50,000, which is probably under the truth, and making no allowance for their increase by births, the entire population

Min. of Ev. q. 483.

App. (B.) *Min. of Ev. q.* 1003.

App. (B.) *Min. of Ev. q.* 994.

population of Upper Canada should now have been 500,000, whereas it is, according to the most reliable estimates, not over 400,000. It would therefore appear, making all allowance for errors in this calculation, that the number of people who have emigrated from Upper Canada to the United States, since 1829, must be equal to more than half of the number who have entered the Province during the eight years. Mr. Baillie, the present Commissioner of Crown Lands in New Brunswick, says, "a great many emigrants arrive in the Province, but they generally proceed to the United States, as there is not sufficient encouragement for them in this Province." Mr. Morris, the present Commissioner of Crown Lands, and Surveyor General of Nova Scotia, speaks in almost similar terms of the emigrants who reach that Province by way of Halifax.

App. (B.) *Min. of Ev. q.* 1708.

App. (B.) *Min. of Ev. q.* 1229, 1230.

Public opinion against the present mismanagement.

I am far from asserting that the very inferior value of land in the British Colonies, and the re-emigration of immigrants, are altogether occasioned by mismanagement in the disposal of public lands. Other defects and errors of government must have had a share in producing these lamentable results; but I only speak the opinion of all the more intelligent, and, let me add, some of the most loyal of Your Majesty's subjects in North America, when I say that this has been the principal cause of these great evils. This opinion rests upon their personal acquaintance with numerous facts. Some of these facts I will now state. They have been selected from a much greater number, as being peculiarly calculated to illustrate the faults of the system, its influence on the condition of the people, and the necessity of a thorough reform. I may add, that many of them form the subject of Despatches which I have addressed to Your Majesty's Secretary of State.

Much wild land out of control of Government.

I have observed before that nearly all of the different methods pursued by the Government have had one mischievous tendency in particular; they have tended to place a vast extent of land out of the control of government, and yet to retain it in a state of wilderness. This evil has been produced in all the Colonies alike, to what extent, and with what injurious consequences, will be made apparent by the following illustrative statements.

Quantity of public land already alienated.

App. (B.) *No.* 14.

By official returns which accompany this Report, it appears that, out of about 17,000,000 of acres comprised within the surveyed districts of Upper Canada, less than 1,600,000 are yet unappropriated, and this amount includes 450,000 acres the reserve for roads, leaving less than 1,200,000 acres open to grant; and of this remnant, 500,000 acres are required to satisfy claims for grants founded on pledges by the Government. In the opinion of Mr. Radenhurst, the really acting Surveyor General, the remaining 700,000 consist for the most part of land inferior in position or quality. It may almost be said, therefore, that the whole of the public lands in Upper Canada have been alienated by the Government. In Lower Canada, out of 6,169,963 acres in the surveyed townships, nearly 4,000,000 acres have been granted or sold; and there are unsatisfied but indisputable claims for grants to the amount of about 500,000. In Nova Scotia, nearly 6,000,000 of acres have been granted, and in the opinion of the Surveyor General only about one-eighth of the land which remains to the Crown, or 300,000 acres, is available for the purposes of settlement. The whole of Prince Edward's Island, about 1,400,000 acres, was alienated in one day. In New Brunswick, 4,400,000 acres have been granted or sold, leaving to the Crown about 11,000,000, of which 5,500,000 acres are considered fit for immediate settlement.

App. (B.) *No.* 1.
App. (B.) *Nos.* 5, 6, 10.

App. (B.) *Min. of Ev. q.* 1223.
App. (B.) *Min. of Ev. q.* 1567.]

Clergy reserves.

Of the lands granted in Upper and Lower Canada, upwards of 3,000,000 acres consist of "Clergy Reserves," being for the most part lots of 200 acres each, scattered at regular intervals over the whole face of the townships, and remaining, with few exceptions, entirely wild to this day. The evils produced by the system of reserving land for the clergy have become notorious, even in this country; and a common opinion I believe prevails here, not only that the system has been abandoned, but that measures of remedy have been adopted. This opinion is incorrect in both points. In respect of every new township in both Provinces, reserves are still made for the clergy, just as before; and the Act of the Imperial Parliament, which permits the sale of clergy reserves, applies to only one-fourth of the quantity. The Select Committee of the House of Commons on the Civil Government of Canada reported, in 1828, that "these reserved lands, as they are at present distributed over the country, retard more than any other circumstance the improvement of the

Colony, lying as they do in detached portions of each township, and intervening between the occupations of actual settlers, who have no means of cutting roads through the woods and morasses, which thus separate them from their neighbours." This description is perfectly applicable to the present state of things. In no perceptible degree has the evil been remedied.

The Constitutional Act.

The system of clergy reserves was established by the act of 1791, commonly called the Constitutional Act, which directed that, in respect of all grants made by the Crown, a quantity equal to one-seventh of the land so granted should be reserved for the clergy. A quantity equal to one-seventh of all grants would be one-eighth of each township, or of all the public land. Instead of this proportion, the practice has been, ever since the Act passed, and in the clearest violation of its provisions, to set apart for the clergy in Upper Canada a seventh of all the land, which is a quantity equal to a sixth of the land granted. There have been appropriated for this purpose 300,000 acres, which, legally, it is manifest, belong to the public. And of the amount for which clergy reserves have been sold in that Province, namely £.317,000 (of which about £.100,000 have been already received and invested in the English funds), the sum of about £.45,000 should belong to the public.

Violation of law for benefit of the Clergy in Upper Canada.

The same violation in Lower Canada.

In Lower Canada, the same violation of the law has taken place, with this difference—that upon every sale of Crown and clergy reserves, a fresh reserve for the clergy has been made, equal to a fifth of such reserves. The result has been the appropriation for the clergy of 673,567 acres, instead of 446,000, being an excess of 227,559 acres, or half as much again as they ought to have received. The Lower Canada fund already produced by sales amounts to £.50,000, of which, therefore, a third, or about £.16,000, belong to the public. If, without any reform of this abuse, the whole of the unsold clergy reserves in both Provinces should fetch the average price at which such lands have hitherto sold, the public would be wronged to the amount of about £.280,000; and the reform of this abuse will produce a certain and almost immediate gain to the public of £.60,000. In referring, for further explanation of this subject, to a paper in the Appendix which has been drawn up by Mr. Hanson, a member of the Commission of Inquiry which I appointed for all the Colonies, I am desirous of stating my own conviction that the clergy have had no part in this great misappropriation of the public property, but that it has arisen entirely from heedless misconception, or some other error, of the civil government of both Provinces.

App. (B.) *No.* 7, *q.* 131.

App. (B.) *No.* 6.

Objection to clergy reserves.

The great objection to reserves for the clergy is, that those for whom the land is set apart never have attempted, and never could successfully attempt, to cultivate or settle the property, and that, by that special appropriation, so much land is withheld from settlers, and kept in a state of waste, to the serious injury of all settlers in its neighbourhood. But it would be a great mistake to suppose that this is the only practice by which such injury has been, and still is, inflicted on actual settlers. In the two Canadas, especially, the practice of rewarding, or attempting to reward, public services by grants of public land, has produced, and is still producing, a degree of injury to actual settlers which it is difficult to conceive without having witnessed it. The very principle of such grants is bad, inasmuch as, under any circumstances, they must lead to an amount of appropriation beyond the wants of the community, and greatly beyond the proprietor's means of cultivation and settlement. In both the Canadas, not only has this principle been pursued with reckless profusion, but the local executive governments have managed, by violating or evading the instructions which they received from the Secretary of State, to add incalculably to the mischiefs that would have arisen at all events.

Grants of land in Upper Canada; *App.* (B.) *No.* 16. *No.* 22. *Nos.* 23, 25. *No.* 26. *Nos.* 24, 27.

In Upper Canada, 3,200,000 acres have been granted to "U. E. Loyalists," being refugees from the United States who settled in the Province before 1787, and their children; 730,000 acres to militiamen, 450,000 acres to discharged soldiers and sailors, 255,000 acres to magistrates and barristers, 136,000 acres to executive councillors and their families, 50,000 acres to five legislative councillors and their families, 36,900 acres to clergymen as private property, 264,000 acres to persons contracting to make surveys, 92,526 acres to officers of the army and navy, 500,000 acres for the endowment of schools, 48,520 acres to Colonel Talbot, 12,000 acres to the heirs of General Brock, and 12,000 acres to Doctor Mountain,

App. (B.) *Min. Ev.* *q.* 804. *q.* 699.

Mountain, a former Bishop of Quebec; making altogether, with the clergy reserves, nearly half of all the surveyed land in the Province. In Lower Canada, exclusively of grants to refugee loyalists, as to the amount of which the Crown Lands' Department could furnish me with no information, 450,000 acres have been granted to militiamen, to executive councillors 72,000 acres, to Governor Milne about 48,000 acres, to Mr. Cushing and another upwards of 100,000 acres (as a reward for giving information in a case of high treason), to officers and soldiers 200,000 acres, and to "leaders of townships" 1,457,209 acres, making altogether, with the clergy reserves, rather more than half of the surveyed lands originally at the disposal of the Crown.

in Lower Canada. *App.* (B.) *Min. of Ev. q.* 67. *q.* 18.

App. (B.) *No.* 2.

In Upper Canada, a very small proportion (perhaps less than a tenth) of the land thus granted has been even occupied by settlers, much less reclaimed and cultivated. In Lower Canada, with the exception of a few townships bordering on the American frontier, which have been comparatively well settled, in despite of the proprietors, by American squatters, it may be said that nineteen-twentieths of these grants are still unsettled, and in a perfectly wild state.

Small portion of land occupied by settlers. *App.* (B.) *Min. of Ev. q.* 1083.

No other result could have been expected in the case of those classes of grantees whose station would preclude them from settling in the wilderness, and whose means would enable them to avoid exertion for giving immediate value to their grants; and, unfortunately, the land which was intended for persons of a poorer order, who might be expected to improve it by their labour, has, for the most part, fallen into the hands of land-jobbers of the class just mentioned, who have never thought of settling in person, and who retain the land in its present wild state, speculating upon its acquiring a value at some distant day, when the demand for land shall have increased through the increase of population.

Land-jobbers.

In Upper Canada, says Mr. Bolton, himself a great speculator and holder of wild land, "the plan of granting large tracts to gentlemen who have neither the muscular strength to go into the wilderness, nor, perhaps, the pecuniary means to improve their grants, has been the means of a large part of the country remaining in a state of wilderness. The system of granting land to the children of U. E. loyalists has not been productive of the benefits expected from it. A very small proportion of the land granted to them has been occupied or improved. A great proportion of such grants were to unmarried females, who very readily disposed of them for a small consideration, frequently from 2 *l.* to 5 *l.* for a grant of 200 acres. The grants made to young men were also frequently sold for a very small consideration; they generally had parents with whom they lived, and were therefore not disposed to move to their grants of lands, but preferred remaining with their families. I do not think one-tenth of the lands granted to U. E. loyalists has been occupied by the persons to whom they were granted, and in a great proportion of cases not occupied at all." Mr. Radenhurst says, "the general price of these grants was from a gallon of rum up to perhaps 6 *l.*, so that while millions of acres were granted in this way, the settlement of the Province was not advanced, nor the advantage of the grantee secured in the manner that we may suppose to have been contemplated by Government." He also mentions amongst extensive purchasers of these grants, Mr. Hamilton, a member of the Legislative Council, who bought about 100,000 acres; Chief Justices Emslie and Powell, and Solicitor General Grey, who purchased from 20,000 to 50,000 acres; and states that several members of the Executive and Legislative Councils, as well as of the House of Assembly, were "very large purchasers."

Abuses of grants. *App.* (B.) *Min. of Ev. q.* 1076.

App. (B.) *Min. of Ev. q.* 785, 786.

App. (B.) *Min. of Ev. q.* 781, 783.

In Lower Canada, the grants to "Leaders and Associates" were made by an evasion of instructions which deserves a particular description.

Evasion of regulations by "leaders and associates."

By instructions to the Local Executive immediately after the passing of the Constitutional Act, it was directed that, "because great inconveniences had theretofore arisen in many of the Colonies in America from the granting excessive quantities of land to particular persons who have never cultivated or settled the same, and have thereby prevented others, more industrious, from improving such lands: in order, therefore, to prevent the like inconveniences in future, no farm-lot should be granted to any person being master or mistress of a family in any township to be laid out, which should contain more than 200 acres." The instructions then invest the Governor with a discretionary power to grant additional quantities in certain cases, not exceeding 1,000 acres. According to these instructions 200 acres

App. (B.) *Min. Ev. q.* 278.

should have been the general amount, 1,200 the maximum, in special cases, to be granted to any individual. The greater part, however, of the land (1,457,209 acres) was granted, in fact, to individuals at the rate of from 10,000 to 50,000 to each person. The evasion of the regulations was managed as follows:—A petition, signed by from 10 to 40 or 50 persons, was presented to the Executive Council, praying for a grant of 1,200 acres to each person, and promising to settle the land so applied for. Such petitions were, I am informed, always granted, the Council being perfectly aware that, under a previous agreement between the applicants (of which the form was prepared by the then Attorney General, and sold publicly by the law stationers of Quebec), five-sixths of the land was to be conveyed to one of them, termed the leader, by whose means the grant was obtained. In most cases the leader obtained the whole of the land which had been nominally applied for by 50 persons. A Report of a Committee of the House of Assembly, known to have been drawn up by the present Solicitor General, speaks of this practice in the following terms: "Your Committee, unwilling to believe that the above-mentioned evasions of His Majesty's gracious instructions had been practised with the knowledge, privity or consent of His Majesty's servants, bound by their oaths, their honour and their duty to obey them, instituted a long and patient investigation into the origin of these abuses. They have been painfully but irresistibly led to the conclusion, that they were fully within the knowledge of individuals in this Colony, who possessed and abused His Majesty's confidence. The instruments by which this evasion was to be carried into effect were devised by His Majesty's Attorney General for the time being, printed and publicly sold in the capital of this Province; and the principal intermediate agent was His Majesty's late Assistant Surveyor General."

App. (B.) *No.* 2.

App. (B.) *Min. of Ev. q.* 20 *et seq.*

Rewards to militiamen.

In order to reward militiamen in Lower Canada, who had served on the frontier during war, the Duke of Richmond, acting, as it would appear, under instructions from the Home Government, but of which no copy is extant in the public offices at Quebec, promised grants of land to many thousand persons inhabiting all parts of the Province. The intentions of the Home Government appear to have been most praiseworthy. How effectually they have been defeated by the misconduct of the Local Executive will appear from a Report on the subject in the Appendix (A.), and the following copy of the instructions given to Commissioners whom I appointed in order to expedite the settlement of militia claims. I would also refer to the evidence of Mr. Kerr, Mr. Morin, Mr. Davidson and Mr. Langevin.

Instructions to Commissioners.

App. (B.) *Min. of Ev.*

To the Commissioners of unsettled Militia Claims.

Gentlemen, Castle of St. Lewis, Quebec, 12 Sept. 1838.

I am directed by his Excellency the Governor General, in furnishing you with some instructions for your guidance in disposing of unsettled militia claims, to state the view which he takes of this subject, and has represented to Her Majesty's Government.

His Excellency is of opinion that, if any reliance is to be placed on the concurrent testimony of all from whom he has derived information on the subject, the report of the Commissioner of Crown Lands and Emigration, on which his recent proclamation is founded, contains but a faint description of the injury inflicted on this Province, and of the cruel injustice done to the militiamen, by the manner in which the intentions of the Home Government with respect to these claimants have been defeated by the local executive.

It appears to his Excellency that the intentions of the Prince Regent in awarding land to those officers and men of the militia who had loyally and gallantly served during the last American war, were, in part, to promote the settlement of wild lands, and the consequent prosperity of the Province, but chiefly, there can be no doubt, to bestow upon that body of loyal and gallant men some extraordinary recompense for the privations and dangers which they had cheerfully incurred in defence of the country. His Excellency is satisfied that neither result was obtained in any but so slight a degree as to be scarcely worth notice. But the Governor General perceives, on the other hand, that results occurred, as to the great majority of cases, precisely opposite to those which the Home Government had in view. The official delays and obstacles interposed between the militia claimants and the grants to which they were entitled—the impossibility, in many cases, of ever obtaining a grant, even after the most vexatious impediments and delays—the mode of allotting the land in such a manner, that the grant, when obtained, was often worth nothing at all, and seldom worth the trouble and expense of obtaining it—the necessity of employing and paying agents acquainted with the labyrinths of the Crown lands and Surveyor General's departments—the expense, uncertainty and harassing trouble attendant upon the pursuit of such a claim; all these circumstances, for which his Excellency is compelled to believe that the public offices were alone to blame, had the effect, he is convinced, in the majority of cases, of converting what the Prince Regent had intended as a boon into a positive injury to

to the militiamen. He is assured, as might have been expected, that the militiamen disposed of their claims, often for a mere trifle, to land speculators, who never intended to settle upon the grants, and who have for the most part kept the land in a state of wilderness; thereby defeating the only other intention with which the Home Government could have determined on making these grants. From a careful inspection of the evidence taken on this subject from official gentlemen, as well as others, his Excellency is led to concur entirely in that part of the Commissioners' report, which states, that "there has been the maximum of injury to the Province, with the minimum of benefit to the militiamen."

This crying grievance his Excellency finds has been over and over again, and in various forms, represented to the Government, but without any attempt, as far as he can discover, to provide an adequate remedy for it. He is encouraged to hope that the measure on which he has determined, may, as respects the claims yet unsettled, be the means of carrying into effect, however tardily, the objects of the Prince Regent, by conferring a considerable boon on these meritorious but long disappointed claimants, and conducing to the settlement of the lands which may thus be alienated by the Crown.

The Governor General further directs me to make you acquainted with his confident expectation that you will proceed, with the utmost despatch not incompatible with accuracy, to determine all unsettled claims; that, in awarding orders to persons whose claims could not have been admitted under the original proclamation, but will now be held valid, you will take care not to admit any claims except those of the six battalions and of others who actually served for the same period, and precisely in the same manner as the six battalions. His Excellency cannot doubt, moreover, that you will spare no pains in endeavouring to secure to the class of militiamen the advantage which was intended for them alone, and which they ought long since to have received. As one means of this most desirable end, his Excellency is of opinion that you should explain to all claimants that the orders for a nominal amount of money which you may award, will have the full value of money at future sales of Crown lands, and ought therefore to be exchangeable for money, if not for the whole sum named in them, still for one of nearly the same amount.

I am, &c.
Chas Buller, Chief Secretary.

Instructions of 1827, for discontinuance of grants.

The purposes of the Home Government, judging by the general instructions which they gave to the local executive, would seem to have been dictated by a sincere, and also an enlightened, desire to promote the settlement and improvement of the country. As respects Upper Canada, instructions, dated July 1827, established as a general rule for the disposal of public lands in future, that free grants should be discontinued, and that a price should be required for land alienated by the Crown. The quantity of land disposed of by sale since those instructions were given amounts to 100,317 acres; the quantity disposed of during the same period by free grant, all in respect of antecedent claims, is about 2,000,000 acres, being above 19 times as much as has been disposed of according to the new rule.

App. (B.) *No.* 35.

App. (B.) *No.* 15.
App. (B.) *q.* 777.

Intention to establish a new system.

The instructions were obviously prepared with care for the purpose of establishing a new system, and placing the whole of the disposal of Crown lands in the hands of a Commissioner, then for the first time appointed. The Commissioner never assumed the control of any other portion of these lands than such as were included in returns made to him by the Surveyor General, amounting to no more than about 300,000 acres. All the rest of the land open for disposal remained, as previously, under the control of the Surveyor General as an agent of the Government for locating free grants. The salary of the Commissioner was £.500 a year, besides fees; the whole service during ten years was the superintendence of the sale of 100,000 acres of wild land. The same person was also Surveyor General of Woods and Forests, with a salary of £.500 a year, and agent for the sale of Clergy Reserves, with £.500 a year.

App. (B.) *q.* 959.

Lord Goderich's regulations of 1831.

In Lower Canada, under instructions from the Treasury, dated in November 1826, which were confirmed and further enforced by Lord Goderich in 1831, who manifestly intended to supersede the old system of free grants by an uniform system of sale, 450,469 acres have been sold, and 641,039 acres have, in respect of antecedent claims, been disposed of by free grant; and the object of the new rule of selling was defeated by the large amount of free grants. Even at this moment, in the two Provinces, where I was assured before I left England that the system of selling had been uniformly established by Lord Goderich's regulations of 1831, there are unsettled, but probably indisputable claims for free grants, to the amount of from 1,000,000 to 1,300,000 acres. The main alteration which Lord Goderich's regulations would have made in the system intended to have been established by the Treasury Instructions of 1826, was to render the price more restrictive of appropriation, by requiring payment in less time, and the payment

App. (B.) *q.* 109, 110.

Disregard of direction as to payment.

of interest in the meanwhile. This direction appears to have been totally disregarded in both Provinces. As respects Lower Canada, the head of the Crown Lands Department gives the following evidence on the subject:

App. (B.) *Min. of Ev. q.* 116.

"*Q.* How did it happen that this instruction was not acted upon?—*A.* In consequence of a representation from Mr. Felton, the Commissioner of Crown Lands to Lord Aylmer, the Governor of the Province, stating that the terms imposed were too severe, and amounted, in fact, to exacting the whole purchase-money down. Lord Aylmer, upon this, authorized Mr. Felton to continue the former practice, and, it is understood, reported the circumstance to the Home Government. This was in 1832, and the system of longer credit without interest continued to be acted upon until the receipt of Lord Glenelg's Despatch of 1837, which required payment in ready money at the time of sale."

Importance of accurate surveys.

I have already pointed out the importance of accurate surveys of the public land. Without these there can be no security of property in land, no certainty even as to the position or boundaries of estates marked out in maps or named in title deeds. In Nova Scotia, says the present Surveyor General, "there are very many instances of litigation in consequence of inaccurately defined boundaries." Mr. M'Kenzie, a draftsman of the Surveyor General's office at Halifax, who is also employed to conduct surveys in the field, says, he "has found it impossible to make correct surveys in consequence of inaccuracy as to former lots of land, from which of necessity he measures, and also from surveys being inaccurately made by persons not qualified. In many cases, also, the boundaries of land granted have never been surveyed or laid out at all. The present state of surveys is inadequate and injurious to the settlement of the land." In New Brunswick, says the present Surveyor General, "no survey of the Province has ever been made, and the surveys of the old grants are extremely erroneous, and expose errors and collisions which could not have been supposed to exist. It frequently has occurred that different grants are made for the same lot of land. I think this system pernicious, and it will some day be very injurious. The usual practice cannot be relied on as giving a settler a grant of land that cannot be disturbed, without great care and a greater expense than a poor settler can afford." In Upper Canada, Mr. Radenhurst asserts that "the surveys throughout the Province generally are very inaccurate. This inaccuracy was produced in the first instance by the deficiency of competent persons, and the carelessness with which the surveys were conducted. Latterly the practice introduced by Sir Peregrine Maitland, in spite of the results being pointed out by the then Surveyor General, of letting out the surveys to any person who was willing to contract for them for a certain quantity of land, produced extreme carelessness and inaccuracy. The surveyors just hurried through the township, and of course made surveys, which, on the ground, are found to be very inaccurate. There are instances in which scarcely a single lot is of the dimensions or in the position actually assigned to it in the diagram. The consequences of this have been confusion and uncertainty in the possessions of almost every man, and no small amount of litigation." As to Lower Canada, the evidence is still more complete and unsatisfactory. The Commissioner of Crown Lands says, in answer to questions, "I can instance two townships, Shefford and Orford (and how many more may prove inaccurate as questions of boundary arise, it is impossible to say), which are very inaccurate in their subdivision. On actual recent survey it has been found, that no one lot agrees with the diagram on record. The lines dividing the lots, instead of running perpendicularly according to the diagram, actually run diagonally, the effect of which is necessarily to displace the whole of the lots, upwards of 300 in number, from their true position. The lines dividing the ranges are so irregular as to give to some lots two and a-half times the contents of others, though they are all laid down in the diagram as of equal extent; there are lakes also which occupy nearly the whole of some lots that are entirely omitted: I have heard complaints of a similar nature respecting the township of Grenville. I have no reason for believing that the surveys of other townships are more accurate than those of Shefford and Orford, other than that in some parts of the country the same causes of error may not have existed, whether physical causes, such as that of magnetic attraction, where there really was a survey, or, in cases where there was no actual survey, the negligence of the surveyor. The inaccuracy of which I have spoken is confined to that part of the Province which is divided into townships. There are 109 townships of about 100 square miles each, including all the land which has been disposed

App. (B.) *Min. of Ev. q.* 1197.

App. (B.) *Min. of Ev. q.* 1487.

App. (B.) *Min. of Ev. q.* 1688, *et seq.*

App. (B.) *Min. of Ev. q.* 856, *et seq.*

App. (B.) *Min. of Ev. q.* 241 *et seq.*

posed of by the British Government, except the seignories which were erected by that Government shortly after the conquest. Similar difficulties to those which might arise in settling a question of title between the Crown and an alleged squatter, arising from the inaccuracy of the township surveys, would extend to all grants and sales by the Crown, and also to all questions of title between persons claiming to have a grant, or to have purchased from the Crown, and alleged squatters on the land asserted to be theirs, and more or less to all cases in which different persons should claim to have received or purchased the same piece of land from the Crown. It is a general observation that this state of the Crown surveys must prove a source of interminable litigation hereafter; it is impossible to say how many cases may arise of double grants of the same land under different designations, arising from the defective state of the surveys. None of such cases have come before me in an official shape, but I apprehend that questions of that nature are waiting in great numbers until lands shall have become more valuable, when the Crown will be called in upon every occasion to defend its own grant, and, considering the state of the surveys, will be without the means of such defence, unless measures to prevent the evil should be adopted before its occurrence. In common with every person who has ever reflected on the subject, I consider this a subject of very high importance, and demanding the immediate attention of Government." Mr. Daly, the secretary of the Province, says:—"An accurate survey of the whole of the ungranted lands in the Province I believe to be extremely desirable and necessary to quiet doubts that have arisen in the minds of many new settlers as to the correctness of their boundaries." Mr. Patrick Daly, commissioned surveyor of the Province, gives the following evidence:— *App.* (B.) *Min. of Ev. q.* 452.

You are just come to Quebec to make a representation as to the state of the township of Durham?—I am. *App.* (B.) *Min. of Ev. q.* 488 *et seq.*

What is the point which you wish to ascertain?—Whether I can have authority to establish a new line between the 6th and 7th ranges of the township of Durham.

What would be the consequence of such a change?—In consequence of a part of the old range-line being found incorrect to the extent of 60 perches, whereby the 7th would lose about one-fifth of its dimensions, and the same amount would be improperly added to the 6th; the change I wish to make would set this right.

How did you discover that the line was incorrect?—In consequence of having been employed by Capt. Ployart, of Durham, to run the side lines of lot No. 15, in the 6th range, in order to determine the extent of his property, he being the proprietor of that lot, I discovered that the line was incorrect, as I have described already; and I cannot proceed to rectify the error without authority from the Governor, or some person appointed by the Governor, as we have not any laws in the Province to enable me to make a new range-line, as the old range-line is not to be found, with the exception of a small part, which is in the wrong place, as I have described.

Would a new line have the effect of taking away land, in actual possession, from any person, and giving it to another?—Yes, it would.

Do you suppose that the other range-lines in this township are correct or incorrect?—Some are correct, but they are generally incorrect; my attention, however, has not been particularly called to them.

Are not the proprietors of the other lots which are incorrect anxious to have the limits of their property settled?—Yes, very anxious; more particularly the inhabitants of the 3d range, about one quarter of whose property is taken by the inhabitants of the 2d range, through the means of an erroneous old range-line, as has been proved by various subsequent surveys duly sworn to. I am requested by all the inhabitants of the 3d range to take steps to obtain a new range-line.

Have they ever applied before for this rectification of the survey?—Yes; they applied to the Surveyor General's department, by a statement made by me, and now in the Surveyor General's office; but the answer was, that there was no law in the province to authorize the changing of a range-line, however incorrect, without the consent of all the parties concerned.

Then all parties did not concur in this case?—No, they did not.

Why not?—Because many of those who improperly gained by the error wished to retain what rightly belonged to their neighbour.

As the former application was fruitless, upon what ground do you now proceed?—Upon the confidence that as Lord Durham has greater powers than other Governors, he may be pleased to consider this great loss of property to the people, and give orders to correct the evil.

Are you acquainted with other townships?—Yes.

Have you found the surveys of them generally correct or incorrect?—I have found the surveys of the township of Windsor as incorrect, or even more so, than that of the township of Durham, which can be proved by the most reliable testimony. Generally, with the exception of the township of Wickham, I have found them quite incorrect. I speak only from my personal experience, and not from what I have heard.

App. (B.) *Min. of Ev. q.* 523.

Mr. Sewell, recently Chief Justice of the Province, says:—"I have known of many defects in the surveys, which have appeared in many cases before me, and am apprehensive that they are very numerous. I can only state, from my own opinion, two remedies by which these defects may be in some degree remedied: the one is by running anew the outlines of the several townships; the other an Act to give quiet possession, such as has been heretofore passed in other provinces. I am afraid that running the outlines of the townships would not be of any great benefit beyond exposing the errors." Mr. Kerr says:—"It is generally understood the surveys in many of the various townships are very inaccurate; and many of the surveys have been found to be so. I had in my hand the other day a patent for four lots in the township of Inverness, three of which did not exist, granted to a Captain Skinner. Three of the lots were decided not to be in existence; and I received compensation for them in another township. A great error was discovered in the original survey of the township of Leeds. The inaccuracy of the surveys is quite a matter of certainty. I could cite a number of townships, Milton, Upton, Orford, Shefford, &c., where the inaccuracy has been ascertained. Inconvenience from the inaccuracy of the surveys has been felt; but it is only now beginning to be so seriously. As the settlement of the country advances, and land acquires a greater value, great inconvenience must arise in the shape of endless questions of title: and of this many people are so well aware, that they refuse to sell with a guarantee of title."

App. (B.) *Min. of Ev. q.* 322 *et seq.*

Inefficiency of Surveying Department.

I may add, generally, that I found the surveying department in Lower Canada so thoroughly inefficient in its constitution, as to be incapable of any valuable improvement; and that I therefore abstained from interfering with it, trusting that the whole future management of the public lands would be placed on a new footing, calculated to remedy this, as well as all the other evils of the present system.

Delays in completing Titles.

Another of those evils requires some notice here. In the United States, the title to land purchased of the Government is obtained immediately and securely on payment of the purchase-money. In all the British Colonies, there is more or less of useless formality and consequent delay in procuring a complete title to land which has been paid for. Dr. Baldwin, speaking of Upper Canada, says:—"I do not know that there was any more constant subject of complaint, on the part of individuals, against the Government, than the delays of office, especially in connexion with land-granting. It frequently happened to myself, and I believe to others also, that, during the time when free grants of land, of small amount, were made to actual settlers, persons who had spent their money in waiting for the completion of the grant, have applied to me for employment while the patent was being perfected, and I have furnished it for a short time. The most striking instance that occurred in my knowledge, in which an individual was injured by the delay to which he was exposed in this respect, was that of a man of the name of Burnes, who, in Sir Peregrine Maitland's time, having fallen in debt to some persons whom he had employed, was pressed by them for the money. At this time, a patent was in progress through the offices for him. He applied to his creditors to give him time till his patent was completed, which would enable him to raise money to pay them. The creditors were willing, and waited for some time, but at last became impatient, and they arrested him, and he was compelled to go to prison. The patent had passed through the offices, but he was compelled to remain in prison a fortnight, while the patent was sent over to the Governor for his signature, at his residence, near the Falls of Niagara." A recent Act of the Legislature of Upper Canada has greatly mitigated this evil, which however remains in full force in Lower Canada. Mr. Kerr says, "As soon as the purchaser has paid the last instalment, he is referred to the Crown Lands' Officer, to whom the payment is made, for patent to the Surveyor General for the necessary specification. Then the specification, with reference, is sent to the Commissioner of Crown Lands. These documents are next sent to the Secretary of the Governor or Civil Secretary, who directs the Provincial Secretary to engross the patent. The fees are then levied, and, upon the payment of fees, the Provincial Secretary engrosses. On engrossment being made, the Governor signs the patent, and the great seal of the Province is attached to it. This signature is procured by the Provincial Secretary. The patent is then sent to the Commissioner of Crown Lands to be audited. At present one of the Commissioners audits: this used to be

App. (B.) *Min. of Ev. q.* 1057.

App. (B.) *Min. of Ev. q.* 327.

be done by the Auditor, but the office of Auditor has been abolished. When the audit is made, the title is said to be perfected. The effect of having to refer to so many persons has been the total loss of many references, and the papers connected with them, in one or other of the offices. There have been cases in which I was referred three times for the same patent, all the papers having been lost twice successively. In some cases, the papers are found again, but at too late a period to be available. The shortest time within which I have known a title to be perfected is about six weeks, and the longest about eight years. More than ordinary diligence was used in the case of six weeks. I obtained an order from the Governor for a special reference for my patent to take priority of all others then in the office. The average period required for completing a title, after the purchase has been completed, by the payment of the whole of the purchase-money, is full 15 months. I am satisfied that the present system is a serious impediment to the settlement of the country; and that no extensive measure for that purpose can work well, unless the mode of obtaining title after purchase be rendered much more simple. Immediate despatch with title is what is required to encourage purchasers, and prevent uncertainty and discontent. I have been directed by purchasers to apply for the return of their purchase-money from the Crown, because of the delay which has occurred. The present system is so profitable to agents, that, speaking as an agent, I should be sorry to see it abolished. One of the inconveniences to the public is the necessity of employing agents acquainted with the labyrinths through which each reference has to pass."

q. 330 *et seq.*

q. 341.

The results of this general mismanagement are thus illustrated by the chief agent for emigrants in Upper Canada.

Illustration of results of mismanagement.

"The principal evils to which settlers in a new township are subject result from the scantiness of population. A township contains 80,000 acres of land; one-seventh is reserved for the clergy and one-seventh for the Crown; consequently five-sevenths remain for the disposal of Government, a large proportion of which is taken up by grants to U. E. loyalists, militiamen, officers and others: the far greater part of these grants remain in an unimproved state. These blocks of wild land place the actual settler in an almost hopeless condition; he can hardly expect, during his lifetime, to see his neighbourhood contain a population sufficiently dense to support mills, schools, post-offices, places of worship, markets or shops; and without these, civilization retrogrades. Roads under such circumstances can neither be opened by the settlers, nor kept in proper repair, even if made by the Government. The inconvenience arising from want of roads is very great, and is best illustrated by an instance which came under my own observation in 1834. I met a settler from the township of Warwick on the Caradoc Plains, returning from the grist mill at Westminster, with the flour and bran of thirteen bushels of wheat; he had a yoke of oxen and a horse attached to his waggon, and had been absent nine days, and did not expect to reach home until the following evening. Light as his load was, he assured me that he had to unload wholly or in part several times, and, after driving his waggon through the swamps, to pick out a road through the woods where the swamps or gullies were fordable, and to carry the bags on his back and replace them in the waggon. Supposing the services of the man and his team to be worth two dollars per day, the expense of transport would be twenty dollars. As the freight of wheat from Toronto to Liverpool [England] is rather less than 2 *s.* 6 *d.* per bushel, it follows that a person living in this city could get the same wheat ground on the banks of the Mersey, and the flour and bran returned to him at a much less expense than he could transport it from the rear of Warwick to Westminster and back—a distance less than 90 miles. Since 1834 a grist-mill has been built in Adelaide, the adjoining township, which is a great advantage to the Warwick settlers; but the people in many parts of the Province still suffer great inconvenience from the same cause."

App. (B.) *Min. of Ev. q.* 1014.

Mr. Rankin, Deputy Land Surveyor, says, "The system of making large grants to individuals who had no intention of settling them, has tended to retard the prosperity of the colony, by separating the actual settlers, and rendering it so much more difficult, and in some cases impossible, to make the necessary roads. It has also made the markets more distant and more precarious. To such an extent have these difficulties been experienced, as to occasion the abandonment of settlements which had been formed. I may mention, as an instance of this, the township Rama, where, after a trial of three years, the settlers were compelled to abandon

Large waste grants have caused the abandonment of settlements.

App. (B.) *Min. of Ev. q.* 108.

their improvements. In the township of St. Vincent, almost all the most valuable settlers have left their farms from the same cause. There have been numerous instances in which, though the settlement has not been altogether abandoned, the most valuable settlers, after unavailing struggles of several years with the difficulties which I have described, have left their farms." This witness, who was for ten years employed by Government as Deputy Surveyor in the western district, which I have before described as the finest grain country in North America, states that "nine-tenths of the land granted by the Crown in that district are still in a state of wilderness."

App. (B.) *Min. of Ev. q.* 1084.

For illustration of the same kind as respects Lower Canada, I would refer to the testimony of the Commissioner of Crown Lands, Mr. Kerr, the Deputy Postmaster General, Mr. Russell, Major Head, Mr. Keough, the late Chief Justice, and Mr. Lemesurier.

App. (B.) *Min. of Ev.*

Settlers have sold their farms for a third or a fourth of the money expended in improving them.

Mr. Kerr says, "The main obstacle to the speedy settlement and cultivation of all the more fertile parts of the Province is private land remaining wild; inasmuch as the land of the Crown is open to purchase, which is not generally the case with that of private individuals, excepting at too exorbitant a price. So injurious is the existence of this quantity of wild land, in the midst or in the neighbourhood of a settlement, that numerous cases have occurred in which a settler, after several years' residence upon his property, and having expended in labour from £.20 to £.50 in clearing part of it and building his house, has been driven to abandon the farm, and to sell it for one-third or even one-fourth of the sum that he had expended upon it. I have myself bought farms which have been abandoned in this way for the merest trifle. One, I recollect now, consisted of 100 acres, in the township of Kingsey, a beautiful part of the district of Three Rivers, with rather more than 20 acres cleared, and a good house and outhouses erected upon it, for which I paid under £.30. I could give very many instances of a similar kind, where I have either purchased myself, or have had a personal knowledge of the circumstances."

App. (B.) *Min. of Ev. q.* 343.

Profusion of Grants in Prince Edward's Island.

One of the most remarkable instances of evils resulting from profuse grants of land is to be found in Prince Edward's Island. Nearly the whole of the island (about 1,400,000 acres) was alienated in one day, in very large grants, chiefly to absentees, and upon conditions which have been wholly disregarded. The extreme improvidence which dictated these grants is obvious: the neglect of the Government as to enforcing the conditions of the grants, in spite of the constant efforts of the people and the legislature to force upon its attention the evils under which they laboured, is not less so. The great bulk of the island is still possessed by absentees, who hold it as a sort of reversionary interest, which requires no present attention, but may become valuable some day or other through the growing wants of the inhabitants. But in the mean time, the inhabitants are subjected to the greatest inconvenience, nay, to the most serious injury, from the state of property in land. The absent proprietors neither improve the land, nor will let others improve it. They retain the land, and keep it in a state of wilderness. I have in another place adverted to the remedy proposed, and the causes, which have long retarded its adoption. The feelings of the colonists on the subject are fully expressed in the evidence of Mr Lelacheur, Mr. Solicitor General Hodgson, and the Governor, Sir Charles Fitzroy. I may add, that their testimony was confirmed by that of the delegates from the Island who visited me at Quebec.

App. (B.) *Min. of Ev.*

Influence of disposal of lands on public prosperity.

In the above enumeration of facts, I do not profess to have exhausted the long catalogue of evils and abuses which were brought to my notice. But I have stated enough, I trust, to establish the position with which I set out,—that the disposal of public lands in a new country has more influence on the prosperity of the people than any other branch of Government; and further to make it evident, that the still existing evils which have been occasioned by mismanagement in this department, are so great and general as to require a comprehensive and effectual remedy, applied to all the Colonies, before any merely political reform can be expected to work well.

Emigration.

I now proceed to another subject, which, though ultimately connected with the colonization and improvement of the Provinces, must yet be considered separately; for it is one in which not the colonial population only, but the people of the United Kingdom have a deep and immediate interest. I allude to the manner in which

which the emigration of the poorer classes from Great Britain and Ireland to the North American Colonies has hitherto been conducted.

Number arriving at Quebec.

About nine years ago, measures were for the first time taken to ascertain the number of immigrants arriving at Quebec by sea. The number during these nine years has been 263,089; and there have been as many in one year (1832) as 51,746. In the year before, the number was 50,254; in 1833, 21,752; in 1834, 30,935; in 1835, 12,527; in 1836, 27,728; in 1837, 22,500; and in 1838, only 4,992. The great diminution in 1838 was occasioned solely, I believe, by the vague fears entertained in this country of dangers presented by the distracted state of the Colonies. I am truly surprised, however, that emigration of the poorer classes to the Canadas did not almost entirely cease some years ago; and that this would have been the case, if the facts which I am about to state had been generally known in the United Kingdom, there can, I think, be no rational doubt.

Diseases and deaths on board of Emigrant Ships.

Dr. Morrin, a gentleman of high professional and personal character, Inspecting Physician of the Port of Quebec, and Commissioner of the Marine and Emigrant Hospital, says:—"I am almost at a loss for words to describe the state in which the emigrants frequently arrived; with a few exceptions, the state of the ships was quite abominable; so much so, that the harbour-master's boatmen had no difficulty, at the distance of gun-shot, either when the wind was favourable or in a dead calm, in distinguishing by the odour alone a crowded emigrant ship. I have known as many as from 30 to 40 deaths to have taken place, in the course of a voyage, from typhus fever on board of a ship containing from 500 to 600 passengers; and within six weeks after the arrival of some vessels, and the landing of the passengers at Quebec, the hospital has received upwards of 100 patients at different times from among them. On one occasion I have known nearly 400 patients at one time in the Emigrant Hospital of Quebec, for whom there was no sufficient accommodation; and in order to provide them with some shelter, Dr. Painchaud, the then attending physician, with the aid of other physicians, incurred a personal debt to the Quebec Bank to a considerable amount, which, however, was afterwards paid by the Provincial Legislature." * * * * "The mortality was considerable among the emigrants at that time, and was attended with most disastrous consequences; children being left without protection, and wholly dependent on the casual charity of the inhabitants of the city. As to those who were not sick on arriving, I have to say that they were generally forcibly landed by the masters of vessels, without a shilling in their pockets to procure them a night's lodging, and very few of them with the means of subsistence for more than a very short period. They commonly established themselves along the wharfs and at the different landing-places, crowding into any place of shelter they could obtain, where they subsisted principally upon the charity of the inhabitants. For six weeks at a time from the commencement of the emigrant-ship season, I have known the shores of the river along Quebec, for about a mile and a half, crowded with these unfortunate people, the places of those who might have moved off being constantly supplied by fresh arrivals, and there being daily drafts of from 10 to 30 taken to the hospital with infectious disease. The consequence was its spread among the inhabitants of the city, especially in the districts in which these unfortunate creatures had established themselves. Those who were not absolutely without money, got into low taverns and boarding-houses and cellars, where they congregated in immense numbers, and where their state was not any better than it had been on board ship. This state of things existed within my knowledge from 1826 to 1832, and probably for some years previously."

App. (B.) *Min. of Evi. q.* 613 *et seq.*

Miserable state of Emigrants when landed.

Infectious diseases spread into the City.

Contagious diseases annually imported into Quebec by Emigrants.

Dr. Morrin's testimony is confirmed by that of Dr. Skey, Deputy Inspector General of Hospitals, and President of the Quebec Emigrants' Society. He says, "Upon the arrival of emigrants in the river, a great number of sick have landed. A regular importation of contagious disease into this country has annually taken place: that disease originated on board ship, and was occasioned, I should say, by bad management in consequence of the ships being ill-found, ill-provisioned, over-crowded, and ill-ventilated. I should say that the mortality during the voyage has been dreadful; to such an extent that, in 1834, the inhabitants of Quebec, taking alarm at the number of shipwrecks, at the mortality of the passengers, and the fatal diseases which accumulated at the Quarantine Establishment at Grosse Isle and the Emigrant Hospital of this city, involving the inhabitants of Quebec in the calamity, called upon the Emigrants' Society to take

App. (B.) *Min. of Evi. q.* 571 *et seq.*

the subject into consideration, and make representations to the Government thereon."

Operation of the Passengers Act.

The circumstances described took place under the operation of the Act 9th Geo. 4, commonly called the Passengers' Act, which was passed in 1825, repealed in 1827, and re-enacted in 1828. In 1835, an amended Passengers' Act was passed, the main features of which, so far as they differed from the former Act, are stated to have been suggested by the Quebec Emigrants' Society. Mr. Jessopp, Collector of Customs at the Port of Quebec, speaking of emigration under the last Act, says, "It very often happens that poorer emigrants have not a sufficiency of provisions for the voyage; that they should have a sufficiency of provisions might be enforced under the Act, which authorizes the inspection of provisions by the outport agent for emigrants. Many instances have come to my knowledge in which, from insufficiency of provisions, emigrants have been thrown upon the humanity of the captain, or the charity of their fellow-passengers. It will appear, also, from the fact that many vessels have more emigrant passengers than the number allowed by law, that sufficient attention is not paid at the outport to enforce the provisions of the Act, as to the proportions between the numbers and the tonnage. Such instances have not occurred this season [1838], emigration having almost ceased, in consequence, I presume, of the political state of the Province; but, last year, there were several instances in which prosecution took place. Vessels are chartered for emigration by persons whose sole object is to make money, and who make a trade of evading the provisions of the Act. This applies particularly to vessels coming from Ireland. We have found, in very many instances, that, in vessels chartered in this way, the number was greater than allowed by law; and the captains have declared, that the extra numbers smuggled themselves, or were smuggled, on board, and were only discovered after the vessel had been several days at sea. This might be prevented by a stricter examination of the vessel. The Imperial Act requires that the names, ages, sex and occupation of each passenger should be entered in a list, certified by the customs' officer at the outport, and delivered by the captain with the ship's papers to the officers of the customs here. Lists, purporting to be correct, are always delivered to the tide-surveyor, whose duty it is to muster the passengers, and compare them with the list; and this list, in many instances, is wholly incorrect as to names and ages." * * * * * The object of the falsification of the ages is to defraud the revenue by evading the tax upon emigrants." * * * * "The falsification of names produces no inconvenience; and I have only referred to it for the purpose of showing the careless manner in which the system is worked by the agents in the United Kingdom." But Dr. Poole, Inspecting Physician of the Quarantine Station at Grosse Isle, further explains the fraud, saying, "These falsifications are, first, for the purpose of evading the emigrant tax, which is levied in proportion to age, and the common fraud is to understate the age; and, secondly, for the purpose of carrying more passengers than the law allows, by counting grown persons as children, of which last, the law allows a larger proportion to tonnage than of grown persons. This fraud is very common, of frequent occurrence, and it arises manifestly from want of inspection at home."

Neglect of Emigrant Agents.

App. (B.) *Min. of Ev. q.* 588 *et seq.*

Frauds and evasions.

App. (B.) *Min. of Ev. q.* 639.

Measures by which evils have been mitigated.

From this and other evidence, it will appear that the Amended Passengers' Act alone, as it has been hitherto administered, would have afforded no efficient remedy of the dreadful evils described by Dr. Morrin and Dr. Skey. Those evils have, however, been greatly mitigated by two measures of the Provincial Government: first, the application of a tax upon passengers from the United Kingdom, to providing shelter, medical attendance, and the means of further transport to destitute emigrants; secondly, the establishment of the Quarantine Station at Grosse Isle, a desert island some miles below Quebec, where all vessels arriving with cases of contagious disease are detained; the diseased persons are removed to an hospital, and emigrants not affected with disease are landed, and subjected to some discipline for the purpose of cleanliness, the ship also being cleaned while they remain on shore. By these arrangements, the accumulation of wretched paupers at Quebec, and the spread of contagious disease, are prevented. An arrangement, made only in 1837, whereby the Quarantine physician at Grosse Isle decides whether or not an emigrant ship shall be detained there or proceed on its voyage, has, to use the words of Dr. Poole, "operated as a premium to care and attention on the part of the captain, and has had a salutary effect on the comfort of the emigrants."

App. (B.) *Min. of Ev. q.* 617.

App. (B.) *Min. of Ev. q.* 639.

I cordially

I cordially rejoice in these improvements, but would observe that the chief means by which the good has been accomplished indicates the greatness of the evil that remains. The necessity of a Quarantine Establishment for preventing the importation of contagious disease from Britain to her Colonies, as if the emigrants had departed from one of those Eastern countries which are the home of the plague, shows beyond a doubt either that our very system of emigration is most defective, or that it is most carelessly administered.

Quarantine Establishment.

It is, I know, contended in this country that, though great defects existed formerly, present arrangements are very different and no longer objectionable. For example, in the Report of the Agent General for Emigration from the United Kingdom, ordered by the House of Commons to be printed 14th May 1838, it is stated, with reference to that emigration to the Canadas before the year 1832, which has been described by Dr. Morrin and Dr. Skey, eye-witnesses of the miseries and calamities that took place, that "these great multitudes had gone out by their own means, and disposed of themselves through their own efforts, without any serious or lasting inconvenience." * * * * "A practice," it is added, "which appeared to thrive so well spontaneously."

State of present arrangements.

The same Report states, with reference to the present operation of the Passengers' Act, and the officers employed by the Colonial Department to superintend its execution, that "their duty is to give ease and security to the resort to the Colonies, and to promote the observance of the salutary provisions of the Passengers' Act. In all that relates to emigration they constitute, as it were, in every port the appointed poor man's friend. They take notice whether the ship offered for his conveyance is safe, and fit for its purpose; they see to the sufficiency of the provisions on board; they prohibit over-crowding; and they make every effort to avert or to frustrate those numerous and heartless frauds which are but too constantly attempted at the moment of departure upon the humbler classes of emigrants." "Every effort," adds the Reporter, speaking of emigrants to North America, "is made for the ease and safety of their transit."

Duties of Emigration Agents.

At Quebec, at least, where are landed the great majority of emigrants to the North American Colonies, an opinion prevails which is greatly at variance with the above representation. Nobody in the Colony denies that the Passengers' Act, and the appointment of agents to superintend its execution, is a considerable improvement upon the utterly lawless and unobserved practices of former times; nor, I should imagine, would any one in this country object to such an approach, however distant, to the systematic and responsible management of emigration, which has been repeatedly urged upon the Government of late years; but that there is still great room for further improvement, as respects emigration to the Colonies in North America, is, I think, established by Mr. Jessopp, and the following evidence of Dr. Poole.

Real state of Emigrants landed at Quebec.

Dr. Poole holds an important office, of which I am enabled to state that he has performed the duties with great skill and exemplary diligence. He did not volunteer the information which he has supplied. He was summoned to give evidence before the Commissioners of Inquiry on Crown Lands and Emigration; and it was in answer to questions put to him that he said, "I have been attached to the Station at Grosse Isle for the last six years. My description applies down to the present year. We had last year upwards of 22,000 emigrants. The poorer class of Irish, and the English paupers sent by parishes, were, on the arrival of vessels in many instances, entirely without provisions, so much so, that it was necessary immediately to supply them with food from shore; and some of these ships had already received food and water from other vessels with which they had fallen in. Other vessels, with the same class of emigrants, were not entirely destitute, but had suffered much privation from having been placed on short allowance. This destitution, or shortness of provisions, combined with dirt and bad ventilation, had invariably produced fevers of a contagious character, and occasioned some deaths on the passage; and from such vessels numbers, varying from 20 to 90 each vessel, had been admitted to hospital with contagious fevers immediately on their arrival. I attribute the whole evil to defective arrangements: for instance, parish emigrants from England receive rations of biscuit and beef, or pork, often of bad quality (of this I am aware from personal inspection); they are incapable from sea-sickness of using this solid food at the beginning

Vessels with Emigrants destitute of provisions on their arrival.
App. (B.) *Min. of Ev.*, *q.* 623. 628.

Disease produced by defective arrangements.

beginning of the passage, when, for want of small stores, such as tea, sugar, coffee, oatmeal and flour, they fall into a state of debility and low spirits, by which they are incapacitated from the exertions required for cleanliness and exercise, and also indisposed to solid food, more particularly the women and children; and, on their arrival here, I find many cases of typhus fever among them." * * * * "I also wish to mention, as loudly calling for remedy, a system of extortion carried on by masters of vessels, chiefly from Ireland, whence come the bulk of our emigrants. The captain tells emigrants the passage will be made in three weeks or a month, and they need not lay in provisions for any longer period, well knowing that the average passage is six weeks, and that it often extends to eight or nine weeks. When the emigrants' stores are exhausted, the captain, who has laid in a stock for the purpose, obliges them to pay often as much as 400 per cent. on the cost price for the means of subsistence, and thus robs the poor emigrant of his last shilling. Such cases are of frequent occurrence, even down to the present year." * * * *

Extortions of Masters of Vessels. *App.* (B.) *Min. of Ev.*, *q.* 630.

q. 637.

"Parish emigrants are generally at the mercy of the captain or mate, who serve out the provisions, and who frequently put emigrants on short allowance soon after their departure. Complaints of short weight and bad quality in the provisions are frequently made." * * * "The captains have in many instances told me, that the agents only muster the passengers on deck, inquire into the quantity of provisions, and, in some cases, require them to be produced, when, occasionally, the same bag of meal or other provisions was shown as belonging to several persons in succession. This the captain discovered after sailing. The mere mustering of the passengers on deck, without going below where the provisions are kept, is really no inspection at all; and it frequently happens that passengers are smuggled on board without any provisions." * * * * "Very few of these vessels have on board a sufficient quantity of water, the casks being insufficient in number, and very many of them old oak casks, made up with pine heads, which therefore leak, if they do not fall to pieces, which often happens. I have had many similar cases from Liverpool." * * * * * "That part of the law which regulates the height between decks of emigrant ships is frequently evaded in the smaller class of vessels, by means of a false deck some distance below the beams, bringing the passengers nearly in contact with the damp ballast, pressing them into the narrow part of the ship, and the beams taking an important part of the room allotted to them by law. It is quite impossible that such fittings should escape observation in the port of departure, if that part of the vessel intended for emigrants be visited." * * *

Provisions insufficient; *q.* 641.

and water. *q.* 628.

Height between decks not such as required by Act. *q.* 634.

q. 641.

"There is another evil which might be readily obviated by a proper selection of vessels at home, that of employing as emigrant-ships vessels that are scarcely sea-worthy; and which, consequently, being unable to carry sail, make very long passages. As the tonnage of the best class of vessels coming to Canada is more than sufficient to bring all the emigrants in any year, the employment of these bad ships ought not to be permitted." * * * * * * "The reports made to me by the class of captains and surgeon-superintendents now bringing passengers are seldom to be relied upon. In illustration, I beg leave to mention a case that occurred last year. It was a vessel with about 150 passengers on board, from an Irish port. The captain assured me that they had no sickness on board; and the surgeon produced a list, which he had signed, of certain slight ailments, such as bowel complaints and catarrhs, which had occurred during the passage, and which appeared on the list with the remark "cured" to all of them. On making my usual personal inspection, I found and sent to hospital upwards of forty cases of typhus fever, of which nine were below in bed. These nine they had not been able to get out of bed. Many of the others were placed against the bulwarks, to make a show of being in health, with pieces of bread and hot potatoes in their hands. As there are many most respectable captains in the lumber trade, a proper selection by the emigrant agents at home would prevent this abuse." * * * * * "The medical superintendence on board vessels obliged by the Passengers' Act to carry a surgeon is very defective. The majority of such persons called surgeons are unlicensed students and apprentices, or apothecaries' shopmen, without sufficient medical knowledge to be of any service to the emigrants, either for the prevention or cure of diseases. On board a ship the knowledge of the means of preventing disease in such a situation is the first requisite in a medical man, and in this the medical superintendents are lamentably deficient. It is not much better as to the cure of diseases. I boarded a ship last year, of which the captain and three

Vessels selected which are scarcely sea-worthy.

q. 632.

Concealment of disease by Surgeons.

q. 631.

Ignorance of Surgeons.

three passengers, who had met with accidents, had their limbs bandaged for supposed fractures, which, upon examination, I found were only simple strains or bruises. On examining the captain's arm, I said that there had been no fracture. The surgeon, so called, replied—'I assure you the *tibia* and *fibula* are both broken.' It happens that the *tibia* and *fibula* are bones of the leg. This is an extreme case, apparently; but it is not an unfair illustration of the ignorance and presumption of the class of men appointed to comply with that part of the Act which is intended to provide for the medical care of emigrants during the voyage."

Want of provision for Emigrants after arrival.

The Agent General's Report, which was laid before Parliament last year, does not even allude to another feature of our system of emigration, on which I have yet to offer some remarks. However defective the present arrangements for the passage of emigrants, they are not more so than the means employed to provide for the comfort and prosperity of this class after their arrival in the Colonies. Indeed, it may be said that no such means are in existence. It will be seen, from the very meagre evidence of the Agent for Emigrants at Quebec, that the office which he holds is next to useless. I cast no blame on the officer, but would only explain, that he has no powers, nor scarcely any duties to perform. Nearly all that is done for the advantage of poor emigrants, after they have passed the Lazaretto, is performed by the Quebec and Montreal Emigrants' Societies—benevolent associations of which I am bound to speak in the highest terms of commendation; to which, indeed, we owe whatever improvement has taken place in the yet unhealthy mid-passage, but which, as they were instituted for the main purpose of relieving the inhabitants of the two cities from the miserable spectacle of crowds of unemployed and starving emigrants, so have their efforts produced little other good than that of facilitating the progress of poor emigrants to the United States, where the industrious of every class are always sure of employment at good wages. In the Report on Emigration, to which I have alluded before, I find favourable mention of the principle of entrusting some parts of the conduct of emigration rather to "charitable committees" than to "an ordinary department of Government." From this doctrine I feel bound to express my entire dissent. I can scarcely imagine any obligation which it is more incumbent on Government to fulfil, than that of guarding against an improper selection of emigrants, and securing to poor persons disposed to emigrate every possible facility and assistance, from the moment of their intending to leave this country to that of their comfortable establishment in the Colony. No less an obligation is incurred by the Government, when, as is now the case, they invite poor persons to emigrate by tens of thousands every year. It would, indeed, be very mischievous if the Government were to deprive emigrants of self-reliance, by doing every thing for them: but when the State leads great numbers of people into a situation in which it is impossible that they should do well without assistance, then the obligation to assist them begins; and it never ends, in my humble opinion, until those who have relied on the truth and paternal care of the Government, are placed in a situation to take care of themselves. How little this obligation has been regarded, as respects emigration to Your Majesty's North American Colonies, will be seen from the following evidence:—

Objection to entrusting conduct of Emigration to Charitable Committees.

No rules for guidance of Emigrant Agent at Quebec. *App.* (B.) *Min. of Ev.*, *q.* 550. 554. 555.

Mr. Buchanan, the chief agent for emigrants at Quebec, says, "I have had no communication from the agent-general of emigration;" and, "The instructions I have mentioned as regulating the proceedings of my office do not, I conceive, contain any specific directions as to the duties I have to perform. In fact they were not addressed to my office at all. I suppose that they were transmitted to my predecessor, in order that he might be acquainted with the views of the Home Government on the subject." "There may have been specific instructions for the guidance of the agent for emigrants, but I am not aware of any. I have myself followed the routine that I found established."

Emigrants ignorant of the country. *App.* (B.) *Min. of Ev. q.* 569.

Dr. Skey says, "A pauper emigrant on his arrival in this Province is generally either with nothing or with a very small sum in his pocket; entertaining the most erroneous ideas as to his prospects here; expecting immediate and constant employment, at ample wages; entirely ignorant of the nature of the country; and of the place where labour is most in demand, and of the best means by which to obtain employment. He has landed from the ship, and from his apathy and want of energy has loitered about the wharfs, waiting for the offer of employment; or, if he obtained employment, he calculated upon its permanency, and found himself,

at the beginning of the winter, when there is little or no employment for labour in this part of the country, discharged, and without any provision for the wants of a Canadian winter. In this way emigrants have often accumulated in Quebec at the end of summers, encumbered it with indigent inhabitants, and formed the most onerous burthen on the charitable funds of the community."

Total want of system produces re-emigration to the States. *App.* (B.) *Min. of Ev., q.* 481, 482.

Mr. Forsyth says, "Emigration has improved of late years with regard to the destitute sick and to the totally destitute by means of the emigrant society, an the fund raised by the emigrant tax; but with regard to the main body emigrants, the evil results of a total want of system are as conspicuous as ever. The great evils that have hitherto existed have arisen from the want of system, and especially from the want of all adequate means of information, advice and guardianship. This want of information necessarily gives a vagrant character to their movements. Unable to obtain information as to the best mode of proceeding in this Province, they move onward to Toronto, and find the same want there; they become disgusted, and leave the Province in large numbers, to become citizens of the American Union. My observation on the subject has led me to estimate the proportion of emigrants from Britain who proceed to the United States, at 60 in 100 during the last few years."

Leads to great suffering. *App.* (B.) *Min. of Ev., q.* 401.

Mr. Stayner says, "Many of those poor people have little or no agricultural knowledge, even in a general way; and they are all ignorant of the husbandry practised in the country. The consequence is, that, after getting into 'the bush,' as it is called, they find themselves beset by privations and difficulties which they are not able to contend with, and, giving way under the pressure, they abandon their little improvements to seek a livelihood elsewhere. Many resort to the large towns in the Provinces, with their starving families, to eke out by day-labour and begging together a wretched existence; whilst others of them (more enterprising) are tempted, by the reputed high wages and more genial climate of the United States, to try their fortunes in that country. Now and then, some individual better gifted, and possessing more energy of character than the mass of the adventurers who arrive, will successfully contend with those difficulties, and do well for himself and family; but the proportion of such is small."

Emigrants from parishes generally of an improper class. *App.* (B.) *Min. of Ev., q.* 606.

Mr. Jessopp says, "Emigrants sent out by parishes are very generally inferior, both morally and physically, to those who have found their own way out. The parishes have sent out persons far too old to gain their livelihood by work, and often of drunken and improvident habits. These emigrants have neither benefited themselves nor the country; and this is very natural, for, judging from the class sent out, the object must have been the getting rid of them, and not either the benefit of themselves or the colony. An instance occurred very recently, which illustrates this subject. A respectable settler in the Eastern Townships lately returned from England in a vessel, on board of which there were 136 pauper passengers sent out at the expense of their parishes; and out of the whole number he could only select two that he was desirous of inducing to settle in the eastern townships. The conduct of the others, both male and female, was so bad, that he expressed his wish that they might proceed to the upper province, instead of settling in this district. He alluded principally to gross drunkenness and unchastity * * * * * * The inhabitants of Quebec and Montreal are subject to constant appeals frsm persons who arrive here, and linger about in a state of total destitution."

Case of the commuted pensioners. *App.* (B.) *Min. of Ev., q.* 79, *et seq.*

The most striking example, however, of the want of system and precaution on the part of Government is that of the old soldiers, termed Commuted Pensioners, of whom nearly 3,000 reached the colonies in the years 1832 and 1833. A full description of the fate of these unfortunate people will be found in the evidence of Mr. Davidson and others. Many of them landed in Quebec before the instructions had been received in the colony to pay them the sums to which they were to be entitled on their arrival, and even before the Provincial Government knew of their departure from England. Many of them spent the amount of their commutation money in debauchery, or were robbed of it when intoxicated. Many never attempted to settle upon the land awarded to them; and of those who made the attempt, several were unable to discover whereabouts in the wilderness their grants were situated. Many of them sold their

their right to the land for a mere trifle, and were left, within a few weeks of their arrival, in a state of absolute want. Of the whole number who landed in the colony, probably not one in three attempted to establish themselves on their grants, and not one in six remain settled there at the present time; the remainder generally lingered in the vicinity of the principal towns, where they contrived to pick up a subsistence by begging and occasional labour. Great numbers perished miserably in the two years of cholera, or from diseases engendered by exposure and privations, and aggravated by their dissolute habits. The majority of them have at length disappeared. The situation of those who survive calls loudly for some measure of immediate relief: it is one of extreme destitution and suffering. Their land is almost entirely useless, and they cannot obtain any adequate employment either as farm labourers or as domestic servants. At the commencement of every winter, therefore, they are thrown upon the charity of individuals. In the Upper Province their situation is equally deplorable, and numbers must have perished from absolute starvation if they had not been fed by the Provincial Government. I confidently trust that their pensions may be restored, and that, in future, whenever the Government shall interfere directly or indirectly in promoting the emigration of poor persons to these colonies, it will be under some systematic arrangements calculated to prevent the selection of classes disqualified from gaining by their removal, and to guard the other classes from the misfortunes, into which they are now apt to fall through ignorance of the new country, and the want of all preparation for their arrival.

Valuable emigration field in these colonies.

It is far from my purpose, in laying these facts before Your Majesty, to discourage emigration to Your North American colonies. On the contrary, I am satisfied that the chief value of those colonies to the mother country consists in their presenting a field where millions even, of those who are distressed at home, might be established in plenty and happiness. All the gentlemen whose evidence I have last quoted, are warm advocates of systematic emigration. I object, along with them, only to such emigration as now takes place—without forethought, preparation, method or system of any kind.

Grievous results exhibited.

I HAVE now brought under review the most prominent features of the condition and institutions of the British Colonies in North America. It has been my painful task to exhibit a state of things which cannot be contemplated without grief by all who value the well-being of our colonial fellow-countrymen, and the integrity of the British Empire. I have described the operation of those causes of division which unhappily exist in the very composition of society; the disorder produced by the working of an ill-contrived constitutional system, and the practical mismanagement which these fundamental defects have generated in every department of Government.

Existing state of things cannot continue.

It is not necessary that I should take any pains to prove that this is a state of things which should not, which cannot continue. Neither the political nor the social existence of any community can bear much longer the operation of those causes, which have in Lower Canada already produced a long practical cessation of the regular course of constitutional government, which have occasioned the violation and necessitated the absolute suspension of the provincial constitution, and which have resulted in two insurrections, two substitutions of martial for civil law, and two periods of a general abeyance of every guarantee that is considered essential for the protection of a British subject's rights. I have already described the state of feeling which prevails among each of the contending parties, or rather races; their all-pervading and irreconcileable enmity to each other; the entire and irremediable disaffection of the whole French population, as well as the suspicion with which the English regard the Imperial Government; and the determination of the French, together with the tendency of the English to seek for a redress of their intolerable present evils in the chances of a separation from Great Britain. The disorders of Lower Canada admit of no delay; the existing form of government is but a temporary and forcible subjugation. The recent constitution is one of which neither party would tolerate the re-establishment, and of which the bad working has been such, that no friend to liberty or to order could desire to see the Province again subjected to its mischievous influence. Whatever may be the difficulty of discovering a remedy, its urgency is certain and obvious.

Disorders of Lower Canada admit of no delay.

Those of Upper Canada also press for a remedy.

Nor do I believe that the necessity for adopting some extensive and decisive measure for the pacification of Upper Canada, is at all less imperative. From the account which I have given of the causes of disorder in that Province, it will be seen that I do not consider them by any means of such a nature as to be irremediable, or even to be susceptible of no remedy, that shall not effect an organic change in the existing constitution. It cannot be denied indeed that the continuance of the many practical grievances, which I have described as subjects of complaint, and, above all, the determined resistance to such a system of responsible government as would give the people a real control over its own destinies, have, together with the irritation caused by the late insurrection, induced a large portion of the population to look with envy at the material prosperity of their neighbours in the United States, under a perfectly free and eminently responsible government; and, in despair of obtaining such benefits under their present institutions, to desire the adoption of a Republican constitution, or even an incorporation with the American Union. But I am inclined to think that such feelings have made no formidable or irreparable progress; on the contrary, I believe that all the discontented parties, and especially the reformers of Upper Canada, look with considerable confidence to the result of my mission. The different parties believe that when the case is once fairly put before the mother country, the desired changes in the policy of their government will be readily granted: they are now tranquil, and I believe loyal; determined to abide the decision of the Home Government, and to defend their property and their country against rebellion and invasion. But I cannot but express my belief, that this is the last effort of their almost exhausted patience, and that the disappointment of their hopes on the present occasion, will destroy for ever their expectation of good resulting from British connexion. I do not mean to say that they will renew the rebellion, much less do I imagine that they will array themselves in such force as will be able to tear the government of their country from the hands of the great military power which Great Britain can bring against them. If now frustrated in their expectations, and kept in hopeless subjection to rulers irresponsible to the people, they will, at best, only await in sullen prudence the contingencies which may render the preservation of the Province dependent on the devoted loyalty of the great mass of its population.

Consequences of disappointing present hopes.

No imminent danger in other North American Provinces.

With respect to the other North American Provinces, I will not speak of such evils as imminent, because I firmly believe that whatever discontent there may be, no irritation subsists which in any way weakens the strong feeling of attachment to the British Crown and Empire. Indeed, throughout the whole of the North American Provinces there prevails among the British population an affection for the mother country, and a preference for its institutions, which a wise and firm policy, on the part of the Imperial Government, may make the foundation of a safe, honourable and enduring connexion. But even this feeling may be impaired, and I must warn those in whose hands the disposal of their destinies rests, that a blind reliance on the all-enduring loyalty of our countrymen may be carried too far. It is not politic to waste and cramp their resources, and to allow the backwardness of the British Provinces every where to present a melancholy contrast to the progress and prosperity of the United States. Throughout the course of the preceding pages, I have constantly had occasion to refer to this contrast. I have not hesitated to do so, though no man's just pride in his country, and firm attachments to its institutions, can be more deeply shocked by the mortifying admission of inferiority. But I should ill discharge my duty to Your Majesty, I should give but an imperfect view of the real condition of these Provinces, were I to detail mere statistical facts without describing the feelings which they generate in those who observe them daily, and daily experience their influence on their own fortunes. The contrast which I have described, is the theme of every traveller who visits these countries, and who observes on one side of the line the abundance, and on the other the scarcity of every sign of material prosperity which thriving agriculture and flourishing cities indicate, and of that civilization which schools and churches testify even to the outward senses. While it excites the exultation of the enemies of British institutions, its reality is more strongly evinced by the reluctant admission of Your Majesty's most attached subjects. It is no true loyalty to hide from Your Majesty's knowledge the existence of an evil which it is in Your Majesty's power, as it is Your Majesty's benevolent pleasure, to remove. For the possibility of reform is yet afforded by the patient and fervent attachment which Your Majesty's English subjects in all these Provinces still feel to their allegiance and

and their mother country. Calm reflection and loyal confidence have retained these feelings unimpaired, even by the fearful drawback of the general belief that every man's property is of less value on the British than on the opposite side of the boundary. It is time to reward this noble confidence, by showing that men have not indulged in vain the hope that there is a power in British institutions to rectify existing evils, and to produce in their place a well-being which no other dominion could give. It is not in the terrors of the law, or in the might of our armies, that the secure and honourable bond of connexion is to be found. It exists in the beneficial operation of those British institutions which link the utmost development of freedom and civilization with the stable authority of an hereditary monarchy, and which, if rightly organized and fairly administered in the Colonies, as in Great Britain, would render a change of institutions only an additional evil to the loss of the protection and commerce of the British Empire.

Mischief of retaining these Colonies in disorder.

But while I count thus confidently on the possibility of a permanent and advantageous retention of our connexion with these important Colonies, I must not disguise the mischief and danger of holding them in their present state of disorder. I rate the chances of successful rebellion as the least danger in prospect. I do not doubt that the British Government can, if it choose to retain these dependencies at any cost, accomplish its purpose. I believe that it has the means of enlisting one part of the population against the other, and of garrisoning the Canadas with regular troops sufficient to awe all internal enemies. But even this will not be done without great expense and hazard. The experience of the last two years furnishes only a foretaste of the cost to which such a system of government will subject us. On the lowest calculation, the addition of a million a-year to our annual colonial expenditure will barely enable us to attain this end. Without a change in our system of government, the discontent which now prevails, will spread and advance. As the cost of retaining these Colonies increases, their value will rapidly diminish. And if by such means the British Nation shall be content to retain a barren and injurious sovereignty, it will but tempt the chances of foreign aggression, by keeping continually exposed to a powerful and ambitious neighbour a distant dependency, in which an invader would find no resistance, but might rather reckon on active co-operation from a portion of the resident population.

No proximate danger of collision with United States.

I am far from presenting this risk in a manner calculated to irritate the just pride which would shrink from the thoughts of yielding to the menaces of a rival nation. Because, important as I consider the foreign relations of this question, I do not believe that there is now any very proximate danger of a collision with the United States, in consequence of that power desiring to take advantage of the disturbed state of the Canadas. In the Despatch of the 9th of August I have described my impression of the state of feeling with respect to the Lower Canadian insurrection, which had existed, and was then in existence, in the United States. Besides the causes of hostile feeling which originate in the mere juxta-position of that power to our North American Provinces, I described the influence which had undoubtedly been exercised by that mistaken political sympathy with the insurgents of Lower Canada, which the inhabitants of the United States were induced to entertain. There is no people in the world so little likely as that of the United States to sympathize with the real feelings and policy of the French Canadians; no people so little likely to share in their anxiety to preserve ancient and barbarous laws, and to check the industry and improvement of their country, in order to gratify some idle and narrow notion of a petty and visionary nationality. The Americans who have visited Lower Canada, perfectly understand the real truth of the case; they see that the quarrel is a quarrel of races; and they certainly show very little inclination to take part with the French Canadians and their institutions. Of the great number of American travellers, coming from all parts of the Union, who visited Quebec during my residence there, and whose society I, together with the gentlemen attached to my mission, had the advantage of enjoying, not one ever expressed to any of us any approbation of, what may be termed, the national objects of the French Canadians, while many did not conceal a strong aversion to them. There is no people in the world to whom the French Canadian institutions are more intolerable, when circumstances compel submission to them. But the mass of the American people had judged of the quarrel from a distance:

they had been obliged to form their judgment on the apparent grounds of the controversy; and were thus deceived, as all those are apt to be who judge under such circumstances, and on such grounds. The contest bore some resemblance to that great struggle of their own forefathers, which they regard with the highest pride. Like that, they believed it to be a contest of a Colony against the Empire, whose misconduct alienated their own country: they considered it to be a contest undertaken by a people professing to seek independence of distant control, and extension of popular privileges; and, finally, a contest of which the first blow was struck in consequence of a violation of a colonial constitution, and the appropriation of the colonial revenues without the consent of the colonists. It need not surprise us, that such apparently probable and sufficient causes were generally taken, by the people of the United States, as completely accounting for the whole dispute; that the analogy between the Canadian insurrection and the War of Independence was considered to be satisfactorily made out; and that a free and high-spirited people eagerly demonstrated its sympathy with those whom it regarded as gallantly attempting, with unequal means, to assert that glorious cause which its own fathers had triumphantly upheld.

Sympathy stronger in Upper Canada.

In the case of Upper Canada, I believe the sympathy to have been much more strong and durable; and though the occasion of the contest was apparently less marked, I have no doubt that this was more than compensated by the similarity of language and manners, which enabled the rebels of the Upper Province to present their case much more easily and forcibly to those whose sympathy and aid they sought. The incidents of any struggle of a large portion of a people with its Government, are sure, at some time or another, to elicit some sympathy with those who appear, to the careless view of a foreign nation, only as martyrs to the popular cause, and as victims of a Government conducted on principles differing from its own. And I have no doubt that if the internal struggle be renewed, the sympathy from without will, at some time or another, reassume its former strength.

Strong ties of sympathy between English and Americans of the Frontier.

For it must be recollected that the natural ties of sympathy between the English population of the Canadas and the inhabitants of the frontier States of the Union are peculiarly strong. Not only do they speak the same language, live under laws having the same origin, and preserve the same customs and habits, but there is a positive alternation, if I may so express it, of the populations of the two countries. While large tracts of the British territory are peopled by American citizens, who still keep up a constant connexion with their kindred and friends, the neighbouring States are filled with emigrants from Great Britain, some of whom have quitted Canada after unavailing efforts to find there a profitable return for their capital and labour; and many of whom have settled in the United States, while other members of their families, and the companions of their youth, have taken up their abode on the other side of the frontier. I had no means of ascertaining the exact degree of truth in some statements which I have heard respecting the number of Irish settled in the State of New York; but it is commonly asserted that there are no less than 40,000 Irish in the militia of that State. The intercourse between these two divisions of what is, in fact, an identical population, is constant and universal. The border townships of Lower Canada are separated from the United States by an imaginary line; a great part of the frontier of Upper Canada by rivers, which are crossed in ten minutes; and the rest by lakes, which interpose hardly a six hours' passage between the inhabitants of each side. Every man's daily occupations bring him in contact with his neighbours on the other side of the line; the daily wants of one country are supplied by the produce of the other; and the population of each is in some degree dependent on the state of trade and the demands of the other. Such common wants beget an interest in the politics of each country among the citizens of the other. The newspapers circulate in some places almost equally on the different sides of the line; and men discover that their welfare is frequently as much involved in the political condition of their neighbours as of their own countrymen.

No present serious danger from the sympathisers.

The danger of any serious mischief from this cause appears to me to be less at the present moment than for some time past. The events of the last year, and the circulation of more correct information respecting the real causes of contention,

tion, have apparently operated very successfully against the progress or continuance of this species of sympathy; and I have the satisfaction of believing that the policy which was pursued during my administration of the government, was very efficient in removing it. The almost complete unanimity of the press of the United States, as well as the assurances of individuals well conversant with the state of public opinion in that country, convince me, that the measures which I adopted met with a concurrence that completely turned the tide of feeling in favour of the British Government. Nor can I doubt, from the unvarying evidence that I have received from all persons who have recently travelled through the frontier states of the Union, that there hardly exists, at the present moment, the slightest feeling which can properly be called sympathy. Whatever aid the insurgents have recently received from citizens of the United States, may either be attributed to those national animosities which are the too sure result of past wars, or to those undisguised projects of conquest and rapine which, since the invasion of Texas, find but too much favour among the daring population of the frontiers. Judging from the character and behaviour of the Americans most prominent in the recent aggressions on Upper Canada, they seem to have been produced mainly by the latter cause: nor does any cause appear to have secured to the insurgents of Lower Canada any very extensive aid, except that in money and munitions of war, of which the source cannot very clearly be traced. Hardly any Americans took part in the recent disturbances in Lower Canada. Last year, the outbreak was the signal for numerous public meetings in all the great cities of the frontier States, from Buffalo to New York. At these the most entire sympathy with the insurgents was openly avowed; large subscriptions were raised, and volunteers invited to join. Since the last outbreak no such manifestations have taken place: the meetings which the Nelsons and others have attempted in New York, Philadelphia, Washington, and elsewhere, have ended in complete failure; and, at the present moment, there does not exist the slightest indication of any sympathy with the objects of the Lower Canadian insurgents, or of any desire to co-operate with them for political purposes. The danger, however, which may be apprehended from the mere desire to repeat the scenes of Texas in the Canadas, is a danger from which we cannot be secure while the disaffection of any considerable portion of the population continues to give an appearance of weakness to our Government. It is in vain to expect that such attempts can wholly be repressed by the federal Government; or that they could even be effectually counteracted by the utmost exertion of its authority, if any sudden turn of affairs should again revive a strong and general sympathy with insurrection in Canada. Without dwelling on the necessary weakness of a merely federal Government—without adverting to the difficulty which authorities, dependent for their very existence on the popular will, find in successfully resisting a general manifestation of public feeling, the impossibility which any Government would find in restraining a population like that which dwells along the thousand miles of this frontier, must be obvious to all who reflect on the difficulty of maintaining the police of a dispersed community.

But the federal Government cannot wholly repress attempts.

Nor is this danger itself unproductive of feelings which are in their turn calculated to produce yet further mischief. The loyal people of Canada, indignant at the constant damage and terror occasioned by incursions from the opposite shore, naturally turn their hostility against the nation and the government which permit, and which they accuse even of conniving at the violation of international law and justice. Mutual recriminations are bandied about from one side to the other; and the very facilities of intercourse which keep alive the sympathy between portions of the two populations, afford at the same time occasions for the collision of angry passions and national antipathies. The violent party papers on each side, and the various bodies whose pecuniary interests a war would promote, foment the strife. A large portion of each population endeavours to incite its own government to war, and at the same time labours to produce the same result by irritating the national feelings of the rival community. Rumours are diligently circulated by the Canadian press; and every friendly act of the American people or government appears to be systematically subjected to the most unfavourable construction. It is not only to be apprehended that this state of mutual suspicion and dislike may be brought to a head by acts of mutual reprisals, but that the

Indignation of the Canadian Loyalists.

officers of the respective governments, in despair of preserving peace, may take little care to prevent the actual commencement of war.

Disturbances in the Canadas injurious to the United States.

Though I do not believe that there ever was a time in which the specific relations of the two countries rendered it less likely that the United States would imagine that a war with England could promote their own interests, yet it cannot be doubted that the disturbed state of the Canadas is a serious drawback on the prosperity of a great part of the Union. Instead of presenting an additional field for their commercial enterprise, these Provinces, in their present state of disorder, are rather a barrier to their industrial energies. The present state of things also occasions great expense to the federal Government, which has been under the necessity of largely augmenting its small army, on account chiefly of the troubles of Canada.

Existing subjects of dispute with United States Government.

Nor must we forget, that whatever assurances and proofs of amicable feeling we may receive from the Government of the United States, however strong may be the ties of mutual pacific interests that bind the two nations together, there are subjects of dispute which may produce less friendly feelings. National interests are now in question between us, of which the immediate adjustment is demanded by every motive of policy. These interests cannot be supported with the necessary vigour, while disaffection in a most important part of our North American possessions appears to give an enemy a certain means of inflicting injury and humiliation on the Empire.

Prospects of depopulation and impoverishment.

But the chances of rebellion or foreign invasion are not those which I regard as either the most probable or the most injurious. The experience of the last two years suggests the occurrence of a much more speedy and disastrous result. I dread, in fact, the completion of the sad work of depopulation and impoverishment which is now rapidly going on. The present evil is not merely, that improvement is stayed, and that the wealth and population of these Colonies do not increase according to the rapid scale of American progress. No accession of population takes place by immigration, and no capital is brought into the country. On the contrary, both the people and the capital seem to be quitting these distracted Provinces. From the French portion of Lower Canada there has, for a long time, been a large annual emigration of young men to the northern states of the American Union, in which they are highly valued as labourers, and gain good wages, with their savings from which they generally return to their homes in a few months or years. I do not believe that the usual amount of this emigration has been increased during the last year, except by a few persons prominently compromised in the insurrection, who have sold their property, and made up their minds to a perpetual exile; but I think there is some reason to believe that, among the class of habitual emigrants whom I have described, a great many now take up their permanent residence in the United States. But the stationary habits and local attachments of the French Canadians render it little likely that they will quit their country in great numbers. I am not aware that there is any diminution of the British population from such a cause. The employment of British capital in the Province is not materially checked in the principal branch of trade; and the main evils are the withdrawal of enterprizing British capitalists from the French portion of the country, the diminished employment of the capital now in the Province, and the entire stoppage of all increase of the population by means of immigration. But from Upper Canada the withdrawal both of capital and of population has been very considerable. I have received accounts from most respectable sources of a very numerous emigration from the whole of the Western and London districts. It was said by persons who professed to have witnessed it, that considerable numbers had, for a long time, daily passed over from Amherstburgh and Sandwich to Detroit; and a most respectable informant stated, that he had seen, in one of the districts which I have mentioned, no less than 15 vacant farms together on the road-side. A body of the reforming party have avowed, in the most open manner, their intention of emigrating, from political motives, and publicly invited all who might be influenced by similar feelings to join in their enterprize. For this the Mississippi Emigration Society has been formed with the purpose of facilitating emigration from Upper Canada to the new territory of the Union, called Iowa, on the west bank of the Upper Mississippi. The prospectus of the undertaking, and the report of the deputies who were sent to examine the country

country in question, were given in the public press, and the advantages of the new colony strongly enforced by the reformers, and depreciatingly discussed by the friends of the Government. The number of persons who have thus emigrated is not, however, I have reason to believe, as great as it has often been represented. Many who might be disposed to take such a step, cannot sell their farms on fair terms; and though some, relying on the ease with which land is obtained in the United States, have been content to remove merely their stock and their chattels, yet there are others again who cannot at the last make the sacrifices which a forced sale would necessitate, and who continue, even under their present state of alarm, to remain in hopes of better times. In the districts which border on the St. Lawrence, little has in fact come of the determination to emigrate, which was loudly expressed at one time. And some even of those who actually left the country are said to have returned. But the instances which have come to my knowledge induce me to attach even more importance to the class than to the alleged number of the emigrants; and I can by no means agree with some of the dominant party, that the persons who thus leave the country, are disaffected subjects, whose removal is a great advantage to loyal and peaceable men. In a country like Upper Canada, where the introduction of population and capital is above all things needful for its prosperity, and almost for its continued existence, it would be more prudent as well as just, more the interest as well as the duty of Government to remove the causes of disaffection, than to drive out the disaffected. But there is no ground for asserting that all the reformers who have thus quitted the country, are disloyal and turbulent men; nor indeed is it very clear that all of them are reformers, and that the increasing insecurity of person and property have not, without distinction of politics, driven out some of the most valuable settlers of the Province. A great impression has been lately made by the removal of one of the largest proprietors of the Province, a gentleman who arrived there not many years ago from Trinidad; who has taken no prominent, and certainly no violent part in politics; and who has now transferred himself and his property to the United States, simply because in Upper Canada he can find no secure investment for the latter, and no tranquil enjoyment of life. I heard of another English gentleman, who, having resided in the country for six or seven years, and invested large sums in bringing over a superior breed of cattle and sheep, was, while I was there, selling off his stock and implements, with a view of settling in Illinois. I was informed of an individual who, 30 years ago, had gone into the forest with his axe on his shoulder, and, with no capital at starting, had, by dint of patient labour, acquired a farm and stock, which he had sold for £.2,000, with which he went into the United States. This man, I was assured, was only a specimen of a numerous class, to whose unwearied industry the growth and prosperity of the Colony are mainly to be ascribed. They are now driven from it, on account of the present insecurity of all who, having in former times been identified in politics with some of those that subsequently appeared as prominent actors in the revolt, are regarded and treated as rebels, though they had held themselves completely aloof from all participation in schemes or acts of rebellion. Considerable alarm also exists as to the general disposition to quit the country, which was said to have been produced by some late measures of the authorities among that mild and industrious, but peculiar race of descendants of the Dutch, who inhabit the back part of the Niagara district.

Difficulties of providing against the dangers described.

Such are the lamentable results of the political and social evils which have so long agitated the Canadas; and such is their condition, that, at the present moment, we are called on to take immediate precautions against dangers so alarming as those of rebellion, foreign invasion, and utter exhaustion and depopulation. When I look on the various and deep-rooted causes of mischief which the past inquiry has pointed out as existing in every institution, in the constitutions, and in the very composition of society throughout a great part of these Provinces, I almost shrink from the apparent presumption of grappling with these gigantic difficulties. Nor shall I attempt to do so in detail. I rely on the efficacy of reform in the constitutional system by which these Colonies are governed, for the removal of every abuse in their administration which defective institutions have engendered. If a system can be devised which shall lay in these countries the foundation of an efficient and popular government, ensure harmony, in place of collision, between the various powers of the State, and bring the influence of a

vigorous public opinion to bear on every detail of public affairs, we may rely on sufficient remedies being found for the present vices of the administrative system.

How to make Colonial Government work harmoniously.

The preceding pages have sufficiently pointed out the nature of those evils, to the extensive operation of which, I attribute the various practical grievances, and the present unsatisfactory condition of the North American Colonies. It is not by weakening, but strengthening the influence of the people on its Government; by confining within much narrower bounds than those hitherto allotted to it, and not by extending the interference of the imperial authorities in the details of colonial affairs, that I believe that harmony is to be restored, where dissension has so long prevailed; and a regularity and vigour hitherto unknown, introduced into the administration of these Provinces. It needs no change in the principles of government, no invention of a new constitutional theory, to supply the remedy which would, in my opinion, completely remove the existing political disorders. It needs but to follow out consistently the principles of the British constitution, and introduce into the Government of these great Colonies those wise provisions, by which alone the working of the representative system can in any country be rendered harmonious and efficient. We are not now to consider the policy of establishing representative government in the North American Colonies. That has been irrevocably done; and the experiment of depriving the people of their present constitutional power, is not to be thought of. To conduct their Government harmoniously, in accordance with its established principles, is now the business of its rulers; and I know not how it is possible to secure that harmony in any other way, than by administering the Government on those principles which have been found perfectly efficacious in Great Britain. I would not impair a single prerogative of the Crown; on the contrary, I believe that the interests of the people of these Colonies require the protection of prerogatives, which have not hitherto been exercised. But the Crown must, on the other hand, submit to the necessary consequences of representative institutions; and if it has to carry on the Government in unison with a representative body, it must consent to carry it on by means of those in whom that representative body has confidence.

Responsibility of Government in England.

In England, this principle has been so long considered an indisputable and essential part of our constitution, that it has really hardly ever been found necessary to inquire into the means by which its observance is enforced. When a ministry ceases to command a majority in Parliament on great questions of policy, its doom is immediately sealed; and it would appear to us as strange to attempt, for any time, to carry on a Government by means of ministers perpetually in a minority, as it would be to pass laws with a majority of votes against them. The ancient constitutional remedies, by impeachment and a stoppage of the supplies, have never since the reign of William III., been brought into operation for the purpose of removing a ministry. They have never been called for, because, in fact, it has been the habit of ministers rather to anticipate the occurrence of an absolutely hostile vote, and to retire, when supported only by a bare and uncertain majority. If Colonial Legislatures have frequently stopped the supplies, if they have harassed public servants by unjust or harsh impeachments, it was because the removal of an unpopular administration could not be effected in the Colonies by those milder indications of a want of confidence, which have always sufficed to attain the end in the mother country.

Objection to elective Executive Council.

The means which have occasionally been proposed in the colonies themselves appear to me by no means calculated to attain the desired end in the best way. These proposals indicate such a want of reliance on the willingness of the Imperial Government to acquiesce in the adoption of a better system, as, if warranted, would render an harmonious adjustment of the different powers of the State utterly hopeless. An elective executive council would not only be utterly inconsistent with monarchical government, but would really, under the nominal authority of the Crown, deprive the community of one of the great advantages of an hereditary monarchy. Every purpose of popular control might be combined with every advantage of vesting the immediate choice of advisers in the Crown, were the Colonial Governor to be instructed to secure the co-operation of the Assembly in his policy, by entrusting its administration to such men as could command a majority; and if he were given to understand that he need count on no aid from home in any difference with the Assembly, that should not directly involve the relations between the mother country and the Colony. This change might

might be effected by a single despatch containing such instructions; or if any legal enactment were requisite, it would only be one that would render it necessary that the official acts of the Governor should be countersigned by some public functionary. This would induce responsibility for every act of the Government, and, as a natural consequence, it would necessitate the substitution of a system of administration, by means of competent heads of departments, for the present rude machinery of an executive council. The Governor, if he wished to retain advisers not possessing the confidence of the existing Assembly, might rely on the effect of an appeal to the people, and, if unsuccessful, he might be coerced by a refusal of supplies, or his advisers might be terrified by the prospect of impeachment. But there can be no reason for apprehending that either party would enter on a contest, when each would find its interest in the maintenance of harmony; and the abuse of the powers which each would constitutionally possess, would cease when the struggle for larger powers became unnecessary. Nor can I conceive that it would be found impossible or difficult to conduct a Colonial Government with precisely that limitation of the respective powers which has been so long and so easily maintained in Great Britain.

How far the Home Government should interfere in Colonial concerns and appointments.

I know that it has been urged, that the principles which are productive of harmony and good government in the mother country, are by no means applicable to a colonial dependency. It is said that it is necessary that the administration of a colony should be carried on by persons nominated without any reference to the wishes of its people; that they have to carry into effect the policy, not of that people, but of the authorities at home; and that a colony which should name all its own administrative functionaries, would, in fact, cease to be dependent. I admit that the system which I propose would, in fact, place the internal government of the colony in the hands of the colonists themselves; and that we should thus leave to them the execution of the laws, of which we have long entrusted the making solely to them. Perfectly aware of the value of our colonial possessions, and strongly impressed with the necessity of maintaining our connexion with them, I know not in what respect it can be desirable that we should interfere with their internal legislation in matters which do not affect their relations with the mother country. The matters, which so concern us, are very few. The constitution of the form of government,—the regulation of foreign relations, and of trade with the mother country, the other British Colonies, and foreign nations,—and the disposal of the public lands, are the only points on which the mother country requires a control. This control is now sufficiently secured by the authority of the Imperial Legislature; by the protection which the Colony derives from us against foreign enemies; by the beneficial terms which our laws secure to its trade; and by its share of the reciprocal benefits which would be conferred by a wise system of colonization. A perfect subordination, on the part of the Colony, on these points, is secured by the advantages which it finds in the continuance of its connexion with the Empire. It certainly is not strengthened, but greatly weakened, by a vexatious interference on the part of the Home Government, with the enactment of laws for regulating the internal concerns of the Colony, or in the selection of the persons entrusted with their execution. The colonists may not always know what laws are best for them, or which of their countrymen are the fittest for conducting their affairs; but, at least, they have a greater interest in coming to a right judgment on these points, and will take greater pains to do so than those whose welfare is very remotely and slightly affected by the good or bad legislation of these portions of the Empire. If the colonists make bad laws, and select improper persons to conduct their affairs, they will generally be the only, always the greatest, sufferers; and, like the people of other countries, they must bear the ills which they bring on themselves, until they choose to apply the remedy. But it surely cannot be the duty or the interest of Great Britain to keep a most expensive military possession of these Colonies, in order that a Governor or Secretary of State may be able to confer colonial appointments on one rather than another set of persons in the Colonies. For this is really the only question at issue. The slightest acquaintance with these Colonies proves the fallacy of the common notion, that any considerable amount of patronage in them is distributed among strangers from the mother country. Whatever inconvenience a consequent frequency of changes among the holders of office may produce, is a necessary disadvantage of free government, which will be amply compensated by the perpetual harmony which the system must produce between the people and its rulers. Nor do I fear that

the character of the public servants will, in any respect, suffer from a more popular tenure of office. For I can conceive no system so calculated to fill important posts with inefficient persons as the present, in which public opinion is too little consulted in the original appointment, and in which it is almost impossible to remove those who disappoint the expectations of their usefulness, without inflicting a kind of brand on their capacity or integrity.

Loyalty of the British population of these Colonies.

I am well aware that many persons, both in the Colonies and at home, view the system which I recommend with considerable alarm, because they distrust the ulterior views of those by whom it was originally proposed, and whom they suspect of urging its adoption, with the intent only of enabling them more easily to subvert monarchical institutions, or assert the independence of the Colony. I believe, however, that the extent to which these ulterior views exist, has been greatly overrated. We must not take every rash expression of disappointment as an indication of a settled aversion to the existing constitution; and my own observation convinces me, that the predominant feeling of all the English population of the North American Colonies is that of devoted attachment to the mother country. I believe that neither the interests nor the feelings of the people are incompatible with a Colonial Government, wisely and popularly administered. The proofs, which many who are much dissatisfied with the existing administration of the Government, have given of their loyalty, are not to be denied or overlooked. The attachment constantly exhibited by the people of these Provinces towards the British Crown and Empire, has all the characteristics of a strong national feeling. They value the institutions of their country, not merely from a sense of the practical advantages which they confer, but from sentiments of national pride; and they uphold them the more, because they are accustomed to view them as marks of nationality, which distinguish them from their Republican neighbours. I do not mean to affirm that this is a feeling which no impolicy on the part of the mother country will be unable to impair; but I do most confidently regard it as one which may, if rightly appreciated, be made the link of an enduring and advantageous connexion. The British people of the North American Colonies are a people on whom we may safely rely, and to whom we must not grudge power. For it is not to the individuals who have been loudest in demanding the change, that I propose to concede the responsibility of the Colonial administration, but to the people themselves. Nor can I conceive that any people, or any considerable portion of a people, will view with dissatisfaction a change which would amount simply to this, that the Crown would henceforth consult the wishes of the people in the choice of its servants.

The Crown should consult the popular wishes in choice of its servants.

How discontent, in Upper Canada, might be dispelled.

The important alteration in the policy of the Colonial Government which I recommend, might be wholly or in great part effected for the present by the unaided authority of the Crown; and I believe that the great mass of discontent in Upper Canada, which is not directly connected with personal irritation, arising out of the incidents of the late troubles, might be dispelled by an assurance that the government of the Colony should henceforth be carried on in conformity with the views of the majority in the Assembly. But I think that for the well-being of the Colonies, and the security of the mother country, it is necessary that such a change should be rendered more permanent than a momentary sense of the existing difficulties can ensure its being. I cannot believe that persons in power in this country will be restrained from the injudicious interference with the internal management of these Colonies, which I deprecate, while they remain the petty and divided communities which they now are. The public attention at home is distracted by the various and sometimes contrary complaints of these different contiguous Provinces. Each now urges its demands at different times, and in somewhat different forms, and the interests which each individual complainant represents as in peril, are too petty to attract the due attention of the Empire. But if these important and extensive Colonies should speak with one voice, if it were felt that every error of our colonial policy must cause a common suffering and a common discontent throughout the whole wide extent of British America, those complaints would never be provoked; because no authority would venture to run counter to the wishes of such a community, except on points absolutely involving the few imperial interests, which it is necessary to remove from the jurisdiction of Colonial legislation.

Money votes should not be proposed without consent of the Crown.

It is necessary that I should also recommend what appears to me an essential limitation on the present powers of the representative bodies in these Colonies. I consider

I consider good government not to be attainable while the present unrestricted powers of voting public money, and of managing the local expenditure of the community, are lodged in the hands of an Assembly. As long as a revenue is raised, which leaves a large surplus after the payment of the necessary expenses of the civil Government, and as long as any member of the Assembly may, without restriction, propose a vote of public money, so long will the Assembly retain in its hands the powers which it every where abuses, of misapplying that money. The prerogative of the Crown which is constantly exercised in Great Britain for the real protection of the people, ought never to have been waived in the Colonies; and if the rule of the Imperial Parliament, that no money vote should be proposed without the previous consent of the Crown, were introduced into these Colonies, it might be wisely employed in protecting the public interests, now frequently sacrificed in that scramble for local appropriations, which chiefly serves to give an undue influence to particular individuals or parties.

Good municipal institutions should be established.

The establishment of a good system of municipal institutions throughout these Provinces is a matter of vital importance. A general legislature, which manages the private business of every parish, in addition to the common business of the country, wields a power which no single body, however popular in its constitution, ought to have; a power which must be destructive of any constitutional balance. The true principle of limiting popular power is that apportionment of it in many different depositaries which has been adopted in all the most free and stable States of the Union. Instead of confiding the whole collection and distribution of all the revenues raised in any country for all general and local purposes to a single representative body, the power of local assessment, and the applicatian of the funds arising from it, should be entrusted to local management. It is in vain to expect that this sacrifice of power will be voluntarily made by any representative body. The establishment of municipal institutions for the whole country should be made a part of every colonial constitution; and the prerogative of the Crown should be constantly interposed to check any encroachment on the functions of the local bodies, until the people should become alive, as most assuredly they almost immediately would be, to the necessity of protecting their local privileges.

Land management.

The establishment of a sound and general system for the management of the lands and the settlement of the Colonies, is a necessary part of any good and durable system of government. In a report contained in the Appendix to the present, the plan which I recommend for this purpose, will be fully developed.

Lower Canada should be made English,

These general principles apply, however, only to those changes in the system of government which are required in order to rectify disorders common to all the North American Colonies; but they do not in any degree go to remove those evils in the present state of Lower Canada which require the most immediate remedy. The fatal feud of origin, which is the cause of the most extensive mischief, would be aggravated at the present moment by any change which should give the majority more power than they have hitherto possessed. A plan by which it is proposed to ensure the tranquil government of Lower Canada, must include in itself the means of putting an end to the agitation of national disputes in the legislature, by settling, at once and for ever, the national character of the Province. I entertain no doubts as to the national character which must be given to Lower Canada; it must be that of the British Empire; that of the majority of the population of British America; that of the great race which must, in the lapse of no long period of time, be predominant over the whole North American Continent. Without effecting the change so rapidly or so roughly as to shock the feelings and trample on the welfare of the existing generation, it must henceforth be the first and steady purpose of the British Government to establish an English population, with English laws and language, in this Province, and to trust its government to none but a decidedly English Legislature.

without violence to the French.

Objections anticipated.

It may be said that this is a hard measure to a conquered people; that the French were originally the whole, and still are the bulk of the population of Lower Canada; that the English are new comers, who have no right to demand the extinction of the nationality of a people, among whom commercial enterprize has drawn them. It may be said, that if the French are not so civilized, so energetic, or so money-making a race as that by which they are surrounded, they are an amiable, a virtuous, and a contented people, possessing all the essentials of material comfort, and not to be despised or ill-used, because they seek to enjoy what they have,

without emulating the spirit of accumulation, which influences their neighbours. Their nationality is, after all, an inheritance; and they must be not too severely punished, because they have dreamed of maintaining on the distant banks of the St. Lawrence, and transmitting to their posterity, the language, the manners, and the institutions of that great nation, that for two centuries gave the tone of thought to the European Continent. If the disputes of the two races are irreconcileable, it may be urged that justice demands that the minority should be compelled to acquiesce in the supremacy of the ancient and most numerous occupants of the Province, and not pretend to force their own institutions and customs on the majority.

Prudence of inquiring which race must ultimately prevail.

But before deciding which of the two races is now to be placed in the ascendant, it is but prudent to inquire which of them must ultimately prevail; for it is not wise to establish to-day that which must, after a hard struggle, be reversed to-morrow. The pretensions of the French Canadians to the exclusive possession of Lower Canada, would debar the yet larger English population of Upper Canada and the Townships from access to the great natural channel of that trade which they alone have created, and now carry on. The possession of the mouth of the St. Lawrence concerns not only those who happen to have made their settlements along the narrow line which borders it, but all who now dwell, or will hereafter dwell, in the great basin of that river. For we must not look to the present alone. The question is, by what race is it likely that the wilderness which now covers the rich and ample regions surrounding the comparatively small and contracted districts in which the French Canadians are located, is eventually to be converted into a settled and flourishing country? If this is to be done in the British dominions, as in the rest of North America, by some speedier process than the ordinary growth of population, it must be by immigration from the English Isles, or from the United States,—the countries which supply the only settlers that have entered, or will enter, the Canadas in any large numbers. This immigration can neither be debarred from a passage through Lower Canada, nor even be prevented from settling in that Province. The whole interior of the British dominions must, ere long, be filled with an English population, every year rapidly increasing its numerical superiority over the French. Is it just that the prosperity of this great majority, and of this vast tract of country, should be for ever, or even for a while, impeded by the artificial bar which the backward laws and civilization of a part, and a part only, of Lower Canada, would place between them and the ocean? Is it to be supposed that such an English population will ever submit to such a sacrifice of its interests?

English immigration cannot be checked.

I must not, however, assume it to be possible that the English Government shall adopt the course of placing or allowing any check to the influx of English immigration into Lower Canada, or any impediment to the profitable employment of that English capital which is already vested therein. The English have already in their hands the majority of the larger masses of property in the country; they have the decided superiority of intelligence on their side; they have the certainty that colonization must swell their numbers to a majority; and they belong to the race which wields the Imperial Government, and predominates on the American Continent. If we now leave them in a minority, they will never abandon the assurance of being a majority hereafter, and never cease to continue the present contest with all the fierceness with which it now rages. In such a contest they will rely on the sympathy of their countrymen at home; and if that is denied them, they feel very confident of being able to awaken the sympathy of their neighbours of kindred origin. They feel that if the British Government intends to maintain its hold of the Canadas, it can rely on the English population alone; that if it abandons its colonial possessions, they must become a portion of that great Union which will speedily send forth its swarms of settlers, and, by force of numbers and activity, quickly master every other race. The French Canadians, on the other hand, are but the remains of an ancient colonization, and are and ever must be isolated in the midst of an Anglo-Saxon world. Whatever may happen, whatever government shall be established over them, British or American, they can see no hope for their nationality. They can only sever themselves from the British Empire by waiting till some general cause of dissatisfaction alienates them, together with the surrounding colonies, and leaves them part of an English confederacy; or, if they are able, by effecting a separation singly, and so either merging in the American Union, or keeping up for a few years a wretched semblance of feeble independence,

Isolation of the French in an Anglo-Saxon world.

independence, which would expose them more than ever to the intrusion of the surrounding population. I am far from wishing to encourage indiscriminately these pretensions to superiority on the part of any particular race; but while the greater part of every portion of the American Continent is still uncleared and unoccupied, and while the English exhibit such constant and marked activity in colonization, so long will it be idle to imagine that there is any portion of that Continent into which that race will not penetrate, or in which, when it has penetrated, it will not predominate. It is but a question of time and mode; it is but to determine whether the small number of French who now inhabit Lower Canada shall be made English, under a Government which can protect them, or whether the process shall be delayed until a much larger number shall have to undergo, at the rude hands of its uncontrolled rivals, the extinction of a nationality strengthened and embittered by continuance.

Hopeless inferiority of the French Canadian race.

And is this French Canadian nationality one which, for the good merely of that people, we ought to strive to perpetuate, even if it were possible? I know of no national distinctions marking and continuing a more hopeless inferiority. The language, the laws, the character of the North American Continent are English; and every race but the English (I apply this to all who speak the English language) appears there in a condition of inferiority. It is to elevate them from that inferiority that I desire to give to the Canadians our English character. I desire it for the sake of the educated classes, whom the distinction of language and manners keeps apart from the great Empire to which they belong. At the best, the fate of the educated and aspiring colonist is, at present, one of little hope, and little activity; but the French Canadian is cast still further into the shade, by a language and habits foreign to those of the Imperial Government. A spirit of exclusion has closed the higher professions on the educated classes of the French Canadians, more, perhaps, than was absolutely necessary; but it is impossible for the utmost liberality on the part of the British Government to give an equal position in the general competition of its vast population to those who speak a foreign language. I desire the amalgamation still more for the sake of the humbler classes. Their present state of rude and equal plenty is fast deteriorating under the pressure of population in the narrow limits to which they are confined. If they attempt to better their condition, by extending themselves over the neighbouring country, they will necessarily get more and more mingled with an English population: if they prefer remaining stationary, the greater part of them must be labourers in the employ of English capitalists. In either case it would appear, that the great mass of the French Canadians are doomed, in some measure, to occupy an inferior position, and to be dependent on the English for employment. The evils of poverty and dependence would merely be aggravated in a ten-fold degree, by a spirit of jealous and resentful nationality, which should separate the working class of the community from the possessors of wealth and employers of labour.

Economical obstacle to perpetuation of their nationality.

I will not here enter into the question of the effect of the mode of life and division of property among the French Canadians on the happiness of the people. I will admit, for the moment, that it is as productive of well-being as its admirers assert. But, be it good or bad, the period in which it is practicable, is past; for there is not enough unoccupied land left in that portion of the country in which English are not already settled, to admit of the present French population possessing farms sufficient to supply them with their present means of comfort, under their system of husbandry. No population has increased by mere births so rapidly as that of the French Canadians has since the conquest. At that period their number was estimated at 60,000: it is now supposed to amount to more than seven times as many. There has been no proportional increase of cultivation, or of produce from the land already under cultivation; and the increased population has been in a great measure provided for by mere continued subdivision of estates. In a Report from a Committee of the Assembly in 1826, of which Mr. Andrew Steuart was chairman, it is stated, that since 1784 the population of the seignories had quadrupled, while the number of cattle had only doubled, and the quantity of land in cultivation had only increased one-third. Complaints of distress are constant, and the deterioration of the condition of a great part of the population admitted on all hands. A people so circumstanced must alter their mode of life. If they wish to maintain the same kind of rude, but well-provided agricultural existence, it must be by removing into those parts of the country in which the English are settled; or if they cling to their present residence, they can only

obtain a livelihood by deserting their present employment, and working for wages on farms, or in commercial occupations under English capitalists. But their present proprietary and inactive condition is one which no political arrangements can perpetuate. Were the French Canadians to be guarded from the influx of any other population, their condition in a few years would be similar to that of the poorest of the Irish peasantry.

The French nationality is destitute of invigorating qualities.

There can hardly be conceived a nationality more destitute of all that can invigorate and elevate a people, than that which is exhibited by the descendants of the French in Lower Canada, owing to their retaining their peculiar language and manners. They are a people with no history, and no literature. The literature of England is written in a language which is not theirs; and the only literature which their language renders familiar to them, is that of a nation from which they have been separated by eighty years of a foreign rule, and still more by those changes which the Revolution and its consequences have wrought in the whole political, moral and social state of France. Yet it is on a people whom recent history, manners and modes of thought, so entirely separate from them, that the French Canadians are wholly dependent for almost all the instruction and amusement derived from books: it is on this essentially foreign literature, which is conversant about events, opinions and habits of life, perfectly strange and unintelligible to them, that they are compelled to be dependent. Their newspapers are mostly written by natives of France, who have either come to try their fortunes in the Province, or been brought into it by the party leaders, in order to supply the dearth of literary talent available for the political press. In the same way their nationality operates to deprive them of the enjoyments and civilizing influence of the arts. Though descended from the people in the world that most generally love, and have most successfully cultivated the drama—though living on a continent, in which almost every town, great or small, has an English theatre, the French population of Lower Canada, cut off from every people that speaks its own language, can support no national stage.

Character of the Province should be immediately altered.

In these circumstances, I should be indeed surprised if the more reflecting part of the French Canadians entertained at present any hope of continuing to preserve their nationality. Much as they struggle against it, it is obvious that the process of assimilation to English habits is already commencing. The English language is gaining ground, as the language of the rich and of the employers of labour naturally will. It appeared by some of the few returns, which had been received by the Commissioner of the Inquiry into the state of Education, that there are about ten times the number of French children in Quebec learning English, as compared with the English children who learn French. A considerable time must, of course, elapse before the change of a language can spread over a whole people; and justice and policy alike require, that while the people continue to use the French language, their Government should take no such means to force the English language upon them as would, in fact, deprive the great mass of the community of the protection of the laws. But, I repeat that the alteration of the character of the Province ought to be immediately entered on, and firmly, though cautiously, followed up; that in any plan, which may be adopted for the future management of Lower Canada, the first object ought to be that of making it an English Province; and that, with this end in view, the ascendancy should never again be placed in any hands but those of an English population. Indeed, at the present moment this is obviously necessary: in the state of mind in which I have described the Freneh Canadian population, as not only now being, but as likely for a long while to remain, the trusting them with an entire control over this Province, would be, in fact, only facilitating a rebellion. Lower Canada must be governed now, as it must be hereafter, by an English population: and thus the policy, which the necessities of the moment force on us, is in accordance with that suggested by a comprehensive view of the future and permanent improvement of the Province.

Plans for absolute government in Lower Canada.

The greater part of the plans which have been proposed for the future government of Lower Canada, suggest either as a lasting or as a temporary and intermediate scheme, that the Government of that Province should be constituted on an entirely despotic footing, or on one that would vest it entirely in the hands of the British minority. It is proposed either to place the legislative authority in a Governor, with a Council formed of the heads of the British party, or to contrive some scheme of representation, by which a minority, with the forms of representation,

representation, is to deprive a majority of all voice in the management of its own affairs.

Importance of preserving the sympathy of the United States.

The maintenance of an absolute form of government on any part of the North American Continent, can never continue for any long time, without exciting a general feeling in the United States against a power of which the existence is secured by means so odious to the people; and as I rate the preservation of the present general sympathy of the United States with the policy of our Government in Lower Canada, as a matter of the greatest importance, I should be sorry that the feeling should be changed for one which, if prevalent among that people, must extend over the surrounding Provinces. The influence of such an opinion would not only act very strongly on the entire French population, and keep up among them a sense of injury, and a determination of resistance to the Government, but would lead to just as great discontent among the English. In their present angry state of feeling, they might tolerate, for a while, any arrangement that would give them a triumph over the French; but I have greatly misunderstood their character, if they would long bear a Government in which they had no direct voice. Nor would their jealousy be obviated by the selection of a Council from the persons supposed to have their confidence. It is not easy to know who really possess that confidence; and I suspect that there would be no surer way of depriving a man of influence over them, than by treating him as their representative, without their consent.

The Legislature should represent public opinion.

The experience which we have had of a Government irresponsible to the people in these Colonies, does not justify us in believing that it would be very well administered. And the great reforms in the institutions of the Province which must be made, ere Lower Canada can ever be a well-ordered and flourishing community, can be effected by no Legislature which does not represent a great mass of public opinion.

An irresponsible Government necessarily weak.

But the great objection to any government of an absolute kind is, that it is palpably of a temporary nature; that there is no reason to believe that its influence during the few years that it would be permitted to last, would leave the people at all more fit to manage themselves; that, on the contrary, being a mere temporary institution, it would be deficient in that stability which is the great requisite of government in times of disorder. There is every reason to believe that a professedly irresponsible government would be the weakest that could be devised. Every one of its acts would be discussed, not in the Colony, but in England, on utterly incomplete and incorrect information, and run the chance of being disallowed without being understood. The most violent outcry that could be raised by persons looking at them through the medium of English and constitutional notions, or by those who might hope thereby to promote the sinister purposes of faction at home, would be constantly directed against them. Such consequences as these are inevitable. The people of England are not accustomed to rely on the honest and discreet exercise of absolute power; and if they permit a despotism to be established in their Colonies, they feel bound, when their attention happens to be directed towards them, to watch its acts with vigilance. The Governor and Council would feel this responsibility in all their acts: unless they happened to be men of much more than ordinary nerve and earnestness, they would shape their policy so as merely to avoid giving a handle to attacks; and their measures would exhibit all that uncertainty and weakness which such a motive is sure to produce.

Objection to unfair means of securing an English majority.

With respect to every one of those plans which propose to make the English minority an electoral majority by means of new and strange modes of voting or unfair divisions of the country, I shall only say, that if the Canadians are to be deprived of representative government, it would be better to do it in a straight-forward way than to attempt to establish a permanent system of government on the basis of what all mankind would regard as mere electoral frauds. It is not in North America that men can be cheated by an unreal semblance of representative government, or persuaded that they are out-voted, when, in fact, they are disfranchised.

A numerical English majority will alone obliterate French nationality.

The only power that can be effectual at once in coercing the present disaffection, and hereafter obliterating the nationality of the French Canadians, is that of a numerical majority of a loyal and English population; and the only stable government will be one more popular than any that has hitherto existed in the

North American Colonies. The influence of perfectly equal and popular institutions in effacing distinctions of race without disorder or oppression, and with little more than the ordinary animosities of party in a free country, is memorably exemplified in the history of the state of Louisiana, the laws and population of which were French at the time of its cession to the American Union. And the eminent success of the policy adopted with regard to that State, points out to us the means by which a similar result can be effected in Lower Canada.

Case of Louisiana.

The English of Lower Canada, who seem to infer the means from the result, entertain and circulate the most extraordinary conceptions of the course really pursued in this instance. On the single fact, that in the constitution of Louisiana it is specified that the public acts of the State shall be "in the language in which the constitution of the United States is written," it has been inferred that the federal Government in the most violent manner swept away the use of the French language and laws, and subjected the French population to some peculiar disabilities which deprived them, in fact, of an equal voice in the government of their State. Nothing can be more contrary to the fact. Louisiana, on its first cession was governed as a "district;" its public officers were appointed by the federal Government; and, as was natural under the circumstances of the case, they were natives of the old States of the Union. In 1812, the district, having the requisite population, was admitted into the Union as a State, and admitted on precisely the same terms that any other population would have or has been. The constitution was framed so as to give precisely the same power to the majority as is enjoyed in the other States of the Union. No alteration was then made in the laws. The proof of this is afforded by a fact familiar to every person moderately acquainted with the jurisprudence of the age. The code, which is the glory of Louisiana and Mr. Livingstone, was subsequently undertaken under the auspices of the legislature, in consequence of the confusion daily arising in the administration of the English and French system of law in the same courts. This change of laws, effected in the manner most consonant to the largest views of legislation, was not forced on the legislature and people of the State by an external authority, but was the suggestion of their own political wisdom. Louisiana is not the only State in the Union which has been troubled by the existence of conflicting systems of law. The State of New York, till within a few years, suffered under the same evil, which it remedied in the same way, by employing a commission of its ablest lawyers to digest both systems of law into a common code. The contending populations of Lower Canada may well imitate these examples; and if, instead of endeavouring to force their respective laws upon each other, they would attempt an amalgamation of the two systems into one, adopting what is really best in both, the result would be creditable to the Province.

Provision for both races.

Every provision was made in Louisiana for securing to both races a perfectly equal participation in all the benefits of the Government. It is true that the intention of the federal Government to encourage the use of the English language was evinced by the provision of the constitution with respect to the language of the records; but those who will reflect how very few people ever read such documents, and how very recently it is that the English language has become the language of the law in this country, will see that such a provision could have little practical effect. In all cases in which convenience requires it, the different parties use their respective languages in the courts of justice, and in both branches of the legislature. In every judicial proceeding, all documents which pass between the parties are required to be in both languages, and the laws are published in both languages. Indeed the equality of the two languages is preserved in the legislature by a very singular contrivance; the French and English members speak their respective languages, and an interpreter, as I was informed, after every speech, explains its purport in the other language.

Distinction of races long a cause of jealousy.

For a long time the distinction between the two races was the cause of great jealousy. The Americans crowded into the State in order to avail themselves of its great natural resources, and its unequalled commercial advantages; there, as every where else on that continent, their energy and habits of business gradually drew the greater part of the commercial business of the country into their hands; and though, I believe, a few of the richest merchants, and most of the owners of plantations, are French, the English form the bulk of the wealthier classes. Year after year their numbers have become greater, and it is now generally

generally supposed that they constitute the numerical majority. It may be imagined that the French have borne this with a good deal of dissatisfaction; but as the advantages gained by the English were entirely the result, not of favour, but of their superiority in a perfectly free competition, this jealousy could excite no murmurs against the Government. The competition made the two races enemies at first, but it has gradually stirred the emulation of the less active race, and made them rivals. The jealousies in the city of New Orleans were so great at one time, that the Legislature of the State, at the desire of the English, who complained of the inertness of the French, formed separate municipalities for the French and English parts of the city. These two municipalities are now actuated by a spirit of rivalry, and each undertakes great public works for the ornament and convenience of their respective quarters.

Present state of society.

The distinction still lasts, and still causes a good deal of division; the society of each race is said to be in some measure distinct, but not by any means hostile; and some accounts represent the social mixture to be very great. All accounts represent the division of the races as becoming gradually less and less marked; their newspapers are printed in the two languages on opposite pages; their local politics are entirely merged in those of the Union; and instead of discovering in their papers any vestiges of a quarrel of races, they are found to contain a repetition of the same party recriminations and party arguments, which abound in all other parts of the federation.

Explanation of amalgamation.

The explanation of this amalgamation is obvious. The French of Louisiana, when they were formed into a state, in which they were a majority, were incorporated into a great nation, of which they constituted an extremely small part. The eye of every ambitious man turned naturally to the great centre of federal affairs, and the high prizes of federal ambition. The tone of politics was taken from those by whose hands its highest powers were wielded; the legislation and government of Louisiana were from the first insignificant, compared with the interests involved in the discussions at Washington. It became the object of every aspiring man to merge his French, and adopt completely an American nationality. What was the interest of individuals, was also the interest of the State. It was its policy to be represented by those who would acquire weight in the councils of the federation. To speak only a language foreign to that of the United States, was consequently a disqualification for a candidate for the posts of either senator or representative; the French qualified themselves by learning English, or submitted to the superior advantages of their English competitors. The representation of Louisiana in Congress is now entirely English, while each of the federal parties in the State conciliates the French feeling, by putting up a candidate of that race. But the result is, that the Union is never disturbed by the quarrels of these races; and the French language and manners bid fair, in no long time, to follow their laws, and pass away like the Dutch peculiarities of New York.

It is only by the same means,—by a popular government, in which an English majority shall permanently predominate, that Lower Canada, if a remedy for its disorders be not too long delayed, can be tranquilly ruled.

Disorders of Lower Canada only remediable by fusion with another Province.

On these grounds, I believe that no permanent or efficient remedy can be devised for the disorders of Lower Canada, except a fusion of the Government in that of one or more of the surrounding Provinces; and as I am of opinion that the full establishment of responsible government can only be permanently secured by giving these Colonies an increased importance in the politics of the Empire, I find in union the only means of remedying at once and completely the two prominent causes of their present unsatisfactory condition.

Two kinds of union proposed, federal and legislative.

Two kinds of union have been proposed,—federal and legislative. By the first, the separate legislature of each Province would be preserved in its present form, and retain almost all its present attributes of internal legislation; the federal legislature exercising no power, save in those matters of general concern, which may have been expressly ceded to it by the constituent Provinces. A legislative union would imply a complete incorporation of the Provinces included in it under one legislature, exercising universal and sole legislative authority over all of them, in exactly the same manner as the Parliament legislates alone for the whole of the British Isles.

Federal union considered

On my first arrival in Canada, I was strongly inclined to the project of a federal union, and it was with such a plan in view, that I discussed a general measure for the government of the Colonies, with the deputations from the Lower Provinces, and with various leading individuals and public bodies in both the Canadas. I was fully aware that it might be objected that a federal union would, in many cases, produce a weak and rather cumbrous government; that a Colonial federation must have, in fact, little legitimate authority or business, the greater part of the ordinary functions of a federation falling within the scope of the imperial legislature and executive; and that the main inducement to federation, which is the necessity of conciliating the pretensions of independent states to the maintenance of their own sovereignty, could not exist in the case of Colonial dependencies, liable to be moulded according to the pleasure of the supreme authority at home. In the course of the discussions which I have mentioned, I became aware also of great practical difficulties in any plan of federal government, particularly those that must arise in the management of the general revenues, which would in such a plan have to be again distributed among the Provinces. But I had still more strongly impressed on me the great advantages of an united Government; and I was gratified by finding the leading minds of the various Colonies strongly and generally inclined to a scheme that would elevate their countries into something like a national existence. I thought that it would be the tendency of a federation sanctioned and consolidated by a monarchical Government gradually to become a complete legislative union; and that thus, while conciliating the French of Lower Canada, by leaving them the government of their own Province and their own internal legislation, I might provide for the protection of British interests by the general government, and for the gradual transition of the Provinces into an united and homogeneous community.

its difficulties.

Period of federation past in Lower Canada.

But the period of gradual transition is past in Lower Canada. In the present state of feeling among the French population, I cannot doubt that any power which they might possess would be used against the policy and the very existence of any form of British government. I cannot doubt that any French Assembly that shall again meet in Lower Canada will use whatever power, be it more or less limited, it may have, to obstruct the Government, and undo whatever has been done by it. Time, and the honest co-operation of the various parties, would be required to aid the action of a federal constitution; and time is not allowed, in the present state of Lower Canada, nor co-operation to be expected from a legislature, of which the majority shall represent its French inhabitants. I believe that tranquillity can only be restored by subjecting the Province to the vigorous rule of an English majority; and that the only efficacious government would be that formed by a legislative union.

Legislative Union recommended.

The French, when in a legitimate minority, would abandon vain hopes of nationality.

If the population of Upper Canada is rightly estimated at 400,000, the English inhabitants of Lower Canada at 150,000, and the French at 450,000, the union of the two Provinces would not only give a clear English majority, but one which would be increased every year by the influence of English emigration; and I have little doubt that the French, when once placed, by the legitimate course of events and the working of natural causes, in a minority, would abandon their vain hopes of nationality. I do not mean that they would immediately give up their present animosities, or instantly renounce the hope of attaining their end by violent means. But the experience of the two Unions in the British Isles may teach us how effectually the strong arm of a popular legislature would compel the obedience of the refractory population; and the hopelessness of success, would gradually subdue the existing animosities, and incline the French Canadian population to acquiesce in their new state of political existence. I certainly should not like to subject the French Canadians to the rule of the identical English minority with which they have so long been contending; but from a majority, emanating from so much more extended a source, I do not think they would have any oppression or injustice to fear; and in this case, the far greater part of the majority never having been brought into previous collision, would regard them with no animosity that could warp their natural sense of equity. The endowments of the Catholic church in Lower Canada, and the existence of all its present laws, until altered by the united Legislature, might be secured by stipulations similar to those adopted in the Union between England and Scotland. I do not think that the subsequent history of British legislation need incline us to believe, that the nation which has a majority in a popular legislature, is likely to

to use its power to tamper very hastily with the laws of the people to which it is united.

Advantages of union to Upper Canada.

The union of the two Provinces would secure to Upper Canada the present great objects of its desire. All disputes as to the division or amount of the revenue would cease. The surplus revenue of Lower Canada would supply the deficiency of that part of the upper Province; and the Province thus placed beyond the possibility of locally jobbing the surplus revenue, which it cannot reduce, would, I think, gain as much by the arrangement as the Province, which would thus find a means of paying the interest of its debt. Indeed it would be by no means unjust to place this burthen on Lower Canada, inasmuch as the great public works for which the debt was contracted, are as much the concern of one Province as of the other. Nor is it to be supposed that, whatever may have been the mismanagement, in which a great part of the debt originated, the canals of Upper Canada will always be a source of loss, instead of profit. The completion of the projected and necessary line of public works would be promoted by such an union. The access to the sea would be secured to Upper Canada. The saving of public money, which would be ensured by the union of various establishments in the two Provinces, would supply the means of conducting the general Government on a more efficient scale than it has yet been carried on. And the responsibility of the executive would be secured by the increased weight which the representative body of the United Province would bring to bear on the Imperial Government and Legislature.

Advantages of legislative union to all the British Provinces.

But while I convince myself that such desirable ends would be secured by the legislative union of the two Provinces, I am inclined to go further, and inquire whether all these objects would not more surely be attained, by extending this legislative union over all the British Provinces in North America; and whether the advantages which I anticipate for two of them, might not, and should not in justice be extended over all. Such an union would at once decisively settle the question of races; it would enable all the Provinces to co-operate for all common purposes; and, above all, it would form a great and powerful people, possessing the means of securing good and responsible government for itself, and which, under the protection of the British Empire, might in some measure counterbalance the preponderant and increasing influence of the United States on the American continent. I do not anticipate that a Colonial Legislature thus strong and thus self-governing, would desire to abandon the connexion with Great Britain. On the contrary, I believe that the practical relief from undue interference, which would be the result of such a change, would strengthen the present bond of feelings and interests; and that the connexion would only become more durable and advantageous, by having more of equality, of freedom, and of local independence. But at any rate, our first duty is to secure the well-being of our colonial countrymen; and if in the hidden decrees of that wisdom by which this world is ruled, it is written, that these countries are not for ever to remain portions of the Empire, we owe it to our honour to take good care that, when they separate from us, they should not be the only countries on the American continent in which the Anglo-Saxon race shall be found unfit to govern itself.

A legislative union would counterbalance existing tendencies to separation.

I am, in truth, so far from believing that the increased power and weight that would be given to these Colonies by union would endanger their connexion with the Empire, that I look to it as the only means of fostering such a national feeling throughout them as would effectually counterbalance whatever tendencies may now exist towards separation. No large community of free and intelligent men will long feel contented with a political system which places them, because it places their country, in a position of inferiority to their neighbours. The colonist of Great Britain is linked, it is true, to a mighty Empire; and the glories of its history, the visible signs of its present power, and the civilization of its people, are calculated to raise and gratify his national pride. But he feels, also, that his link to that Empire is one of remote dependence; he catches but passing and inadequate glimpses of its power and prosperity; he knows that in its government he and his own countrymen have no voice. While his neighbour on the other side of the frontier assumes importance, from the notion that his vote exercises some influence on the councils, and that he himself has some share in the onward progress of a mighty nation, the colonist feels the deadening influence of the narrow and subordinate community to which he belongs. In his own, and in the surrounding Colonies, he finds petty objects occupying petty, stationary and divided

societies; and it is only when the chances of an uncertain and tardy communication bring intelligence of what has passed a month before on the other side of the Atlantic, that he is reminded of the Empire with which he is connected. But the influence of the United States surrounds him on every side, and is for ever present. It extends itself as population augments and intercourse increases; it penetrates every portion of the continent into which the restless spirit of American speculation impels the settler or the trader; it is felt in all the transactions of commerce, from the important operations of the monetary system down to the minor details of ordinary traffic; it stamps, on all the habits and opinions of the surrounding countries, the common characteristics of the thoughts, feelings and customs of the American people. Such is necessarily the influence which a great nation exercises on the small communities which surround it. Its thoughts and manners subjugate them, even when nominally independent of its authority. If we wish to prevent the extension of this influence, it can only be done by raising up for the North American colonist some nationality of his own; by elevating these small and unimportant communities into a society having some objects of a national importance; and by thus giving their inhabitants a country which they will be unwilling to see absorbed even into one more powerful.

It would provide scope for elevating the ambition of aspiring men.

While I believe that the establishment of a comprehensive system of Government, and of an effectual union between the different Provinces, would produce this important effect on the general feelings of their inhabitants, I am inclined to attach very great importance to the influence which it would have in giving greater scope and satisfaction to the legitimate ambition of the most active and prominent persons to be found in them. As long as personal ambition is inherent in human nature, and as long as the morality of every free and civilized community encourages its aspirations, it is one great business of a wise Government to provide for its legitimate development. If, as it is commonly asserted, the disorders of these Colonies have, in great measure, been fomented by the influence of designing and ambitious individuals, this evil will best be remedied by allowing such a scope for the desires of such men as shall direct their ambition into the legitimate chance of furthering, and not of thwarting, their Government. By creating high prizes in a general and responsible Government, we shall immediately afford the means of pacifying the turbulent ambitions, and of employing in worthy and noble occupations the talents which now are only exerted to foment disorder. We must remove from these Colonies the cause to which the sagacity of Adam Smith traced the alienation of the Provinces which now form the United States: we must provide some scope for what he calls "the importance" of the leading men in the Colony, beyond what he forcibly terms the present "petty prizes of the paltry raffle of colonial faction." A general Legislative Union would elevate and gratify the hopes of able and aspiring men. They would no longer look with envy and wonder at the great arena of the bordering federation, but see the means of satisfying every legitimate ambition in the high offices of the Judicature and Executive Government of their own Union.

Reasons for union in common foreign relations.

Nor would an union of the various Provinces be less advantageous in facilitating a co-operation for various common purposes, of which the want is now very seriously felt. There is hardly a department of the business of Government which does not require, or would not be better performed, by being carried on under the superintendence of a general Government; and when we consider the political and commercial interests that are common to these Provinces, it appears difficult to account for their having ever been divided into separate governments, since they have all been portions of the same Empire, subject to the same Crown, governed by nearly the same laws and constitutional customs, inhabited, with one exception, by the same race, contiguous and immediately adjacent to each other, and bounded along their whole frontier by the territories of the same powerful and rival State. It would appear that every motive that has induced the union of various Provinces into a single State, exists for the consolidation of these Colonies under a common legislature and executive. They have the same common relation to the mother country; the same relation to foreign nations. When one is at war, the others are at war; and the hostilities that are caused by an attack on one, must seriously compromise the welfare of the rest. Thus the dispute between Great Britain and the State of Maine, appears immediately to involve the interests of none of these Colonies, except New Brunswick or Lower Canada, to one of which the territory claimed by us must belong. But if a war were to commence on this ground, it is most probable that the American Government would select Upper Canada as the most vulnerable, or, at any rate, as the easiest point of attack. A dispute respecting the fisheries

fisheries of Nova Scotia would involve precisely the same consequences. An union for common defence against foreign enemies is the natural bond of connexion that holds together the great communities of the world; and between no parts of any Kingdom or State is the necessity for such an union more obvious than between the whole of these Colonies.

Reasons for union in internal relations.

Their internal relations furnish quite as strong motives for union. The Post Office is at the present moment under the management of the same imperial establishment. If, in compliance with the reasonable demands of the Colonies, the regulation of a matter so entirely of internal concern, and the revenue derived from it, were placed under the control of the Provincial Legislatures, it would still be advisable that the management of the Post Office throughout the whole of British North America should be conducted by one general establishment. In the same way, so great is the influence on the other Provinces of the arrangements adopted with respect to the disposal of public lands and colonization in any one, that it is absolutely essential that this department of Government should be conducted on one system, and by one authority. The necessity of common fiscal regulations is strongly felt by all the Colonies; and a common custom-house establishment would relieve them from the hindrances to their trade, caused by the duties now levied on all commercial intercourse between them. The monetary and banking system of all is subject to the same influences, and ought to be regulated by the same laws. The establishment of a common colonial currency is very generally desired. Indeed, I know of no department of Government that would not greatly gain, both in economy and efficiency, by being placed under a common management. I should not propose, at first, to alter the existing public establishments of the different Provinces, because the necessary changes had better be left to be made by the united Government; and the judicial establishments should certainly not be disturbed until the future legislature shall provide for their re-construction, on an uniform and permanent footing. But even in the administration of justice, an union would immediately supply a remedy for one of the most serious wants under which all the Provinces labour, by facilitating the formation of a general appellate tribunal for all the North American Colonies.

New interests would be called into existence by an union.

But the interests which are already in common between all these Provinces are small in comparison with those which, the consequences of such an union, might, and I think I may say assuredly would, call into existence; and the great discoveries of modern art, which have throughout the world, and no where more than in America, entirely altered the character and the channels of communication between distant countries, will bring all the North American Colonies into constant and speedy intercourse with each other. The success of the great experiment of steam navigation across the Atlantic, opens a prospect of a speedy communication with Europe, which will materially affect the future state of all these Provinces. In a Despatch which arrived in Canada after my departure, the Secretary of State informed me of the determination of Your Majesty's Government to establish a steam communication between Great Britain and Halifax; and instructed me to turn my attention to the formation of a road between that port and Quebec. It would, indeed, have given me sincere satisfaction, had I remained in the Province, to promote, by any means in my power, so highly desirable an object; and the removal of the usual restrictions on my authority as Governor General, having given me the means of effectually acting in concert with the various Provincial Governments, I might have been able to make some progress in the work. But I cannot point out more strikingly the evils of the present want of a general government for these Provinces, than by adverting to the difficulty which would practically occur, under the previous and present arrangements of both Executive and Legislative authorities in the various Provinces, in attempting to carry such a plan into effect. For the various Colonies have no more means of concerting such common works with each other, than with the neighbouring States of the Union. They stand to one another in the position of foreign States, and of foreign States without diplomatic relations. The Governors may correspond with each other: the Legislatures may enact laws, carrying the common purposes into effect in their respective jurisdictions; but there is no means by which the various details may speedily and satisfactorily be settled with the concurrence of the different parties. And, in this instance, it must be recollected that the communication and the final settlement would have to be made between, not two, but several of the

Provinces. The road would run through three of them; and Upper Canada, into which it would not enter, would, in fact, be more interested in the completion of such a work than any even of the Provinces through which it would pass. The Colonies, indeed, have no common centre in which the arrangement could be made, except in the Colonial Office at home; and the details of such a plan would have to be discussed just where the interests of all parties would have the least means of being fairly and fully represented, and where the minute local knowledge necessary for such a matter would be least likely to be found.

Improved communications desirable.

The completion of any satisfactory communication between Halifax and Quebec, would, in fact, produce relations between these Provinces, that would render a general union absolutely necessary. Several surveys have proved that a railroad would be perfectly practicable the whole way. Indeed, in North America, the expense and difficulty of making a railroad, bears by no means the excessive proportion to those of a common road that it does in Europe. It appears to be a general opinion in the United States, that the severe snows and frosts of that continent very slightly impede, and do not prevent, the travelling on railroads; and if I am rightly informed, the Utica railroad, in the northern part of the State of New York, is used throughout the winter. If this opinion be correct, the formation of a railroad from Halifax to Quebec would entirely alter some of the distinguishing characteristics of the Canadas. Instead of being shut out from all direct intercourse with England during half the year, they would possess a far more certain and speedy communication throughout the winter than they now possess in summer. The passage from Ireland to Quebec would be a matter of 10 or 12 days, and Halifax would be the great port by which a large portion of the trade, and all the conveyance of passengers to the whole of British North America, would be carried on. But even supposing these brilliant prospects to be such as we could not reckon on seeing realized, I may assume that it is not intended to make this road without a well-founded belief that it will become an important channel of communication between the Upper and Lower Provinces. In either case, would not the maintenance of such a road, and the mode in which the Government is administered in the different Provinces, be matters of common interest to all? If the great natural channel of the St. Lawrence gives all the people who dwell in any part of its basin such an interest in the government of the whole as renders it wise to incorporate the two Canadas, the artificial work which would, in fact, supersede the lower part of the St. Lawrence, as the outlet of a great part of the Canadian trade, and would make Halifax, in a great measure, an outport to Quebec, would surely in the same way render it advisable that the incorporation should be extended to Provinces through which such a road would pass.

Union desirable to Prince Edward's Island and Newfoundland.

With respect to the two smaller Colonies of Prince Edward's Island and Newfoundland, I am of opinion, that not only would most of the reasons which I have given for an union of the others, apply to them, but that their smallness makes it absolutely necessary, as the only means of securing any proper attention to their interests, and investing them with that consideration, the deficiency of which, they have so much reason to lament in all the disputes which yearly occur between them and the citizens of the United States with regard to the encroachments made by the latter on their coasts and fisheries.

Opinion of H. R. H. the late Duke of Kent.

The views on which I found my support of a comprehensive union have long been entertained by many persons in these Colonies, whose opinion is entitled to the highest consideration. I cannot, however, refrain from mentioning the sanction of such views by one whose authority Your Majesty will, I may venture to say, receive with the utmost respect. Mr. Sewell, the late Chief Justice of Quebec, laid before me an autograph letter addressed to himself by Your Majesty's illustrious and lamented father, in which his Royal Highness was pleased to express his approbation of a similar plan then proposed by that gentleman. No one better understood the interests and character of these Colonies than his Royal Highness; and it is with peculiar satisfaction, therefore, that I submit to Your Majesty's perusal the important document which contains his Royal Highness's opinion in favour of such a scheme:—

" My dear Sewell, Kensington Palace, 30 Nov. 1814.

" I have this day had the pleasure of receiving your note of yesterday, with its interesting enclosure: nothing can be better arranged than the whole thing is, or more

more perfectly I cannot wish; and, when I see an opening, it is fully my intention to hint the matter to Lord Bathurst, and put the paper into his hands, without, however, telling him from whom I have it, though I shall urge him to have some conversation with you relative to it. Permit me, however, just to ask you whether it was not an oversight in you to state that there are *five* Houses of Assembly in the British Colonies in North America? for if I am not under an error, there are *six*, viz. Upper and Lower Canada, Nova Scotia and New Brunswick, the Islands of Prince Edward and Cape Breton. Allow me also to beg of you to put down the proportions in which you think the thirty members of the representative Assembly ought to be furnished by each province; and, finally, to suggest whether you would not think two Lieutenant Governors, with two Executive Councils, sufficient for the Executive Government of the whole, viz. one for the two Canadas, and one for Nova Scotia and New Brunswick, comprehending the small dependencies of Cape Breton and Prince Edward's Island; the former to reside at Montreal, and the latter at whichever of the two situations may be considered most central for the two Provinces, whether Annapolis Royal or Windsor. But at all events, should you even consider four Executive Governments and four Executive Councils requisite, I presume there cannot be a question of the expediency of comprehending the two small islands in the Gulf of St. Lawrence with Nova Scotia.

"Believe me ever to remain, with the most friendly regard,

"My dear Sewell, yours faithfully,

(signed) "*Edward.*"

Difficulty in the way of union.

I know of but one difficulty in the way of such an union; and that arises from the disinclination which some of the Lower Provinces might feel to the transference of powers from their present Legislatures to that of the Union. The objection to this would arise principally, I imagine, from their not liking to give up the immediate control which they now have over the funds by which their local expenditure is defrayed. I have given such a view of the evils of this system, that I cannot be expected to admit that an interference with it would be an objection to my plan. I think, however, that the Provinces would have a right to complain, if these powers of local management, and of distributing funds for local purposes, were taken from Provincial Assemblies only to be placed in the yet more objectionable hands of a general legislature. Every precaution should, in my opinion, be taken to prevent such a power, by any possibility, falling into the hands of the Legislature of the Union. In order to prevent that, I would prefer that the Provincial Assemblies should be retained, with merely municipal powers. But it would be far better, in point both of efficiency and of economy, that this power should be entrusted to the municipal bodies of much smaller districts; and the formation of such bodies would, in my opinion, be an essential part of any durable and complete Union.

Legislative union should have the consent of the colonial people.

With such views, I should without hesitation recommend the immediate adoption of a general legislative union of all the British Provinces in North America, if the regular course of Government were suspended or perilled in the Lower Provinces, and the necessity of the immediate adoption of a plan for their government, without reference to them, a matter of urgency; or if it were possible to delay the adoption of a measure with respect to the Canadas until the project of an union could have been referred to the Legislatures of the Lower Provinces. But the state of the Lower Province, though it justifies the proposal of an union, would not, I think, render it gracious, or even just, on the part of Parliament to carry it into effect without referring it for the ample deliberation and consent of the people of those Colonies. Moreover, the state of the two Canadas is such, that neither the feelings of the parties concerned, nor the interests of the Crown or the Colonies themselves will admit of a single Session, or even of a large portion of a Session of Parliament being allowed to pass without a definite decision by the Imperial Legislature as to the basis on which it purposes to found the future government of those Colonies.

Recommendations of the High Commissioner.

In existing circumstances, the conclusion to which the foregoing considerations lead me, is, that no time should be lost in proposing to Parliament a Bill for repealing the 31 Geo. 3; restoring the union of the Canadas under one Legislature; and re-constituting them as one Province.

Voluntary admission of the other Provinces into the Union.

The Bill should contain provisions by which any or all of the other North American Colonies may, on the application of the Legislature, be, with the consent of the two Canadas, or their united Legislature, admitted into the union on such terms as may be agreed on between them.

Objection to plans giving equal representation to the two Provinces.

As the mere amalgamation of the Houses of Assembly of the two Provinces would not be advisable, or give at all a due share of representation to each, a Parliamentary Commission should be appointed, for the purpose of forming the electoral divisions, and determining the number of members to be returned on the principle of giving representation, as near as may be, in proportion to population. I am averse to every plan that has been proposed for giving an equal number of members to the two Provinces, in order to attain the temporary end of out-numbering the French, because I think the same object will be obtained without any violation of the principles of representation, and without any such appearance of injustice in the scheme as would set public opinion, both in England and America, strongly against it; and because, when emigration shall have increased the English population in the Upper Province, the adoption of such a principle would operate to defeat the very purpose it is intended to serve. It appears to me that any such electoral arrangement, founded on the present provincial divisions, would tend to defeat the purposes of union, and perpetuate the idea of disunion.

Power to the Governor of suspending writs.

At the same time, in order to prevent the confusion and danger likely to ensue from attempting to have popular elections in districts recently the seats of open rebellion, it will be advisable to give the Governor a temporary power of suspending by proclamation, stating specifically the grounds of his determination, the writs of electoral districts, in which he may be of opinion that elections could not safely take place.

Local Government by elective bodies.

The same commission should form a plan of local government by elective bodies subordinate to the general legislature, and exercising a complete control over such local affairs as do not come within the province of general legislation. The plan so framed should be made an act of the Imperial Parliament, so as to prevent the general legislature from encroaching on the powers of the local bodies.

General Executive and Supreme Court of Appeal.

A general executive on an improved principle should be established, together with a Supreme Court of Appeal, for all the North American Colonies. The other establishments and laws of the two Colonies should be left unaltered, until the Legislature of the Union should think fit to change them; and the security of the existing endowments of the Catholic Church in Lower Canada should be guaranteed by the Act.

Constitution of Legislative Councils

The constitution of a second legislative body for the united Legislature, involves questions of very great difficulty. The present constitution of the Legislative Councils of these Provinces has always appeared to me inconsistent with sound principles, and little calculated to answer the purpose of placing the effective check which I consider necessary on the popular branch of the Legislature. The analogy which some persons have attempted to draw between the House of Lords and the Legislative Councils seems to me erroneous. The constitution of the House of Lords is consonant with the frame of English society; and as the creation of a precisely similar body in such a state of society as that of these Colonies is impossible, it has always appeared to me most unwise to attempt to supply its place by one which has no point of resemblance to it, except that of being a non-elective check on the elective branch of the Legislature. The attempt to invest a few persons, distinguished from their fellow-colonists neither by birth nor hereditary property, and often only transiently connected with the country, with such a power, seems only calculated to ensure jealousy and bad feelings in the first instance, and collision at last. I believe that when the necessity of relying, in Lower Canada, on the English character of the Legislative Council as a check on the national prejudices of a French Assembly shall be removed by the Union, few persons in the Colonies will be found disposed in favour of its present constitution. Indeed, the very fact of union will complicate the difficulties which have hitherto existed; because a satisfactory choice of councillors would have to be made with reference to the varied interests of a much more numerous and extended community.

should be revised.

It will be necessary, therefore, for the completion of any stable scheme of government, that Parliament should revise the constitution of the Legislative Council,

Council, and, by adopting every practicable means to give that nstitution such a character as would enable it, by its tranquil and safe, but effective working, to act as an useful check on the popular branch of the Legislature, prevent a repetition of those collisions which have already caused such dangerous irritation.

Management of public lands.

The plan which I have framed for the management of the public lands being intended to promote the common advantage of the Colonies and of the mother country, I therefore propose that the entire administration of it should be confided to an imperial authority. The conclusive reasons which have induced me to recommend this course, will be found at length in the separate Report on the subject of Public Lands and Emigration.

Crown Revenues.

All the revenues of the Crown, except those derived from this source, should at once be given up to the United Legislature, on the concession of an adequate civil list.

Responsibility of Officers of Government.

The responsibility to the United Legislature of all officers of the Government, except the Governor and his Secretary, should be secured by every means known to the British Constitution. The Governor, as the representative of the Crown, should be instructed that he must carry on his government by heads of departments, in whom the united Legislature shall repose confidence; and that he must look for no support from home in any contest with the Legislature, except on points involving strictly Imperial interests.

Independence of Judges.

The independence of the Judges should be secured, by giving them the same tenure of office and security of income as exist in England.

Money-votes.

No money-votes should be allowed to originate without the previous consent of the Crown.

Clergy reserves.

In the same Act should be contained a repeal of past provisions with respect to the clergy reserves, and the application of the funds arising from them.

Measures to promote emigration.

In order to promote emigration on the greatest possible scale, and with the most beneficial results to all concerned, I have elsewhere recommended a system of measures which has been expressly framed with that view, after full inquiry and careful deliberation. Those measures would not subject either the colonies or the mother country to any expense whatever. In conjunction with the measures suggested for disposing of public lands, and remedying the evils occasioned by past mismanagement in that department, they form a plan of colonization to which I attach the highest importance. The objects, at least, with which the plan has been formed, are to provide large funds for emigration, and for creating and improving means of communication throughout the provinces; to guard emigrants of the labouring class against the present risks of the passage; to secure for all of them a comfortable resting-place, and employment at good wages immediately on their arrival; to encourage the investment of surplus British capital in these colonies, by rendering it as secure and as profitable as in the United States; to promote the settlement of wild lands and the general improvement of the colonies; to add to the value of every man's property in land; to extend the demand for British manufactured goods, and the means of paying for them, in proportion to the amount of emigration and the general increase of the colonial people; and to augment the colonial revenues in the same degree.

Legislation should consult the unusual exigencies of the case.

When the details of the measure, with the particular reasons for each of them, are examined, the means proposed will, I trust, be found as simple as the ends are great; nor have they been suggested by any fanciful or merely speculative view of the subject. They are founded on the facts given in evidence by practical men; on authentic information, as to the wants and capabilities of the colonies; on an examination of the circumstances which occasion so high a degree of prosperity in the neighbouring States; on the efficient working and remarkable results of improved methods of colonization in other parts of the British Empire; in some measure on the deliberate proposals of a Committee of the House of Commons; and, lastly, on the favourable opinion of every intelligent person in the colonies whom I consulted with respect to them. They involve, no doubt, a considerable change of system, or rather the adoption of a system where there has been none; but this, considering the number and magnitude of past errors, and the present wretched economical state of the colonies, seems rather a recommendation than an objection. I do not flatter myself that so much good can be accomplished

without an effort; but in this, as in other suggestions, I have presumed that the Imperial Government and Legislature will appreciate the actual crisis in the affairs of these colonies, and will not shrink from any exertion that may be necessary to preserve them to the Empire.

Possibility of arresting present disorders.

By the adoption of the various measures here recommended, I venture to hope that the disorders of these Colonies may be arrested, and their future well-being and connexion with the British Empire secured. Of the certain result of my suggestions, I cannot, of course, speak with entire confidence, because it seems almost too much to hope that evils of so long growth, and such extent, can be removed by the tardy application of even the boldest remedy; and because I know that as much depends upon the consistent vigour and prudence of those who may have to carry it into effect, as on the soundness of the policy suggested. The deep-rooted evils of Lower Canada will require great firmness to remove them. The disorders of Upper Canada, which appear to me to originate entirely in mere defects of its constitutional system, may, I believe, be removed by adopting a more sound and consistent mode of administering the government. We may derive some confidence from the recollection, that very simple remedies yet remain to be resorted to for the first time. And we need not despair of governing a people who really have hitherto very imperfectly known what it is to have a Government.

Benefits of a judicious system of colonization.

I have made no mention of emigration, on an extended scale, as a cure for political disorders, because it is my opinion, that until tranquillity is restored, and a prospect of free and stable government is held out, no emigrants should be induced to go to, and that few would at any rate remain in, Canada. But if, by the means which I have suggested, or by any other, peace can be restored, confidence created, and popular and vigorous government established, I rely on the adoption of a judicious system of colonization as an effectual barrier against the recurrence of many of the existing evils. If I should have miscalculated the proportions in which the friends and the enemies of British connexion may meet in the United Legislature, one year's emigration would redress the balance. It is by a sound system of colonization that we can render these extensive regions available for the benefit of the British people. The mismanagement by which the resources of our Colonies have hitherto been wasted, has, I know, produced in the public mind too much of a disposition to regard them as mere sources of corruption and loss, and to entertain, with too much complacency, the idea of abandoning them as useless. I cannot participate in the notion that it is the part either of prudence or of honour to abandon our countrymen, when our government of them has plunged them into disorder, or our territory, when we discover that we have not turned it to proper account. The experiment of keeping colonies and governing them well, ought at least to have a trial, ere we abandon for ever the vast dominion which might supply the wants of our surplus population, and raise up millions of fresh consumers of our manufactures, and producers of a supply for our wants. The warmest admirers, and the strongest opponents of republican institutions, admit or assert that the amazing prosperity of the United States is less owing to their form of government, than to the unlimited supply of fertile land, which maintains succeeding generations in an undiminishing affluence of fertile soil. A region as large and as fertile is open to Your Majesty's subjects in Your Majesty's American dominions. The recent improvements of the means of communication will, in a short time, bring the unoccupied lands of Canada and New Brunswick within as easy a reach of the British Isles, as the territories of Iowa and Wisconsin are of that incessant emigration that annually quits New England for the Far West.

I see no reason, therefore, for doubting that, by good government, and the adoption of a sound system of colonization, the British possessions in North America may thus be made the means of conferring on the suffering classes of the mother country many of the blessings which have hitherto been supposed to be peculiar to the social state of the New World.

In conclusion, I must earnestly impress on Your Majesty's advisers, and on the Imperial Parliament, the paramount necessity of a prompt and decisive settlement of this important question, not only on account of the extent and variety of interests

interests involving the welfare and security of the British Empire, which are perilled by every hour's delay, but on account of the state of feeling which exists in the public mind throughout all Your Majesty's North American possessions, and more especially the two Canadas.

In various Despatches addressed to Your Majesty's Secretary of State, I have given a full description of that state of feeling, as I found it evinced by all classes and all parties, in consequence of the events which occurred in the last Session of the British Parliament. I do not allude now to the French Canadians, but to the English population of both provinces. Ample evidence of their feelings will be found in the Addresses which were presented to me from all parts of the North American Colonies, and which I have inserted in an Appendix to this Report. But, strong as were the expressions of regret and disappointment at the sudden annihilation of those hopes which the English had entertained of seeing a speedy and satisfactory termination of that state of confusion and anarchy under which they had so long laboured, they sunk into insignificance when compared with the danger arising from those threats of separation and independence, the open and general utterance of which was reported to me from all quarters. I fortunately succeeded in calming this irritation for the time, by directing the public mind to the prospect of those remedies which the wisdom and beneficence of Your Majesty must naturally incline Your Majesty to sanction, whenever they are brought under Your Majesty's consideration. But the good effects thus produced by the responsibility which I took upon myself, will be destroyed; all these feelings will recur with redoubled violence; and the danger will become immeasurably greater, if such hopes are once more frustrated, and the Imperial Legislature fails to apply an immediate and final remedy to all those evils of which Your Majesty's subjects in America so loudly complain, and of which I have supplied such ample evidence.

For these reasons, I pray Your Majesty's earnest attention to this Report. It is the last act arising out of the loyal and conscientious discharge of the high duties imposed upon me by the Commission with which Your Majesty was graciously pleased to entrust me. I humbly hope that Your Majesty will receive it favourably, and believe that it has been dictated by the most devoted feeling of loyalty and attachment to Your Majesty's Person and Throne, by the strongest sense of public duty, and by the earnest desire to perpetuate and strengthen the connexion between this Empire and the North American Colonies, which would then form one of the brightest ornaments in Your Majesty's Imperial Crown.

All which is humbly submitted to Your Majesty.

DURHAM.

London, 31st January 1839.

REPORT

ON

THE AFFAIRS

OF

BRITISH NORTH AMERICA,

FROM

THE EARL OF DURHAM,

HER MAJESTY'S HIGH COMMISSIONER,

&c. &c. &c.

(Presented by Her Majesty's Command.)

Ordered, by The House of Commons, *to be Printed,*
11 *February* 1839.

[*Price* 1*s.* 3*d.*]

APPENDIX (A.)

TO

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3.—II.

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British North America.

Appendix (A).

— No. 1. —

Special Report to His Excellency the Governor-general by Mr. *R. D. Hanson* (Assistant-commissioner of Crown Lands and Emigration) on the excessive Appropriation of public Land, under the name of "clergy reserves."

My Lord, Quebec, 29 October 1838.

In compliance with your Excellency's direction, I have the honour to furnish a report upon the subject of the excessive appropriation of public land in the two provinces of Upper and Lower Canada, under the name of " clergy reserves."

The clergy reserves in both of these provinces are made under the authority of the Act 31 Geo. 3, c. 31, commonly known as the Constitutional Act. The 36th section of that Act, after enabling his Majesty to authorize the Governor or Lieutenant-governor of Lower or Upper Canada to make out of the lands of the Crown, within either province, such an allotment and appropriation " for the support and maintenance of a Protestant Clergy" as might bear a due proportion to the lands previously granted, enacts, " that whenever any grant of lands within either of the said provinces shall hereafter be made by or under the authority of his Majesty, his heirs or successors, there shall at the same time be made in respect of the same, a proportionable allotment and appropriation of lands for the above-mentioned purpose, within the township or parish to which such lands, so to be granted, shall appertain or be annexed, or as nearly adjacent thereto as circumstances will admit; and that no such grant shall be valid or effectual, unless the same shall contain a specification of the lands so allotted and appropriated in respect of the lands to be thereby granted; and that such lands so allotted and appropriated, shall be, as nearly as the circumstances and nature of the case will admit, of the like quality as the lands in respect of which the same are so allotted and appropriated, and shall be, as nearly as the same can be estimated at the time of making such grant, equal in value to the seventh part of the lands so granted."

By instructions issued by the British Government, addressed to the Governor and Lieutenant-governor of Lower and Upper Canada, the ungranted public lands in both provinces were directed to be laid out in townships of certain fixed dimensions, generally ten miles square, containing, after making the necessary deduction for roads, about 63,000 acres. These townships were divided into lots of 200 acres each. With a view to supposed convenience and uniformity of appropriation, it was decided by the Provincial Government, that the land to be appropriated for the clergy in respect of all grants should be set apart at the time of the survey of the townships; and, in order to be sure that the lands appropriated for this purpose should be of equal value to the land open to be granted, it was settled, that the clergy reserves should be interspersed at equal intervals all over the township. But, instead of reserving every eighth lot, which would have been equal " to the seventh part of the land to be granted," every seventh lot was set apart for this purpose. The same mode of reserving the lots, and the same amount of reservation, was pursued in both provinces. In each province also, another seventh of every township was set apart in a similar manner, and termed " Crown reserves," in order that these reserves might in after years furnish the Government with a revenue independent of taxation.

In Upper Canada a practice prevailed of making all grants from the Crown whatever might be the amount of the grant, in separate lots. Two or three, or more of these lots might happen to be situate in the same township, if the person entitled to the grant chanced to find in that township a sufficient quantity of land of the quality and position that he desired. But it frequently happened that an individual having a liberty of choice over all the surveyed lands of the province, which had not been granted or appropriated, preferred receiving his

grant

grant in separate lots, and would often wait for a considerable period, until he could obtain what he deemed a suitable location, rather than put up with an inferior lot. It therefore generally happened that no grant in any one township was equal to more than from 200 to 600 acres, and that therefore it was necessary to specify in the deed by which it was made as the appropriation for a Protestant clergy some fractional portion of a lot set apart for that purpose. It was therefore natural that the terms of the Act should be followed in spite of the original error of setting apart one-seventh instead of one-eighth, and in practice $28\frac{4}{7}$ acres were specified in each grant of a 200 acre lot, as the appropriation and allotment for the support and maintenance of a Protestant clergy, in respect of the same. This quantity, it will be seen, was equal in amount, and, the land being of the same average quality, equal also in value, to a seventh of the land granted. Assuming, however, each township to be of the dimensions stated above (63,000 acres), of which 9,000 were set apart for the clergy reserves, and 54,000 acres, including the reserves for the Crown, were open to grant, it is obvious that when the whole of the latter amount had been granted, there would have been specified at the rate of $28\frac{4}{7}$ for each 200 acres, only $7,714\frac{2}{7}$ acres, leaving unspecified $1,285\frac{5}{7}$ acres, or one-seventh of the whole original proportion set apart for a clergy reserve. The practice pursued at first, with regard to the specification, was to specify six-sevenths of each separate lot, so that in every township there would be a portion of each lot nominally clergy reserve, but in reality still Crown land. For it would seem clear, under the words of the Act, that no land becomes clergy reserve until it has been specifically appropriated in respect of a grant from the Crown. The setting apart the lots in the diagram, and keeping them closed against settlement, was merely an arrangement adopted for the supposed convenience of the land-granting department, and could have no effect upon the legal property in the land. It was a device adopted by the land-granting department, in order to comply with an enactment evidently made in ignorance of the degree in which the best method of executing it would be found cumbrous and complicated. At a later period, however, the practice of specifying only six-sevenths of each lot was changed, and, instead of a part, the whole of each lot was specified ; but one-seventh of the reserved lots in each township was left in its original character of Crown land.

In the evidence of Mr. Radenhurst, the chief clerk in the Surveyor-general's office, it is stated that this excess has occurred in about two-thirds of the surveyed townships. From a careful consideration of the returns that he has supplied, it, however, appears that the actual excess at the present time is about 300,000 acres.

I have selected the case of Upper Canada in the first instance, because it is more simple, and because the practice of the Surveyor-general in making the actual appropriation to be specified in the grant, by its conformity with the terms of the Act, exhibits clearly the nature and extent of the original error committed by the Governor and Council, in setting apart the seventh of each township. In Lower Canada the same amount of reservation was made for both the Crown and the clergy; but the different methods of granting land pursued by the Government of that colony, led to a practice on the part of the Surveyor-general which greatly aggravated this original error. The first grant made after the passing of the Constitutional Act, appears to have been to the Honourable Thomas Dunn and 47 others, of the whole of the township of Dunham, with the exception of the Crown and clergy reserve, or five-sevenths of the township, amounting to about 45,000 acres. In the patent for this grant the Surveyor-general specified the whole 9,000 acres of clergy reserve in the township as the allotment and appropriation in respect of the lands granted, and thus made the appropriation equal to one-fifth, instead of one-seventh, of the grant, being an excess in that particular case of $2,571\frac{3}{7}$ acres. In the ten following years after the making of this grant, nearly 1,500,000 acres were granted by the Crown in a similar manner, and in each patent the whole of the land set apart as a reserve for the clergy in the granted portion of each township was specified as the allotment and appropriation for the clergy in respect of the grant. The practice thus commenced was continued after the circumstances out of which it arose no longer existed, and it became a settled course to specify for the clergy in the patent for every grant a portion of land equal to one-fifth of the amount of the grant. So that instead of the reserve being at the rate of $28\frac{4}{7}$ for every 200 acres, it was at the rate of 40 acres, being an excess in each case of $11\frac{3}{7}$ acres, or two-fifths upon the reserve awarded by law.

When, however, the system of disposing of the public lands in the colony by sale, instead of free grant, was introduced, the Crown reserve of one-seventh was offered for sale with the other public land. But when the purchasers of this land, after having paid the purchase-money, applied for a patent, the Attorney-general of the province, by whom these patents were prepared, conceived that any patent for the land thus sold, as a grant of land under the authority of the Crown, would be rendered invalid by the clause in the Constitutional Act quoted above, unless it contained a specification of an allotment for the clergy in respect of the land it purported to convey. Under this opinion he refused to sign the draft of any patent which did not contain such specification. As, however, the whole of the land originally set apart for this purpose in each township had been already specified in previous patents, it was necessary that a fresh reserve should be made either out of the Crown reserves in that township, or out of other lands, for the purpose. This was accordingly done, but this fresh reserve was again equal to one-fifth, instead of one-seventh of the land granted; so that the reserve for the clergy upon the grant of 54,000 being the six-sevenths of a township, exclusively of the reserve for the clergy, instead of $7,714\frac{2}{7}$ acres, amounted to 10,800 acres, being an excess of $3,085\frac{5}{7}$ acres. In addition, moreover, to the excess thus occasioned, the sale of a portion of the clergy reserves authorized

rized by the Act of the Imperial Parliament, 7 Geo. 4, c. has been made the occasion of a further reserve. It appeared to the Attorney-general that the sales under the authority of this Act were grants by the Crown, and, as such, required a specification of a reserve for the clergy in respect of the land comprised in any patent, in order to their being valid. This interpretation of the law prevailed, and accordingly a further reserve of one-fifth was made upon these sales, making the reserve 12,600, instead of 7,714 $\frac{2}{7}$ acres for each township of 63,000 acres, and the excess over the reserve which would appear to have been contemplated by the Constitutional Act, 4,885 $\frac{5}{7}$ acres. Under the opinion held by the Attorney-general, similar reserves would have to be made upon any fresh sale of these additional reserves, and the result would be to give to the clergy a portion equal to one-fourth of the granted land, instead of one-seventh, being a clear excess of 75 per cent. The excess in Lower Canada does not amount at present to more than 227,000 acres over 44,600, or about 50 per cent., because four-sevenths of the clergy reserves are yet unsold, and consequently no additional reserves have been made upon them. The amount for which the land set apart on the map, as reserved for the clergy, has been sold in Upper Canada, is 314,150*l.*, and of this one-seventh, or 44,878*l.*, is in fact the proceeds of Crown land improperly sold under the name of "clergy reserves," and belongs to the public. Of the 50,425*l.* produced by the sale of land similarly appropriated in Lower Canada, one-third or 16,808*l.* is the proceeds of Crown land, and also belongs to the public.

I have, &c.

To His Excellency
the Governor-general.

(signed) *R. Davies Hanson,*
Ass^{t}-comm^{r} of Crown Lands and Emigration.

—No. 2.—

SPECIAL REPORT to His Excellency the Governor-General from the COMMISSIONER of CROWN LANDS and EMIGRATION.

To His Excellency the Governor General.

My Lord,

HAVING nearly concluded the inquiry into the disposal of crown lands and emigration in the Province of Lower Canada, I beg leave to report upon the subject of the militia claims to grants of land; a matter which appears to require the immediate interposition of Government, and cannot, without great inconvenience, be postponed till the completion of the inquiry in the neighbouring Provinces, which must precede any general report.

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It appears that grants of land to individuals who served in the militia during the last American war, were first directed by instructions which in 1818 were transmitted by the Home Government to the Duke of Richmond, then Governor of the Province, under which all subsequent proceedings seem to have been taken; though, as no record of these instructions is extant in the Colony, and no measures have been adopted to procure a copy of them from England, it is impossible to determine positively the parties to whom grants of land were directed to be made. From an Act of the Provincial Parliament, 59 Geo. 3, c. 23, appropriating 3,000*l.* for the survey of townships within which the grants were to be situated, it would seem that the instructions referred almost entirely to the embodied militia.

Under the Act referred to, several townships were surveyed and laid out, and on the 2d November 1822, a proclamation was issued by Lord Dalhousie, directing all persons who had served in the six battalions of embodied militia, and such as had marched to the frontier, to bring in their claims before the 1st of May 1823. The time fixed by this proclamation as the limit within which claims were to be made, was afterwards enlarged, by another proclamation, to the 1st of May 1824, and again on the 29th of July 1829, by another proclamation, to the 1st of August 1830.

Under these proclamations, claims to a very considerable extent appear to have been made, and upwards of 200,000 acres have been granted: a question, however, arose at an early period as to the character of the individuals to whom the original proclamation was intended to apply. In addition to the six battalions of embodied militia, there were several corps of the sedentary militia, which had been called out during the course of the war, and had for a short time marched to the frontier, the members of which contended that they were entitled, under the terms of the proclamation, to the same benefit as those who had belonged to the six battalions of embodied militia. The claims of many of these individuals were favourably received by the Executive Council; and upon their report recommending grants, two or three persons received location tickets. When, however, the subject was brought under the notice of Lord Dalhousie, he refused to confirm the report of the Council, in the favour of an individual belonging to the sedentary militia, who had for a short time marched to the frontier, on the ground that the proclamation was only intended to apply to the six incorporated battalions. It does not appear that any claims of this nature have been subsequently allowed, with the exception of two or three which were sanctioned during Lord Dalhousie's temporary absence from the Colony, by Sir Francis Burton, the Lieutenant Governor.

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All the grants made to claimants under this proclamation, were made upon conditions of settlement. The grantee was to reside upon his property during a period of three years; to erect a dwelling-house, and to clear and cultivate four acres of land; these conditions were complained of as burthensome; and in 1837, Lord Gosford issued a proclamation, since confirmed by instructions from the Secretary of State for the Colonies, stating that the claims of the officers and men who served in the embodied militia during the last American war, had been brought under the notice of Government, and that such of the officers and men as had lodged their claims pevious to the 1st of August 1830, should obtain land free from all conditions, except of performing the public and joint labour required by the law of the Province. By the same proclamation a board was constituted, to whom all claims were to be referred.

The claimants before that board have been of three classes; 1st. those who had served in the six battalions previously to 1830; 2d. those who had belonged to other corps, and who, according to the rule laid down by Lord Dalhousie, had no title under the original proclamation, but who had lodged their claims before 1830; and, 3d. those of whatever class who had not made their claims before that period. The number of individuals of the first class amounts to 2,195; of the second class, to 2,598; and of the third, to 1,669.

Upon the claims of the first class no question can arise; according both to the spirit and letter of the proclamation of Lord Gosford, they must be admitted. As little doubt can arise as to the third class, who are expressly excluded by the same proclamation; but there appears to be some difficulty with regard to the second class, arising partly from the ambiguous language of the proclamation of Lord Dalhousie, and partly from the fact that some few individuals belonging to that class have actually been admitted to the benefit of the proclamation. The conduct of Lord Dalhousie himself is explicit as to the meaning that he attached to his own proclamation; and it may be inferred from the sum granted by the Assembly for the purpose of surveying, that they did not contemplate these cases, which, if admitted, would have doubled the amount of land required as included in the proclamation, since they would in that event have hardly granted a sum so entirely inadequate to the purpose. It is, however stated, that there were one or two corps who were incorporated in the same manner, and performed the same services as the six battalions. If this is the case, individuals belonging to these corps, as their services were equal, would seem to be entitled to similar reward; and the terms of the original proclamation, as well as those of all the Addresses of the House of Assembly on the subject, and of the last proclamation, are sufficiently comprehensive to include them. The question for the decision of the board to whom these claims have been referred, appears to be a question of facts. It would appear that those who were embodied and actually served on the frontier in the same manner as the six battalions, ought to be considered as entitled to the benefit of the proclamation, while all but these are altogether excluded. It may be mentioned that the exclusion of those belonging to the third class, who, notwithstanding ample notice, and two separate enlargements of time, neglected to make any claim in due time, is strictly in accordance with the view expressed by the Home Government in their Despatch to Lord Gosford, and with Lord Gosford's answer to the House of Assembly.

The proclamation of Lord Gosford, directing that letters patent for the land to be granted should contain none of the conditions formerly imposed, was founded upon an Address from the House of Assembly, representing those conditions as onerous to the militia men, and destructive of the value of the grant. There appears to have been much justice in this representation, since the greater part of the locations allotted to militiamen were distant from settlement, and the expense of clearing and cultivating the requisite quantity of land away from a market, and with no practicable roads leading to the spot, was very considerable, amounting in many cases to more than 5*s.* per acre upon the whole grant, while in this part of the Province land was selling as low as 1*s.* 3*d.* per acre. The performance of these settlement duties would not have been burthensome, if the individual acquiring the land had been about to establish himself upon it; but in a great number of cases the grantee had land elsewhere, from which he did not choose to remove, or the lot assigned to him might be 15 or 20 miles from a settlement; and in all such and similar cases the conditions were performed solely with a view to enable the individual performing them to obtain his patent. The grant was so situated generally as to be useless for the purpose of settlement; and the conditions to which it was subject rendered it of no value in any other point of view.

The House of Assembly, in urging the abandonment of these conditions, seems, however, to have overlooked, or to have been ignorant of, circumstances which have appeared in evidence before this commission, and which would entirely defeat the intentions of the House, so far as they were desirous of conferring advantages upon the militiamen. It has been stated by all the witnesses who have been examined upon this subject, that the majority of the militiamen have already disposed of their claims, and that this has been done in most instances for very inadequate considerations. They were induced to do this partly by the difficulty and trouble of urging their claims in person, and the expense of employing an agent, and partly by the nature of the conditions they were required to fulfil. To such an extent is this sale of militia claims stated to have been carried, that it would seem almost as though the militiamen themselves were not more interested in any facilities for the acquisition of these grants, or relaxation of the conditions attached to them, than any other class of the community; and the benefit which, by a compliance with the wishes of the Assembly, Government designed to secure for a numerous and deserving class, would be reaped chiefly, if not entirely, by speculators, by whom these claims have been bought

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bought, and who, even supposing their bargain with the militiamen to have been fair, had assuredly no claim to any particular consideration from the Government. They had purchased the claims subject to the conditions of settlement, and paid a proportionably low price for them, and the abandonment of these conditions was a boon to them entirely uncalled for by the real circumstances of the case.

It is, in fact, obvious that, upon any system of land granting to such a body as the militia, a similar result to that which has been described as having actually taken place, must, to a certain extent, be expected. The majority of the militia were French Canadians, who have not hitherto been and are not now an emigrating people. Those of them, too, who might have been disposed to settle upon their lands, would find that the desert round them, consisting of lands which had been granted to non-resident militiamen, rendered their success as settlers impossible. They would have been isolated, or thinly scattered over a large tract of wilderness, away from society, and removed from all manner of religious instruction, to which they attach the highest importance; deprived of all succour, and without the superintendence to which they had been accustomed. Under such circumstances nothing could be expected but that they would sell their land, and generally for an inadequate consideration, since they would estimate its value by what, under the circumstances, it seemed to be worth to them. From the evidence of Mr. Morin, this appears to be so much the case, that any indication of a favourable disposition, on the part of Government, in regard of these claims, has had no other effect than that of stimulating speculation in them, and, instead of inducing the militiaman to obtain the lands for himself, in order that he or his family might settle upon them, has only increased in some small degree the price which he could obtain for his claims.

But while the grant of land, as land being useless to the militiaman, is merely equivalent to him to a grant of some very small variable amount in money, its effects upon the Province have been most injurious. Under the claims of the militia of 1775, upwards of 230,000 acres, and under those of the last American war upwards of 217,000 acres, have been granted, by far the largest part of which is still perfectly waste and unsettled. Whole townships which have been granted in this manner, have not a single settler established upon them. In this manner it has happened that a system which was designed as a means of settling the Province, and of rewarding those who had enlisted in its defence, has proved one of the great impediments in the way of the former object, and has accomplished the latter in the smallest possible degree. There has been the maximum of injury to the Province, with the minimum of benefit to the militiamen; and a similar result must, it would appear, necessarily follow a perseverance in the same system. There is no probability that the 300,000 or 400,000 acres to which valid claims might be established, if granted in the same manner, would be settled any more than the 450,000 acres which have already been granted, or that the benefit to the militiamen would be greater in any appreciable degree. It becomes, therefore, a matter of importance in every point of view, to frame some plan by which the intentions of Government, in offering this bounty, might be carried out; by which justice may be done to the claimants, while the interests of the public are secured.

The most effectual measure for this purpose appears to be the following:—That any claim established should be considered as entitling the claimant to an amount equivalent to the value of the quantity of land awarded to him, at the average selling price of crown lands during the last ten years; and that an order for this amount should be given to him, which should be accepted as money at any sale of crown lands. In all cases the order should be delivered to the claimant himself, or, in the event of his death, to his legal representatives, or upon the production of an order, signed by him in the presence of witnesses, after due notification of the intentions of Government in all parts of the Province. By this precaution, the militiaman would be secured as far as possible in the enjoyment of the benefit designed by Government, and only such a sale of his claim as ought in equity to be held valid, could be enforced against him.

I have the honour to be, with the highest respect,

My Lord,

Your Excellency's most obedient, humble servant,

(signed) *Chas. Buller*,
Chief Commissioner of Crown Lands and Emigration.

Quebec, 8 September 1838.

— No. 3. —

STATE OF THE HOSPITALS, PRISONS, CHARITABLE INSTITUTIONS, &c., IN LOWER CANADA.

A.

REPORT from COMMISSIONERS for the RELIEF of INSANE and INVALID PERSONS and FOUNDLINGS in the District of *Quebec*.

THE Commissioners appointed for the relief of insane and invalid persons and foundlings in the district of Quebec, in compliance with the request of Sir John Doratt, Inspector-general of Hospitals, expressed in his circular dated 3d July instant, have the honour to make the following report.

There are now under the charge of the Commissioners the following individuals, viz.:

At the General Hospital:

17 insane; 6 male, 11 females.
23 invalids; 9 do., 14 do.

At the Hôtel Dieu:

79 foundlings, for whose support there is due by Government the sum of 1,350*l.* 16*s.* 4*d.* currency, for the period from the 11th October 1837 to the 10th instant, inclusive.

A luminous and comprehensive report having been made by a special committee of the egislative council on the 10th February 1824, upon the establishments in this province for the reception and cure of the insane, for the relief and support of sick and infirm poor, and for the reception and support of foundlings, with the expenses thereof defrayed out of provincial revenues, the Commissioners beg to refer to that document, which contains more information and greater details than it is in their power to offer, especially as no change of any importance has since taken place; the accompanying communications from the ladies of the General Hospital and the Hôtel Dieu [Enclosures 1 & 2] complete the statements from the year 1824 to the 10th instant, inclusive.

The Commissioners beg to observe that they fully concur in the opinions expressed in the able document above alluded to respecting the insane and the foundlings, but they wish to represent that, as the population of this city has nearly doubled since 1824, the number of indigent invalids has also unfortunately increased in proportion, and even more, owing to the ravage made by the cholera in 1832 and 1834, which renders it urgent that a greater number than heretofore (28 out of a population of 30,000 souls) should be provided for.

The whole respectfully submitted.

By order.

Quebec, 27 July 1838.

(signed) *L. Massue,*
Commr and Secretary.

Commissioners:

The Rev. Mr. Baillargeon, Curate of Quebec.
The Rev. Mr. Sewell.
Messrs. Thomas Wilson.
„ Joseph Morrin, M.D.
„ Louis Massue.

Enclosure 1.

HÔPITAL GENERAL de *Quebec*, 18 Juillet 1838.

RE'PONSES de la Supérieure de l'Hôpital Général de Quebec aux Questions que Louis Massue, ecuyer, commissaire pour le soulagement des invalides et insensés, lui a fait l'honneur de lui adresser.

1. Nous avons reçu pour la pension des invalides du Gouvernement, par la voie de MM. les Commissaires, depuis le 1 Novembre 1823 jusqu'au 10 Octobre 1837, la somme de 7,137*l.* 14*s.*

Pour la pension des insensées, à la charge du Gouvernement, depuis le 31 Octobre 1823 jusqu'au 10 Octobre 1837, nous avons reçu 8,226*l.* 14*s.* 4*d.*

2 et 3. Voici le tableau des entrés, sortis gueris ou soulagés, et morts, des insensés dans nos loges, depuis 1824 jusqu'à ce jour :—

Années.	Entrés.	Hommes.	Femmes.	Morts.	Sortis.	Détenus.
1824 - - -	15	7	8	4	10	1
1825 - - -	13	8	5	3	10	–
1826 - - -	6	2	4	1	5	–
1827 - - -	8	5	3	2	6	–
1828 - - -	7	1	6	3	4	–
1829 - - -	4	1	3	1	2	1
1830 - - -	1	–	1	1	–	–
1831 - - -	6	1	5	1	5	-
1832 - - -	4	3	1	2	1	1
1833 - - -	3	1	2	1	–	2
1834 - - -	10	5	5	2	6	2
1835 - - -	5	2	3	1	3	1
1836 - - -	7	4	3	2	3	2
1837 - - -	2	2	–	–	–	2
En 14 Ans - -	91	42	49	24	55	12

4. Il y a encore 17 personnes de détenus dans nos loges, 6 hommes et 11 femmes. Il reste dû pour leur entretien depuis le 11 Octobre 1837 jusqu'au 10 Juillet 1838, inclusivement, la somme 485 *l.* 15 *s.*

5. La bâtisse où sont les insensés n'a eue aucun changement depuis 1824, et contient également 18 loges ou cellules.

6. Le traitement n'a eu aucun changement depuis ce temps.

7, 8 et 9. Voici le tableau des entrés et morts des invalides, à la charge du Gouvernement, qui ont été admis dans notre Hôpital depuis 1824 ; les sortis sont rares, vu que ce sont des personnes d'une âge très-avancé, des paralitiques, des aveugles, &c., qui y sont placées ; les sortis sont presque toujours par inconduite ou inconstance.

Années.	Entrés.	Hommes.	Femmes.	Morts.	Sortis.	Restant à l'Hôpital.
1824 - - -	10	7	3	7	2	1
1825 - - -	1	1	–	1	–	–
1826 - - -	4	3	1	2	2	–
1827 - - -	6	2	4	2	2	2
1828 - - -	7	5	2	2	3	2
1829 - - -	5	4	1	4	–	1
1830 - - -	–	–	–	–	–	–
1831 - - -	1	1	–	–	–	1
1832 - - -	2	2	–	1	1	–
1833 - - -	3	2	1	2	–	1
1834 - - -	6	2	4	2	1	3
1835 - - -	–	–	–	–	–	–
1836 - - -	6	4	2	1	–	5
1837 - - -	1	–	1	–	–	1
En 14 Ans - -	52	33	19	24	11	17

10. Nous avons actuellement dans notre Hôpital, 23 invalides, 9 hommes, 14 femmes. Il est dû pour eux depuis le 10 Octobre 1837 jusqu'au 10 Juillet 1838, la somme 284 *l.* 19 *s.* currency.

11. Nous pourrions ajouter 11 lits aux 23 qui sont actuellement occupés, qui feront en tout 34 lits pour les invalides à la charge du Gouvernement.

(signé) *S^r S^te Anselme*, Sup^re.

Enclosure (2.)

HÔTEL DIEU de *Quebec*, 10 Juillet 1838.

1re.

Le NOMBRE des ENFANS reçus à l'HÔTEL DIEU de *Quebec*, depuis le 1 Janvier 1824, jusqu'au 10 Juillet 1838 inclusivement.

	Garçons.	Filles.	Morts.	Placés et remis à leur Parens.
1824 reçu - -	22	24	31	15
1825 „ - -	20	16	28	8
1826 „ - -	17	24	27	14
1827 „ - -	25	15	29	10 reste 1 infirme.
1828 „ - -	28	25	37	16
1829 „ - -	27	20	32	15
1830 „ - -	21	20	29	11 reste 1 infirme.
1831 „ - -	59	63	69	51 „ 2 „
1832 „ - -	26	39	27	37 „ 1 „
1833 „ - -	25	33	33	9 „ 16 „
1834 „ - -	27	42	43	5 „ 21 „
1835 „ - -	9	11	10	1 „ 9 „
1836 „ - -	6	8	10	– „ 4 „
1837 „ - -	10	7	5	1 „ 11 „
1838 „ - -	9	6	2	1 „ 12 „
	331	353	412	194 78
	353			1
	684			79
	1 infirme reçu en 1823.			
	685			

RECAPITULATIONS.

Enfans décédés - - - - - - - - - -	412
Placés et remis à leur parens - - - - - - - -	194
Restant aux charges de la Commission - - - - -	79
	685

2me.

Il y a actuellement aux charges de la Commission, 79 enfans, dont six au-dessus de l'âge de six ans sont infirmes; pourquoi la pension a été continuée sur ce nombre de six; il s'en trouve un qui a été reçu en 1823.

	£.	s.	d.
Balance qui reste à payer sur les derniers comptes presentés à MM. les Commissaires le 10 Avril 1838 - - - - - - - - - -	424	19	7
Il est dû depuis le 11 Avril jusqu'au 10 Juillet inclusivement, pour pensions de 71 enfans, formant 6,461 journées à 10 sols par jour - - -	134	12	1
Reçu depuis le 18 Avril jusqu'au 13 Juillet, 8 enfans, formant 427 journées à 10 sols par jour - - - - - - - - - - -	8	17	11
Dû pour 2 enfans (non inclus dans le nombre ci-dessus) décédés depuis le 10 Avril, formant 83 journées - - - - - - - - -	1	14	7
Dû à Mde Veuve Paquet, 3 mois de salaire du tour éclures le 10 Juillet -	8	5	-
De plus à la même pour le lavage, ouvrage, sucre, lait, &c. &c. fourni aux enfans - - - - - - - - - - - - - - -	1	13	2
TOTAL - - - -	580	2	4

3me.

La mode pour la reception et le soutien de ces enfans est le même qu'en 1824, avec cette exception, que le nombre d'années fixé pour leur pension a été diminuée à cette epoque et a toujours continué d'être payé que pendant cinq années.

Les cercueils et funerailles ne sont plus payé au dépend de la Commission; les nourrices se chargent de faire tout à leur frais.

Le salaire de la femme qui les reçoit au tour a été diminué en 1834, et n'est plus que de 33 *l.* par année, au lieu de 45 *l.* qu'elle avoit alors.

4me.

	Comptes de Dépenses presentés à Messieurs les Commissaires.			Argents reçu de Messieurs les Commissaires employé à payer les Nourrices, &c.		
	£.	s.	d.	£.	s.	d.
1824 - - - -	1,010	1	10	980	3	5
1825 - - - -	629	5	11½	743	10	10
1826 - - - -	512	13	4½	512	13	4½
1827 - - - -	441	15	1½	441	15	1½
1828 - - - -	529	12	1½	529	12	1½
1829 - - - -	659	15	10	659	15	10
1830 - - - -	442	6	2½	442	6	2½
1831 - - - -	597	6	8	597	6	8
1832 - - - -	784	-	4½	784	-	4½
1833 - - - -	792	2	8	792	2	8
1834 - - - -	939	19	9½	939	19	9½
1835 - - - -	1,040	17	6	1,040	17	6
1836 - - - -	835	9	5	835	9	5
1838 - - - -	1,004	19	7	580	-	-
£.	10,220	6	5½	9,879	13	4

B.

OBSERVATIONS by Sir *John Doratt*, M. D., on the CUSTODY of the INSANE, and the Expediency of a PUBLIC LUNATIC ASYLUM.

1. THERE is not any public building or place of reception for insane persons in any part of Lower Canada, save the Roman Catholic establishments within the convents, under the denomination of General Hospitals, which establishments receive the poor and infirm.

The cells for the reception of lunatics belonging to these establishments are old, ill built, very offensive, damp, and badly ventilated; there is one establishment at Quebec, one at Trois Rivières, and one at Montreal.

The cells appropriated for maniacs at Quebec are in number 18; the actual number of lunatics therein confined 17, 6 male and 11 females.

The number of cells at Trois Rivières are 6, being the actual number of lunatics confined therein.

The number of cells at Montreal are 8; the actual number of lunatics 2, 1 male and 1 female.

The buildings containing these cells are without the great building or convent, and in winter are warmed by a large stove placed in the passage, dividing the two ranges of cells, the external doors of the building being kept quite closed; a constant damp vapour must arise, very inimical to the health of the insane, and this circumstance holds very strong at the Quebec establishment.

These cells are mere receptacles or places of close confinement for life, all enjoyment of fresh air and exercise withheld, as well as all moral and medical treatment prevented; for no curative means of any character have been or could have been pursued under such a state of cruel imprisonment; indeed, these places resemble cells for criminals, and are more suited to produce and increase insanity than to cure it.

2. It is a fact well ascertained that insane persons held in close confinement, and thereby prevented from receiving the natural and requisite effects of fresh air, and likewise deprived of the means to exercise the body, are by such deprivations exposed to the fearful effects of decomposed blood and arrested circulation, from which not unfrequently mortification of the lower extremities is the result; and if the cerebral structure of an insane person should be pressed upon from any irregularity of venal circulation, the disease of insanity will in all probability be much aggravated.

3. The average number of deaths in the insane establishment of Quebec (being upon a scale quite equal, if not greater, than those of Trois Rivières and Montreal) for 14 years is as follows: 91 admitted, 55 removed, and 24 died; an average too great, and far beyond that of the establishments formed in the United States of America and Europe for the cure and care of insane persons.

4. It does not appear that a census or calculation of any kind has ever been made in this province as to the proportion of insane to that of the population at large, nor can such be accurately effected until there shall be an establishment for the reception of the insane; nor can the distinctions of disease or derangement be marked or ascertained in any useful manner until they are congregated and placed under medical treatment.

5. The object in forming an establishment for the insane would not only serve as an asylum for their security, comfort and maintenance; but for a purpose even more important, namely, to effect a curative principle, so as to restore, if possible, the unfortunate individuals once more to their respective families, and to society at large.

6. From the great interest which has been of late years excited by the various Governments of Europe and the United States of America towards the relief and cure of insane persons, their several establishments have been carried to a very wide extent towards effecting that great and useful end, aided by the united talents of several medical men, who, having devoted their time and abilities to the subject, and by their labours having acquired extensive knowledge thereon, have given to the world a mass of information consolidated into facts founded upon numerous and extended experiments; proving that by a proper system of treatment permanent cures can be effected, and have been produced in a ratio of 50 to 60 per cent., in some few instances even in greater numbers, and that, previous to this knowledge being divulged and made known to the world, the system of general treatment was not only destructive to the health of the insane, but assisted greatly to consolidate the disease, and thereby render the case hopeless and incurable. Houses for the insane should not be prisons, nor hospitals for bodily disease.

7. The great extent of country forming the province of Lower Canada, and the number of lunatics dispersed over its surface without any prospect of relief, either temporary or permanently, producing the worst influence over the moral character of society at large, particularly in the more populous districts, inhabited principally by Canadians, require the most serious consideration of the Legislature.

8. The very important subject of providing for the care and cure of lunatics in the province of Lower Canada has been most ably discussed and supported by the reports of special committees appointed by the Legislative Council, 5 Geo. 4, 10 February 1824, to inquire into and report upon the establishments for the insane, for the support and reception of foundlings, and for the relief and cure of infirm poor, &c.: *vide* Journals of the Legislative Council of the Province of Lower Canada, 4th Session of the 11th Provincial Parliament.

9. All insane criminals, when convicted, are, from necessity, obliged to be sent to the common gaol and house of correction, where their situation is deplorable to themselves, and a nuisance to the other persons confined therein, independent of the scenes of immorality that must occur in consequence.

10. It is deeply to be regretted that so much public money should have been expended in the several districts upon these miserable and useless expedients, instead of an establishment for the insane; when by the application of that money to the same humane object upon proper principles, a lunatic asylum might have been erected, calculated to do honour to the province instead of being a reproach.

11. The security consistent with the safety of the insane, their connexions and general society, can hardly ever, under the sad circumstances attendant on mental derangement, be enjoyed in the dwellings of private families; removal from home, therefore, is generally necessary, in most cases desirable, and tends to destroy or weaken the morbid associations.

12. The establishment of an asylum for lunatics at Quebec, as also at Montreal, is absolutely requisite for the comfort, relief and cure of the afflicted.

It would be of the greatest advantage to the inhabitants at large, both in a moral and social point; the friends and relatives of the afflicted would feel satisfied that every care, assistance, and every effort would be afforded them, not only to preserve, but to restore their health; the disgraceful system of incarcerating the insane in the common gaol with the culprit and prisoners committed for every offence would be erased from the calendar, and the scenes of immorality which spring from such proceedings cease to prevail.

13. The enormous expenses incurred by the legislature of Lower Canada for the maintenance in solitary confinement of a few insane poor in the provinces of Quebec and of Montreal, will be found clearly stated in the Appendix attached to the reports drawn up by the supérieures of the two convents nominated L'Hôpital Général of Quebec and Montreal, and for whom no curative means whatever have at any time been applied.

The nuns of the convent at Montreal, ever since the year 1830, have refused to admit any further applicants of insane poor, in consequence of the building erected by the Government of Lower Canada, in 1793, having gone into decay, and the cells for the unfortunate creatures being too damp and cold; nevertheless there still remain under confinement in the same wretched cells two insane, the one an English woman, the other a French Canadian; the first having been in confinement ever since the year 1794, and the latter since the year 1796, both having been visited by myself.

(signed) *John Doratt*, M. D.

C.

Proposed Alterations in the Quarantine Rules, by Sir *John Doratt*, M. D.

In consequence of the great inconvenience caused to merchant ships, and of the heavy expense entailed upon their owners by the enforcement of the quarantine regulations now in operation, by which every ship coming up the St. Lawrence is compelled to stop at Grosse Isle for the purpose of being examined by the health officer there, whether there is or is not any sickness on board, it is proposed to make an alteration in the existing law of the following nature.

Ships having clean bills of health, and not having any sickness on board, and either not having passengers, or having them only in number equal to the number of the crew (or some other limitation), shall be henceforth permitted to proceed direct to Quebec, without stoppage of any description at Grosse Isle.

On

On their arrival at Quebec, they will be boarded by the health officer, when, if it is found that they have in any way contravened the regulations, they will be compelled to return to Grosse Isle, in order to fulfil the usual forms there, and they will, besides, be liable to a fine of not less than 20*l.* and not more than 100*l.*, on conviction of the master or other person in charge of the ship before two justices of the peace.

A series of questions shall be drawn up as to the—

1st. Bill of health.

2d. State of the ship's company's and passengers' health during the voyage.

3d. Number of persons composing the ship's company, including officers and men of every description.

4th. Number of passengers (3 children under 10, and 2 under 15, to count as one passenger).

The illnesses for which it shall be incumbent on the master to stop his ship at Grosse Isle shall be clearly defined in scientific and popular terms.

Great care should be taken that no illnesses be included in this category which are not manifestly infectious and dangerous, the object of the present amendment in the quarantine laws being to spare ships, in future, all inconvenience which is not imperiously required for the protection of the public health.

Every pilot shall take with him a certain number of copies of this document, to be supplied gratis by the Quarantine Office or Custom-house; and he shall, immediately on boarding a ship, give one copy to the master thereof for his guidance.

As it is altogether his interest to do this, and as having the document or not will make no difference to a ship which has obeyed the instructions it contains, no penalty is attached to the non-performance of this regulation.

Except perhaps the following:—

If any regulation is made for the payment of pilots during the performance of quarantine (much wanted), any pilot having failed to furnish a copy of the regulations to the master of a merchant ship, which may be subsequently sent back to Grosse Isle from Quebec, shall not be entitled to any remuneration for his services from the time when such order shall be notified to her until her return to Quebec, and he shall be bound to remain on board and do his duty as pilot during the whole period.

Ships coming to Quebec, which have not stopped at Grosse Isle, shall keep a signal flying (to be agreed upon by the Custom-house authorities), until duly visited by the health officer; and on being admitted to pratique, she will strike the signal; before which time no person can go on board without rendering himself liable to the performance of any quarantine to which the ship may be found liable, in addition to any penalty to which he would be liable by the laws already existing on the subject.

(signed) *John Doratt*, M. D.

D.

Remarks on the Quarantine Station, *Grosse Isle*, from its Establishment in 1832, by Sir *John Doratt*, M. D.

The appearance of Asiatic cholera in the North of England, in December 1831, and its extension to Scotland and Ireland, excited alarm throughout North America.

This alarm prevailed to a great extent in the North American colonies, as (in the belief of its contagious nature) the direct intercourse between these provinces and the ports of Great Britain was supposed to facilitate its introduction.

In the hope of keeping Lower Canada free from so dire a pestilence, it was determined by the executive to oblige every vessel coming from sea to submit to an examination and purification, under the direction of medical men. The place selected for this purpose was Grosse Isle, distant 33 miles from Quebec.

Early in the spring of 1832, the necessary officers were sent down to this place, temporary buildings were erected for the sick, and every arrangement made to carry into effect certain quarantine regulations.

It is almost useless to observe that here, as elsewhere, all sanatory regulations failed to arrest the progress of this extraordinary disease, though the utmost caution was observed in the inspection of ships and passengers; and though no cases were detected in any vessel, yet on the 8th of June it declared itself in Quebec, and the following day at Montreal. An almost decimation of the inhabitants of both cities took place before it ceased its ravages. The number of emigrants arrived this year was 51,422. Few of the number were detained from sickness at Grosse Isle.

Notwithstanding the inefficacy of the quarantine establishment in preventing the introduction of Asiatic cholera, it was determined to continue in force the regulations the ensuing year; as, from the immense and increasing emigration flowing into the province, it was found that various diseases of a decidedly contagious nature were imported—such as small-pox, measles, scarlet fever, and above all, typhus fever.*

In

* The peculiar fever generated in crowds of people cooped up in a small space, and whether known or described by medical writers as putrid, gaol, camp or hospital fever, is probably the most decidedly contagious of any known disease. For many years previous to the establishment of quarantine regulations, certain

In the spring of 1833, the quarantine station was re-opened, additional medical officers were appointed, the hospital buildings were enlarged, and regular nurses engaged to attend the sick. The number of emigrants who arrived this year was considerably less than the previous season. The dreadful ravages of the epidemic was supposed to be the cause of the falling off.

Out of 22,062 (the number that arrived), 239 were sent to the hospital; of those, 34 were cases of small-pox, 159 of fever, and 46 of other diseases. Of this number 27 died.

In 1834 the same establishment was continued. The number of emigrants was 30,217. Many of the ships that arrived early had a considerable number of their passengers ill with fever.

On the 9th of July the cholera again appeared in Lower Canada. The first case that occurred on the island was a person just arrived from Quebec by the schooner employed to communicate between the station and town. It made fell havoc among the passengers at that time on the island. The number of sick sent to the hospital during the season was 844, of whom 264 died. The cases were, fever 404, cholera 290, small-pox 12, other diseases 138.

Among the deaths that took place this year was the assistant medical superintendent, a gentleman of great zeal and devotion for his profession, to which he is supposed to have fallen a victim.

The emigration of the season of 1835 was effected in a greater degree than 1833.

The number of emigrants was 11,580, and as the ships were not crowded, little sickness prevailed. The cases admitted into the hospital were, 24 of fever, 48 small-pox, and 54 of other diseases. Of this number 10 died.

In 1836 the number of emigrants increased to 27,896. Many of the ships were crowded and dirty, and much fever prevailed. There were admitted to the hospital 338 cases of fever, 50 of small-pox, and 66 of other diseases; of which number 58 died.

The total number under treatment in the hospital at one period this year was 145. The medical superintendent, and five out of 11 attendants in the hospital, were attacked at one time with typhus. This was soon after the arrival of the barque Ranger, from Liverpool, 90 of whose passengers were admitted to the hospital.

Though the amount of emigration the next year (1837) was not so great as the preceding, yet, from several ships arriving in a crowded state after long passages, there was much fever. From two ships alone (the Cornubia and William Ritchie), there were admitted to the hospital no less than 126 cases of fever. The greatest number under treatment at one time was 177; to accommodate which the buildings were found too small, and a marquee, tents, and a part of the sheds were obliged to be converted into temporary hospitals. During the busiest part of this season, when the attendance of the medical men was required 16 hours out of the 24 in the wards, the assistant medical superintendent was attacked with fever and expired on the seventeenth day. He was a young gentleman of talents (connected with the station for four years), and much regretted.

The total number of emigrants this season was 21,894, of which number 598 were admitted to the hospital, viz., fever 481, small-pox 104, other diseases 13. The total number of deaths was 57.

The season of 1838 has been influenced in its emigration, as was to be expected, by the disturbed state of the province last winter. The few emigrants that have arrived have been healthy. Three ships with small-pox, and a few cases of inflammatory fever, have made the number of patients admitted to the hospital amount to 53, out of which number five have died.

The

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parts of the city of Quebec were never free from this complaint; vessels arrived (generally from ports in Ireland), on board of which the disease had existed for two or three weeks previous. The object of the master on arrival was to huddle his passengers and their foul and dirty clothing (sure vehicle of contagion) on shore with as little delay as possible. Those of them who had the means crowded into the low boarding-houses in Champlain-street and its vicinity; but many of the poor wretches, in the worst state of fever, unprovided with means of support, lay exposed in the heat of a burning sun by day and the chilly dew of night, on the wharfs, and even in the streets of the city.

I have been informed by a ship-master, who is in the habit of bringing out emigrants for many years, that on one occasion (previous to 1833), he came up the river with upwards of 30 cases of fever among his passengers, many of them in a state of delirium (and having lost several on the passage). Fearing that, on his arrival in port, he should get into trouble, he quietly landed 14 of the most violent of the poor wretches on the island of Orleans, to shift for themselves.

The harbour-master boarded him on his arrival; he persuaded the other passengers who were not ill to come on deck and get up a fight; in the noise and hubbub of which the screams and cries of the sick never reached the ears of that officer, who was glad to escape from the scene of uproar. When night came on, he landed the remainder with their baggage.

Such instances, no doubt, were of frequent occurrence. Since the establishment of quarantine, many ship-masters who bring out emigrants, knowing they will be subject to an inspection by medical officers, enforce strict cleanliness and ventilation in their ships. Yet, notwithstanding all their precaution, the subjoined tables will show that hundreds of emigrants yearly arrive with typhus fever, sometimes to the extent of 80 or 90 cases in one ship—as the Ranger in 1836, and Cornubia, &c. in 1837.

The subjoined Table exhibits, in a condensed form, the number of sick treated in the hospital since its establishment.

RETURN of Sick treated in Hospital, from its Establishment in 1833 to September 18, 1838.

Admissions.							Discharges.			Deaths.			Remarks.
Year.	Number of Passengers.	Cholera.	Fever.	Small-pox.	Other Diseases.	Total.	Cholera.	Other Diseases.	Total.	Cholera.	Other Diseases.	Total.	
1832	51,422	No return of sick this year.					–	–	–	–	–	–	
1833	22,062	–	159	34	46	239	–	212	212	–	27	27	
1834	30,982	290	404	12	138	844	132	448	580	158	106	264	
1835	11,580	–	24	48	54	136	–	116	116	–	10	10	
1836	27,986	–	338	50	66	454	–	396	396	–	58	58	- - Most of the deaths these two years (which proved fatal in the proportion of 1 in 8½) were from fever.
1837	31,894	–	481	104	13	598	–	541	541	–	57	57	
1838	2,918	–	21	16	16	53	–	48	48	–	5	5	
	168,842	290	1,427	264	333	2,314	132	1,761	1,893	158	263	421	

(signed) *John Doratt*, M. D.

E.

Letter from the Rev. *H. Sewell* to Sir *John Doratt*, on the Want of a Place for Divine Worship at *Grosse Isle*.

Sir, Quebec, 24 October 1838.

As you have been kind enough to permit me to furnish you with a statement of the evils arising from the want of a Protestant place of worship at the quarantine station, I think I shall best accomplish the object you have in view by laying before you a few brief details of facts which can readily be well substantiated.

With a view to prevent the fearful ravages then making by cholera, a quarantine station was in the year 1832 established at Grosse Isle, 30 miles below Quebec, where all ships are by law required to come to, and passengers, under certain circumstances, required to land. It has frequently happened in consequence, that many hundreds, in some cases thousands, both sick and well, have thus been landed and detained on the island at one time.

The emigration of that year (1832) amounted to upwards of 52,000 British subjects; but of that number, if we suppose that 24,000, which is a very small proportion, were landed as sick, under suspicion of infection, and to wash and cleanse their linen and bedding, and that one-fourth only of the last number were Protestants, then we have 6,000 Protestant subjects of Great Britain landed in the course of one summer at the station.

From these poor people, entitled as they are to all privileges of Englishmen, the dearest of all privileges, that of having the gospel of truth preached to them, is, as far as Government is concerned, taken away; they are compelled to land and remain upon the island; but though six years have now elapsed since the first establishment of the station, the same Government, which erected a lazaretto where the sick might die or be healed at a distance from the chief city of the province, has not yet thought it necessary to afford them the benefit of a resident pastor; nay, has not even erected a place of worship, where on the Lord's-day of rest they may be called together to praise God for their preservation from the dangers of the deep or recovery from perilous sickness.

It is true, that the remissness of Government has been in a measure obviated by the Christian charity of a few gentlemen of Quebec, who from their private means have contributed to the support of a missionary of the Church of England at the station during the summer; but the island is still without a place of worship for the poor emigrants, and I have in consequence myself been obliged to call them together for the service of God, sometimes in the open air among the wilds on the river side, and, at others, in the sleeping sheds, with neither room to sit or kneel, in the presence of every denomination of Christians, and subject to all species of annoyance.

If a quarantine station is to be maintained for the purpose of keeping away infection from the province at large, those who are detained by the operation of the law and cannot quit the island should at least be furnished with the means of spiritual instruction and consolation during their detention. A chaplain should be maintained at the public expense, and a chapel erected, the cost of which would not exceed 125 *l.* currency. So notoriously remiss, however, have been the authorities, that it was not until the last year that, through the kindness of the inspecting physician, aided by his Canadian boatmen, a summer-house, originally erected as a smoking-room, was converted into a place of worship for Her Majesty's troops stationed on the island. This building is, however, without the quarantine bounds, and cannot therefore be made available for the emigrants.

I may also add, that the society which has hitherto sent a missionary to the station was compelled to erect a small house for his accommodation, for which they have not yet been remunerated.

I have, &c.
(signed) *Henry Sewell*, M. A.
Late Resident Missionary at Grosse Isle.

To Sir John Doratt,
Inspector-general of Hospitals,
&c. &c. &c.

F.

LETTER from the Rev. *H. Sewell* to Sir *John Doratt*, on the State of the Gaol of the City of *Quebec*.

Sir, Quebec, 15 October 1838.

I HAVE much pleasure in furnishing you with such information relative to the imperfect construction of our present gaol as, from my connexion with the Gaol Association of this city (a society of gentlemen who, a few years ago, took upon them the voluntary labours of improving the morals and inculcating habits of industry among the prisoners), I am enabled to afford.

The gaol of Quebec is situated in the very centre of the city, and affords direct communication on four sides between its inmates and the street. No vigilance of its officers can altogether remedy the pernicious consequences of so essential a fault in all that appertains to correct prison discipline; the very sentries whose duty it is to prevent irregular communication with its inmates have but too frequently been induced, under mistaken feelings of humanity, to commit or connive at the evil they are appointed to guard against. The interior of the building leaves little less to lament, while it forms the sole prison for the extensive district, and is destined to receive every varying class of prisoners, viz. those condemned, those committed for trial, the unfortunate debtor, the pitiable maniac, the hardened villain, the uninitiated youth, all mingling in more or less of common intercourse by day and night; so that they who happily are pronounced innocent by law, may consider it a providential deliverance if they escape in the mean time the effects of evil communication and example. The association, in the first year of their organization (1829–1830), submitted to the provincial legislature their humble petition, that measures might be taken for the separation of prisoners under judicial sentence by the erection of a penitentiary, and had the satisfaction to see measures commenced, and plans and estimates procured, which gave sanguine hopes that a period of improvement in prison discipline and reformation of offenders was at hand for this district, but from a variety of causes no steps have been taken.

It appears by official documents laid before the legislature, that of 743 committed to the gaol of this city in the twelve months ending 31 December 1831, 170 were females; 60 were juvenile offenders under twenty years of age, and 70 were old offenders, whose recommittals vary from a second to a seventh time; and 235 were committed under the designation of idle and disorderly, a class of prisoners more than half of whom seek committal as a resource from starvation, or the inclemency of the climate. I invite attention to these facts, assured that very little reflection is necessary to convince any one of the great moral contamination constantly going on from such an admixture of prisoners; if other reasons than those of religion and moral obligation were wanting, they are afforded in consideration of public economy. It is shown by other documents laid before the same legislature, that the expense of the present prison and its establishment is 1,769 *l.* 16 *s.* 0 ½ *d.* per annum, whilst the apparent result of those employed at hard labour is a loss of 56 *l.* 14 *s.* 8 *d.* in the year ending December 31st, 1831. A striking contrast is exhibited in different prisons and penitentiaries of the United States, where a well-digested system of employment and separation of prisoners has been substituted for idleness and unrestrained intercourse. In many of those, not only the whole expense of the prison establishment is defrayed, but an actual revenue derived to the state; and the prisoner, having completed the term of his sentence, is discharged with habits of industry, and means of gaining a livelihood of which he was not before possessed. Many individual cases are recorded of a reformation of life and conduct in those who have completed their term of sentence in the penitentiaries of Auburn, Scuy, Connecticut, and others similarly conducted. Of those who from time to time have been committed to our gaol, I do not think there is more than one solitary case, that of a female, who on the expiration of her sentence was removed into the country at the expense of the association; she married, and is now a respectable member of society.

From the documents above alluded to, it appears further, that the number of sick requiring medical treatment in the year ending 31st December 1831 was, males 162, females 242, a proportion infinitely greater than in the prisons of the United States, and the disproportion may be reasonably ascribed to the want of regular and systematic employment, confinement in idleness having always been found as detrimental to health as to moral reformation and improvement.

Connected with this subject is the want of a house of industry, to which prisoners on the termination of their punishment may, if they feel disposed to leave their former courses, retire for shelter, and earn the means of subsistence by their own labour. In a climate where,

where, for six months in the year, the want of shelter must endanger life, it is no little reproach to the laws, that their violation holds out to many the only means of subsistence. I have already stated, that no fewer than 235 of the committals during the year 1831 were of this class. To this refuge might also be transferred the children of prisoners, both before and after trial; these are often brought into the gaol with their parents for want of another asylum. I have even known instances where children, deserted by their parents in the public streets, have been committed to gaol by a magistrate as the only place of shelter and support. Surely, sir, it is an evil that requires immediate remedy, that in a Christian country no better place of refuge than the corrupt precincts of a gaol, and that gaol such as ours, can be found for the innocent offspring of parents who may not, in all cases, be themselves guilty.

And what shall we say again to the fact, that this same gaol, the centre of crime and wickedness, the abode of every thing that is corrupt, the scene of drunkenness which cannot be prevented, of revelry and debauchery, a very den of iniquity—this same gaol is often made a place of detention for the moping idiot, the lunatic and the madman; that those whom God in his wisdom has seen fit to deprive of reason should be ranked with criminals of the worst description, nay, shut up with them in the same ward, the butt of their ribaldry, and the object of their mischief and cruelty, is too horrible to dwell upon.

God grant, sir, that the benevolent design which, I trust, he has himself put into your heart may have the desired and perfect effect, and that you may enjoy the satisfaction of seeing them put into full operation.

I have, &c.
(signed) *Henry Sewell*,
Hon. Secretary to the Gaol Association.

To Sir John Doratt, &c. &c. &c.

G.

Report of the *Quebec* Gaol Association, August 1838.

The committee of the Quebec Gaol Association for promoting education, industry and moral improvement among the prisoners, report to Sir John Doratt as follows:

That they are a voluntary association, established in 1829, and hitherto supported entirely by the contributions of private individuals.

That the object of the institution has been to ameliorate the religious and moral condition of the prisoners, as well as to relieve their distresses, as far as their limited means could enable them, as also to inquire into the circumstances of their confinement or any complaints which they might prefer, so as to obtain relief or redress from the proper quarter, should they be ascertained to be well founded.

In order to obtain the necessary information and to keep a watchful eye over the state and habits of the prisoners, two of the members in rotation visit the gaol weekly, and make a report to the committee of any matter deserving attention.

For a considerable time after its first institution, schools were established in the gaol and schoolmasters provided at the expense of the association; raw materials were also purchased and the prisoners encouraged to work; but from want of funds it was, we regret to say, found necessary to abandon both these objects; the provincial legislature, although applied to, having refused to grant any aid to the institution, and the amount of private subscriptions being found wholly inadequate for the purpose.

One great object to which the attention of the committee has been directed is the condition of the children of prisoners, often left wholly destitute or drawn within the walls of the prison by the confinement of their parents. Convinced of the imperative duty of removing the innocent offspring of prisoners from the corrupt precincts of a gaol, they have, as occasion offered, provided for them such means of support and instruction in the new settlements in the neighbourhood of Quebec as they could afford.

The committee has also, in some instances, applied itself with success to providing the means of gaining an honest livelihood to a class of unfortunate females, who, in considerable numbers, are found committed to what is called the house of correction within the gaol, the same having been from necessity made the receptacle, not only of them, but many other unfortunate and destitute persons (perhaps not quite in accordance with strict principles of law), from there being no asylum, no penitentiary, no refuge nor workhouse in the province to which they could be sent.

If the objects and end of associations of this description would be considered useful and praiseworthy under ordinary circumstances, how much more must it appear to be so when the attention is directed to the gaol of Quebec in particular?

It is a building which, from its situation, size and construction (independent of its present state of dilapidation), is wholly inadequate to the purposes for which it is designed.

It is situated in the very centre of the city, and being surrounded on the four sides by four streets, with which the building communicates, there is no possibility of preventing direct intercourse between its inmates and those without.

It is so small in dimensions that classification cannot be attempted; it is the sole prison for this extensive district, and is destined to receive every class of prisoners, viz., the condemned and committed, the unfortunate debtor, the pitiable maniac, rogues and vagabonds, street-walkers, felons, murderers, the hardened villain, and uninitiated youth; all these must, from the construction and size of the gaol, mingle more or less in common intercourse by day and by night. No individual, however innocent, can be committed to it and leave it unpolluted and untaught in wickedness.

If this be generally true, with how much greater force does it apply to juvenile offenders, who, committed perhaps for some petty misdemeanor, become contaminated, whilst there, by the society and conversation of persons worse than themselves, and go out from its walls ripe for any villany.

The committee believe that even with the very limited means at its disposal, the association has done considerable good, and that, if aided by the fostering hand of the Government, it could do infinitely more in the prosecution of the original objects of its institution; and it ought not to be forgotten, that until the evils consequent upon the present state of the gaol and the want of proper establishments in the country be remedied, the labours of the association are the more necessary, whilst their success is more difficult.

(signed) *Robert Haddan*, Secretary,
Quebec Gaol Association.

H.

REPORT from Dr. *Morrin* and Mr. *Douglas*, on the present State of MEDICAL EDUCATION of *Lower Canada*.

Sir, Quebec, 20 October 1838.

IN answer to your first question, "What is the state of the medical profession in Canada?" we confine ourselves to its state in this district, being, however, satisfied that in other districts the same causes operating, the same effect is produced.

The country parishes, with few exceptions, support medical men, who, having studied two or more years, have obtained a license to practise; some of these gentlemen have not had the advantages afforded by lectures at a medical school, or attendance on hospitals; their means of acquiring a knowledge of the profession has been derived from books, and the necessarily few cases of disease or accidents falling under their observation during their period of study in the country.

Of late years, students of this class, finding it more difficult to pass the board of medical examiners, and in order to obtain a license to practise without undergoing an examination, have been induced to resort to medical schools in the United States, where a diploma or degree can be obtained at small cost and loss of time, and without any, or only a superficial, knowledge of medicine and surgery. It is within our knowledge that a student, being rejected by the board of examiners in this city, returned from the United States with a degree obtained after an absence of three months.

This city is supplied by practitioners who, with few exceptions, have had the advantages of a European medical education, and are perhaps not inferior to the same class of practitioners in the large towns of England. In the country, however, it cannot be denied that the medical profession is in a very low state, and that gross instances of ignorance and mal-practice are very common. It is within our knowledge that a hernial sac has been opened as an abscess; that aneurism of the aorta, having absorbed the ribs and sternum, has been poulticed, and an incision made under the belief of the disease being a collection of matter; that the perineum has been more than once divided by incision, under an impression that it would facilitate the expulsion of the fœtus.

In answer to your second question, "What are the causes of this low state of the profession in Canada?" we beg leave to state it to be our conviction, that it is owing to the want of power in the board of medical examiners to exact any specific term or mode of study. By an act passed by the Governor-general in council, April 30th, 1788, which act or ordinance continued in force 43 years, and which is now again in force, the commissioners appointed to examine candidates were obliged to license individuals holding diplomas or degrees, although evidence of the unfitness or ignorance of the candidate were adduced. It is in our own knowledge that one individual was licensed to practise physic and surgery whose period of study had not exceeded 14 months, and another whose period of study had not exceeded 18 months. This ordinance was suspended during six years by an act of the legislature passed in 1831, which prescribed five years of study, but admitted the possessor of a degree or diploma to practise in the province without examination. It was in consequence and during the operation of this act, that students were induced to resort to the small medical schools along the frontiers of the United States, where degrees could easily be obtained at small cost, without reference to the fitness of the individual, or to his ability to profit by the lectures delivered at the school. At a late meeting of the Quebec medical board of examiners, an individual presented himself for license, holding a degree obtained by six months of attendance on medical lectures in Vermont, and who professed to be unable to understand or answer any question put to him in English.

At the last meeting of the Quebec medical board of examiners, two candidates from the United States, with degrees, could not tell whether the bone on which we lean, or the elbow

elbow, belonged to the lower or upper arm. In no one of the medical schools on the frontiers is there attached an hospital, neither are there means of cultivating practical anatomy or surgery.

We have, &c.

To Sir John Doratt,
&c. &c. &c.

(signed) *Jos. Morrin*, M.D.
J. Douglas, M.R.C.

I.

Suggestions for the Establishment of a Medical School at *Quebec*, by Sir *John Doratt*, M. D.

Various and most inefficient attempts having been made at different periods by the several governments of Lower Canada towards the establishment of a medical school, with very little, if any, advantage to society at large, and confirmed from the want of good medical assistance, it has become most urgent, for the preservation of life and health among the poor and lower classes of the province in particular, that a permanent school for medical education should be established without delay, upon an extensive and useful scale, so that knowledge may supersede disgraceful and dangerous ignorance, that the minds of young men may be properly and usefully led to the study of medicine, and the sufferings of mankind be alleviated and removed. If education be proved to be essential to the welfare and prosperity of a country, how especially so is that branch of it which is so closely interwoven with ourselves as to enable us not only to remove the ills of our body when they afflict us, but to restore us unto health.

It is proposed that a school of medicine and surgery be established at Quebec, under an Act of the legislature of Lower Canada; that the purport or intention of such schools shall be solely for affording instruction to young men desirous of pursuing the medical profession, and putting them into possession of the elementary principles of medical science before they are permitted to commence the study of the practice of medicine; correct theory or sound principles being indispensably requisite for the foundation of judicious and successful practice. To effect this great and useful purpose of the legislature, teachers or lecturers must be appointed to the said schools, whose talents in the various branches of medical science shall be found adequate and efficient to fulfil the requisite and important duties thereof, and thereby answer the intentions and desires of the legislature.

Quebec, as the capital of Lower Canada, containing between 30,000 and 40,000 inhabitants, has a population in number claiming and positively requiring the residence of several medical practitioners, and those persons of talent and experience.

Quebec being the principal harbour for all shipping arriving direct from the ocean, diseases and accidents in great numbers are continually brought by vessels on their arrival, requiring the aid of medicine and surgery, and most particularly so during the season of extensive emigration; likewise, during the period that vessels remain in harbour, accidents of various character and degree occur frequently.

Young men from the various parts of Upper and Lower Canada, as also from the distant colonies of New Brunswick, Nova Scotia, Prince Edward's Island, &c. &c., desirous of studying medical science, are compelled to visit the United States' school for such purposes, as there is not at the present time a legal British medical school in Her Majesty's American colonies.

It is the opinion of the principal medical men residing in Quebec and its neighbourhood, that there are, in the course of each year, diseases and accidents in number and character equal to the occupation of 200 beds in the Marine Hospital, independent of the Hôtel Dieu; and that during the period of an extensive emigration, 300 beds would be quite necessary to afford required relief.

From what has been stated, it is evident that a permanent medical school ought to be established by the legislature in Quebec with as little delay as possible, affording to such school full and necessary legal powers to instruct young men in the medical science, with all the branches of learning thereunto belonging.

Rules and Regulations to be observed by young Men desirous of becoming Candidates for Students in the School of Medicine and Surgery established by the Legislature at Quebec, and bearing the name of the Quebec Medical School.

No young man can present himself before the board of medical examiners for an examination as candidate until he shall have arrived at the age of 18 years.

Every young man as candidate for a student in the school of medicine and surgery must have received an education in some scholastic seminary of known respectability, and must produce a certificate of his having so done from the director or principal of such school or seminary, to which certificate the name of such director or principal shall be attached; or certificate shall also state the length of time the said young man may have resided in such school or seminary, and also his scholastic acquirements. The candidate must have had a good classical education, be perfectly conversant with the English and French languages, and also have acquired the first principles of mathematics.

If the young man, after having been duly and fully examined, be found qualified, he shall receive, by order of such board of examiners, a certificate of approval, to be made out and so called, which certificate shall qualify him to undertake the study of medicine and surgery in the Quebec school of medicine.

RULES and REGULATIONS for young Men having obtained their Certificate of Approval from the Board of Examiners, nominated for that purpose, and, in consequence, having entered as Students in the QUEBEC MEDICAL SCHOOL.

Every student of the school of medicine and surgery shall strictly follow the plan or course of study as laid down in the regulations.

That the whole period allotted by the legislature as a term for education at the medical school of Quebec shall be five years.

That the first three years of the allotted period for education shall be passed in strict attendance in the school of medicine, and the latter two years in close attention to the duties of the hospital, under the directions of the medical attendants to such hospital.

Every student of the school of medicine and surgery shall present himself to the board of examiners at the termination of each three months, to be by them duly examined in the various branches of medical science, to which such student may have applied himself, to the end that the progress of each separate student may be fully ascertained by the teacher or teachers of such branches of medical science; should the student neglect or refuse to present himself for such examination, he will not be permitted to attend the following course of lectures without the permission of the board of examiners, and any further omission or refusal to be examined shall be followed by expulsion from the medical school altogether.

Any student refusing to attend to, or not following strictly the rules and regulations laid down for the better management of the school of medicine, will, after due inquiry, be suspended from attending the studies, by the authority vested in the board of examiners; and should resistance to the laws and regulations be continued on the part of the student, the said board of examiners shall refer the case to the board of direction, who legally shall have the power to expel the individual from the school of medicine altogether, which expulsion being final, shall prevent the individual so expelled, after due and strict investigation, from receiving medical education in any part of Lower Canada.

That whenever a student shall have duly and properly attended to his various studies at the medical school, and shall have passed a full and public examination on all the branches of medical science therein taught by the board of examiners, a certificate of qualification from such board shall be given him, which certificate being presented to the medical faculty at the University of Montreal, the medical degree shall be granted to him, according to the rules and regulations of such University, as laid down by the Act of the Legislature, such medical degree being doctor in medicine and surgery.

It is strongly recommended that students of the medical school should establish a medical library, consisting of the best works and writings upon the various branches of medical science, both in English and French.

The form and order of education to be followed in the school of medicine of Quebec.

There shall be for the present six lecturers, who will divide the subjects of medical science in the following manner, and lecture thereon, according to the rules and regulations.

LECTURES.

Anatomy, structural and practical surgery, principles and practice, institutions or principles of medicine, practice of medicine and physiology, materia medica and botany, chemistry and pharmacy, midwifery and diseases of women and children.

Each lecturer to deliver a lecture three times a week, of at least one hour's duration.

The days and hours fixed are as follows:—

Anatomy -	Monday, Wednesday, Friday -	3 P. M.
Materia Medica	ditto - ditto - ditto -	10 A.M.
Chemistry -	ditto - ditto - ditto -	11 „
Surgery - -	Tuesday, Thursday, Saturday -	10 „
Practice of Physic	ditto - ditto - ditto -	11 „
Midwifery -	ditto - ditto - ditto -	3 P. M.

Each course of lectures to be of six months' duration, that is, from the 1st of November to the end of April.

The rooms for practical anatomy to be open every day during the course, from eight o'clock A. M. till four P. M.

Hours of attendance at the hospital from eight o'clock until ten A. M.

The lecturer who delivers the lecture on physic will also give a separate lecture on physiology; the two lectures to be considered as one course.

The lecturer on midwifery will give a full and separate lecture on the diseases of women and children, following the lecture on midwifery; the two lectures to be considered as one course.

The chair for lecturer on pathology will be established at a future period.

The lecturer on anatomy to be considered the director of all arrangements and studies pursued in the dissecting-room, subject to the rules and regulations; that a prosector be chosen

chosen by himself, who will instruct the students during his absence. The office of prosector shall continue for two years only, at which period the situation shall be vacated, and in future filled by a student of the medical school, provided the lecturer on anatomy shall think such student applying for the situation of prosector qualified for the duties thereof; and if there should not be found a student duly qualified, the lecturer on anatomy shall have the power to appoint any other person he may consider proper for the office for the ensuing two years. The election will always take place at the close of the second course of lectures.

That any young man who may have received a medical education of not less than one year at any acknowledged medical school, will be allowed to pursue and finish his medical studies at the Quebec school of medicine, according to the rules and regulations laid down by Legislative Act, the previous period of study not followed at Quebec being included in the five years as the term of study.

That any persons desirous of practising medicine and surgery in Her Majesty's North American colonies, who may not have received their medical education either at Montreal or Quebec, can only obtain the authority so to practise from the medical faculty of the University of Montreal, according to the Act of the Legislature; that this Act shall have a retrospective effect for the two last years past from the date hereof.

Any member of the universities of Great Britain, holding the degree of doctor of medicine, or any member of the Royal College of Physicians, London, shall be considered fully qualified to practise medicine and surgery in the North American colonies of Her Britannic Majesty.

Any person desirous of practising surgery alone, and possessing a diploma for such practice from any college in Great Britain, by presenting such diploma to the medical faculty at Montreal, will be considered qualified to practise surgery in the North American colonies of Her Britannic Majesty, subject to the Act of the Legislature thereon.

No member of any university or medical college, holding the degree of doctor of medicine or surgery (excepting such as may have been obtained from Great Britain), can practise either of the above branches in Her Britannic Majesty's American colonies, but only according to the Act of the Legislature thereon.

Medical men who may have held a medical commission in Her Majesty's regular army, or in the royal navy, for the period of five years, shall be qualified to practise as surgeons only; and if such commissions may have been held for 10 years and upwards, they shall be entitled to practise as doctors in medicine and surgery.

If any student of the medical school of Quebec, or any medical man educated elsewhere, who may offer himself for examination, or for the degree of doctor of medicine and surgery, before the faculty of medicine and surgery at Montreal, and shall be found unable to sustain such examination, he shall be recommended to continue his studies for one year.

Rules and Regulations for the Hospital connected with the School of Medicine.

The medical duties of the hospital, and the charge of the sick, to be undertaken by two medical professors for each department, namely, two for the practice of medicine and two for surgery. The hours of attendance for the medical professors to be from eight till ten every morning (Sundays excepted); a return of all patients admitted and discharged, with their diseases, cures and deaths, to be made every month by the apothecary of the house, for the information of the board of direction.

That an apothecary, being an unmarried man, be appointed, with a salary, who shall reside in the hospital, and be provided each day with breakfast, dinner and supper; that the apothecary shall have the charge of all medicines of every description provided for the use of the hospital, and be accountable for such to the board of direction, as well as all surgical instruments that may be provided for the use of the hospital.

That the apothecary shall compose and dispense all medicines that may be ordered by the medical officers of the hospital; shall be always in attendance at the hours of the medical visits; shall visit every evening, at the hour of seven o'clock, each patient in the hospital, with the hospital attendant, and conjointly shall administer relief, if required, to any of the patients, and shall also keep an accurate account of all medicine obtained for the use of the hospital, and whenever such may be wanting, to apply in due form for the supply necessary to the board of direction.

That a matron shall be appointed to superintend the internal management of the hospital, taking under immediate charge the conduct of all nurses and attendants on the sick, superintending the diet, and carefully attending to the bedding of every patient in the hospital, under the direction of the apothecary.

The apothecary shall be elected every year, at the termination of the courses of lectures, namely, the end of each month of April, the situation to be at all times occupied by a medical man who may have finished his education at the Quebec school of medicine, and shall have obtained his degree as doctor of medicine and surgery; he shall be under the direction of the professors of the hospital.

The medical officers shall deliver a clinical lecture three times a week in medicine and surgery, at the bedside of the patient, to all students in attendance, and shall enforce the regular attendance of the pupils, according to the rules and regulations sanctioned by the legislature.

That each medical officer appointed to the hospital shall have attached to him an attendant of his own selection, who is to visit each patient with him, to receive his instructions in regard to the treatment of the patient; to issueto the proper authorities in the hospital such directions as the professor shall think fit to order for the patient; to take charge of the patients during his absence; to attend the apothecary at seven o'clock every evening, for the purpose of visiting the patients within the hospital, and daily to make accurate minutes of each case in the hospital that may be under the charge of the professor to whom he may be attached, which minutes or notes shall be inserted into a book being called "Hospital Cases," which is to be preserved for the inspection of the medical professors.

That a full examination shall take place by the professors of the hospital every six months of each student attending the hospital, to ascertain their knowledge in the treatment of disease, medical as well as surgical, and likewise their acquaintance with the various authors, medical as well as surgical.

That a dissecting-room be built, with all the necessary accommodations, without delay.

No person will be permitted to dissect any part of the human body in the dissecting-room without being qualified by previous study; and any person desirous of dissecting shall be previously examined by the professor or lecturer of anatomy.

Each person, on commencing his dissections in the dissecting-room, shall pay two pounds.

That a register be regularly kept of every person entering the Quebec school of medicine for the purpose of following their education, their names, period of admission, places from whence they came, duration of their attendance, and fees that may have been paid by them for such studies.

The secretary of the board of medical direction shall likewise act as secretary to the board of medical examiners.

That the Marine Hospital shall be finished and enlarged, so that 300 patients may be admitted and properly accommodated; each sick person to have a separate bed, and all bedsteads to be of iron.

Admissions for the sick to the hospital to be solely under the management of the board of medical direction.

The Board for the better Management of the Quebec School of Medicine.

That a board be constituted, consisting of seven of the most respectable persons residing in Quebec and its neighbourhood, composed of Canadians and British, who may be willing to undertake the direction of the Quebec medical school, save and except the management of education, which latter will remain under the immediate direction of the board of medical lecturers and examiners.

That the board shall assume the name of The Board of Quebec Medical Direction; and shall receive full powers from the legislature to execute all the duties that may be attached to such direction.

That the board shall hold direct communication with the legislature on all subjects regarding the medical school.

That all applications relative to the Quebec medical school coming within the cognizance of the board shall be received and acted upon.

That the board of direction shall upon all occasions appeal to the legislature without loss of time, whenever there may be circumstances requiring such immediate application.

That the board of direction shall be accountable to the legislature for all monies expended and received on account of the Quebec medical school.

That all payments and monies received for every purpose appertaining to the medical school shall be made and received by the board of medical direction.

That the board of medical direction shall, without any fail, produce at the end of every three months, for the satisfaction of the legislature, proper vouchers for all monies expended and received.

That a secretary be appointed, to act as such to the board of medical direction.

That the board of medical direction shall meet for the business of the medical school once in every month.

That all disputes or differences that may arise among the lecturers or students, or between both, shall be reported by the parties so differing to the board of medical direction, which board shall be empowered to settle such dispute.

If any vacancy should take place among the lecturers of the school of medicine, in consequence of death or retirement, a report of the same shall be made without delay to the board of medical direction, and if such vacancy shall have happened from death, the board shall immediately report the same to the legislature, or if such vacancy is intended by such resignation on the part of one of the lecturers, such intention shall be communicated in writing to the board by the individual so intending, one month at least before the close of the course of lectures, for the information of the legislature.

All vacancies among the lecturers of the school of medicine shall be filled up by the legislature with as little delay as possible, having first obtained the opinions and recommendation of the board of medical examiners as to the fitness and requisite qualifications of the candidate.

That the board of medical direction shall be authorized to establish, in conjunction with the medical board of lecturers and examiners, any bye-law or laws which may at any time be found necessary to meet the wants of the school after it shall have gone into operation.

Unless

Unless heavy fines are established and levied by the legislature against individuals practising without the necessary qualifications, it will be quite impossible to prevent such by any enactment that may be proposed; under such impression, it is recommended to fix the payment of 10*l.* to be levied by law upon every medical practitioner who shall practise any branch of the medical profession not stated or shown in his diploma or certificate; and if a second transgression of such law should occur, the same amount of 10*l.* to be levied, with the power of suspending such practitioner from practising for three months; and in case of any further transgression of the law, the entire suspension from practising in any part of Lower Canada.

The six medical gentlemen having each accepted the office of lecturers to the Quebec medical school, shall receive by diploma, with the signature of the Governor-general and seal of state, their appointments as lecturers, having first duly and legally declared their assent to all the rules and regulations laid down by the legislature for the better management of the Quebec medical school, by subscribing and affixing their names.

Each lecturer to receive from the legislature, for executing to the best of his power the duties imposed upon him as lecturer to the medical school, 100*l.* per annum, payable at two instalments, the one in January, the other in April following.

That the lecturer on anatomy shall receive 150*l.* per annum from the legislature for executing the duties imposed upon him as lecturer.

That each lecturer commencing his appointed course of lectures shall continue in office as lecturer during the whole course.

Fees to be paid by persons entering the Quebec School of Medicine, according to the Act of the Legislature.

All Canadian born subjects entering the school of medicine, for the purpose of pursuing their medical studies, are to pay 30*l.* on receiving an admission ticket, which ticket will enable them to follow their required studies for the entire period of five years.

All persons not born in Her Majesty's North American colonies, wishing to pursue their medical studies at the Quebec school of medicine for one twelve-month only, including the attendance at the hospital, shall pay, on receiving a ticket of admission, the sum of 35*l.*; and any person desirous of attending the medical school for six months only, including the dissecting room and hospital attendance, will pay, on receiving the admission ticket, 25*l.*

Savings to be made, and Income towards the Support of the Medical School.

The sum of money hitherto paid to an apothecary residing in the hospital was 125*l.*, with board and lodging; it is now proposed to give 40*l.* per year, with board and lodging, to a young physician (*see* Regulations): here is the saving of 80*l.* per annum.

It is proposed that all sums of money paid by young men on becoming students of medicine shall be placed (*see* Regulations) towards defraying the expenses of the medical school.

There is good authority for thinking that many young men from the United American States will be anxious to receive the more essential part of their medical education at the school of Quebec, namely, anatomy, in the practical part of which they are very defective, and also in the knowledge of the practice of medicine and surgery, from the want of general hospitals.

That every apothecary, chemist and druggist, keeping an open shop, or vending drugs in any place or manner whatever, shall keep for sale the best quality of drugs, and that all chemicals, as well as all compositions of medicines, shall be made from such quality of drugs and prepared in the proper manner, according to the most approved laws of chemistry.

That every apothecary shall be obliged to keep all the simple mixtures and preparations of medicines of every kind as contained in and forming the London Pharmacopœia, and as ordered and directed by the Royal College of Physicians in London.

That every apothecary, chemist and druggist, on being visited by the authorized board of visiting medical men, shall submit to the examination required on such occasions, and consider themselves liable to the penalties that will be levied by the legislature, should the drugs, chemicals, or preparations of medicine, in their keeping, not be found good or of the best quality, or not prepared in the manner according to the approved laws of chemistry.

The practice of medicine and surgery in many parts of Lower Canada is conducted in the most reprehensible manner by persons under the denominations of physicians and surgeons, who, having obtained their stock of medical knowledge from books alone, independent of the several cases that may have been brought before them during the period of such study, and who, in consequence of gross ignorance, must, and do, from time to time, commit serious and fatal errors.

Others again are practising medicine and surgery upon the most inefficient and imperfect mode of education, obtained from the medical schools on the frontiers of the United States, where, from the total want of hospitals, students return entirely ignorant

of all practical knowledge, and in consequence commit from time to time most disgraceful errors.

There are others who arrive from Europe, with the slender information derived from having only attended a course or two of medical lectures in London, or elsewhere in England, without having had the requisite advantages of an attendance at any of the hospitals, and thereby never having past an examination, are found establishing themselves in the several districts of Lower Canada, and whose practice in consequence is productive of serious evils to the public.

In reference to the report signed by two of the medical board of examiners, the evils arising from the want of medical knowledge among the practitioners is amply detailed, and the great want of legislative power on the part of the medical board of examiners in the province of Lower Canada, both at Quebec, as also at Montreal, entirely prevents the necessary improvement in the important science of medicine.

The existing board of medical examiners having the public welfare greatly at heart, and feeling anxious to promote medical learning, have for some two or three years exerted an unauthorized authority by rejecting individuals found to be deficient in medical knowledge, and who came before them for examination, by refusing to license according to the ordinance passed in 1788.

The result of such proceedings on the part of the board of examiners of Quebec, although founded upon motives the most honest and upright towards the public welfare, have more than once subjected them to actions at law, and such actions have only been stayed by interference of the Legislature at the time and at the solicitation of the board themselves, whose only motive for such proceeding was that of supporting, if possible, the national credit of the medical profession, which is rapidly sinking into the lowest grade through negligence and the want of proper means for education.

On these grounds the suggestion, in the plan drawn up for the establishment of a medical school, was introduced.

(signed) *John Doratt*, M. D.

K.

Abstract of Payments to Convents.—1838.

Abstract relative to the Payments made by the Legislature of the Province of *Lower Canada*, to the several Convents established in *Quebec*, *Trois Rivières* and *Montreal*.

Ist. It does appear from the report by the supérieure of the convent called L'Hôpital Général, at Quebec, and drawn up by order of the commissioners appointed for the relief of the insane, the invalid poor, and the foundlings in the district of Quebec, that the number of insane received into the convent called L'Hôpital Général, from the month of October 1824 to July 1838, a period of 14 years, have been 91; that the expenses paid by the Legislature of Lower Canada for their maintenance during the above period has been 8,226*l.* 14*s.* 0*d.* (currency), which is at the rate of 580*l.* per annum.

There are at the present time 17 insane persons in close confinement within the miserable cells of the above convent.

It is impossible to establish any average of cases admitted and cured, as, from the best information which could be obtained, the insane discharged were not considered as cured, but only removed by friends. According to the same report, there remains due by the Legislature the sum of 485*l.* (currency), for the maintenance of the above 17 insane persons now in confinement, from 11 October 1837 to 10 July 1838 inclusive.

It does appear from the same report, that during a period of 14 years, namely, from the year 1824 to 1837 inclusive, 52 invalids have been received into the convent L'Hôpital Général.

The Legislature have granted for their maintenance the sum of 7,137*l.* 14*s.* (currency) during the above period, which will be found to be at the rate of 510*l.* per annum. And by the same report, there remains due by the Legislature, for the maintenance of 23 invalids, from 10 October 1837 to 10 July 1838 inclusive, the sum of 284*l.* Since the last-named period, eleven additional invalids have been admitted at the expense of the Legislature; and by this last statement, the expenses for the current year will be found considerably augmented.

2d. By report from the supérieure of the convent of L'Hôtel Dieu, at Quebec, and by orders of the commissioners appointed for the relief of the insane, the invalids and the foundlings, the Legislature have granted annually to the nuns of the convent L'Hôtel Dieu, in aid of their own funds, from the year 1826 to 1838 inclusive, the sum of 200*l.* (currency), for the maintenance and cure of ten additional sick poor, to be admitted into their hospital whenever required. The amount of monies paid by the Legislature during the above period appears to have been 1,950*l.* (currency), in consequence of the deficiency of 50*l.* in one year.

In the same report it appears that the nuns of the convent L'Hôtel Dieu have received into their care since the year 1824, 684 foundlings; and that there are in the said convent at the present time, under the charge of the Legislature, 79.

It

It also appears from the same report, from the last account delivered to the commissioners appointed, there is due by the Legislature to the convent L'Hôtel Dieu, the sum of 580*l.* 2*s.* 4*d.* for maintenance of the foundlings, salaries to females in charge, and other sundries.

3d. It does appear, from the report from the supérieure of the Ursuline convent at Trois Rivières, there is due by the Legislature, for the support and maintenance of the insane, the sum of 200*l.* 17 *s.* 6*d.*, from 10 October 1832 to April 1838, and also the sum of 52*l.* 0*s.* 4*d.* for the maintenance of the sick poor from the same period, amounting to 252*l.* 17*s.* 10*d.* currency. By the same report it appears that a grant was made to the Ursuline convent of Trois Rivières, 4 May 1838, for the sole expenses of the current year.

4th. From the report by the supérieure of the convent termed L'Hôpital Général, at Montreal, the Legislature have frequently granted pecuniary assistance towards the maintenance of the foundlings under charge of the nuns belonging to the aforesaid convent; and it is reported that the expenses for the maintenance of the foundlings, from 10 October 1834 to 10 October 1837, amounted to 3,831*l.* 6*s.* 7*d.*, that the Legislature granted only 1,947*l.*; in consequence, there was an excess of expense amounting to 1,884*l.* 6*s.* 7*d.* currency.

By the same report, it is evident that the supérieure of the convent L'Hôpital Général has a demand upon the Legislature for the care of the two insane confined in the miserable cells erected by the Government in the year 1793, from 10 October 1836 to 10 October 1837 inclusive, amounting to 73*l.* (currency.)

(signed) *John Doratt*, M. D.

L.

Report from L'Hôtel Dieu de *Quebec*.

A Monsieur *John Doratt*, M.D., Inspecteur-général, &c. &c.

Monsieur,

J'ai l'honneur de vous donner les renseignemens que vous desirez avoir sur l'établissement de notre Hôtel Dieu; vous me permettrez de vous observer que les biens de notre communauté, et ceux des pauvres de notre Hôpital ou Hôtel Dieu, sont entièrement séparés, et que notre Hôpital jusqu'à ce jour n'a été soumis à aucun commissaire.

Je me trouverai heureuse, Monsieur, si le tableau que je joins à la présente peut répondre à l'honneur de votre demande.

Je suis, &c.

(signé) *S. S. Antoine*, Supre.

Hôtel Dieu de Quebec, le 27me Juin 1838.

Tableau des Revenus de l'Hôpital de *Quebec*.

	£.	*s.*	*d.*
Rentes foncières de la ville	27	8	7
„ constitués á cinq par cent.	9	3	4
„ des baux à loyer	32	2	6
Les loyers des deux maisons, qui varient cette année, nous recevons	152	–	–
Rentes du petit Fief St. Laurent de 16 arpents de terre, dont les lods et ventes reviennent au Seigneur de l'Isle d'Orleans, nous n'avons que les rentes	–	15	–
Les cens, rentes et lods et ventes de la Seigneurie de St. Augustin se montent à peu près par année	125	–	–
Le domaine de cette seigneurie est peu de chose, les pauvres en retirent un loyer annuel de	12	10	–
Total £.	358	19	5

Le revenu du Moulin n'est pas fixé; il donne ordinairement entre 300 et 400 minots de blé, rarement a-t-il passé cette quantité, souvent même il a été bien au-dessous.

Les biens fonds des pauvres de l'Hôtel Dieu ne pouvant soutenir ordinairement par ses revenus que 25 ou 30 malades, et ce nombré n'étant pas suffisant pour subvenir aux besoins

des personnes qui réquierent une charitable assistance, et au désirs qu'ont les réligieuses de donner leur soins à l'humanité souffrante, la législature dans sa sagesse a bien voulu accorder, en 1826, une somme de 200*l.*, pour aider à la subsistence de 10 malades surnuméraires, ce quelle a continuée à faire d'année en année, comme suit :

1826.—Accordé	- -	£.200
1827.—Rien.		
1828.—Rien.		
1829.—Accordé	- -	200
1830.—Ditto	- -	200 mais nous n'avons reçu que 151 *l.* 11 *s.* 1 *d.*
1831.—Ditto	- -	200.
1832.—Ditto	- -	200.
1833.—Ditto	- -	200.
1834.—Ditto	- -	200.
1835.—Rien.		
1836.—Accordé	- -	400.
1837.—Rien.		
1838.—Accordé	- -	200.

M.

REPORT from *Quebec* GENERAL HOSPITAL, 5 July 1838.

Monsieur, Hôpital Général, 5 Juin 1838.

En réponse à votre adresse du 25 dernier, notre monastère, voulant se rendre au désir du public, s'est toujours chargé de quelques invalides, dont le nombre et le prix des pensions ont plusieurs fois variés selon les circonstances. Maintenant nous n'en avons que 23, soutenus aux frais de la province à 1*s.* par jour. Depuis 1824, ce sont des commissaires appointés par le gouvernement, qui désignent les invalides qui doivent occuper les places soldées par la province, et c'est à eux que nous présentons nos comptes. Les commissaires sont actuellement le Rev. G. J. Mountain, evêque de Montréal, Rev. C. F. Baillargeon, curé de Quebec, Thomas Wilson, Louis Massue et Joseph Morrin, ecuyers. En 1802, la législature ayant désiré que nous nous chargassions des insensés de la province, nous l'avons fait dans le désir de nous rendre utiles au public. Le nombre est actuellement de 17, à 1*s.* 6*d.* par jour.

J'ai, &c.

(signé) *S. S. Anselme*, Supérieure.

L'Hon. J. Doratt, M.D. Inspecteur-général des Hôpitaux,
&c. &c. &c.

N.

REPORT from *Montreal* GENERAL HOSPITAL, July 1838.

Monsieur, Montreal, 25 Juillet 1838.

En référence à votre lettre du 3e present, me demandant comme un des commissaires pour le soutient des insensés et des enfans trouvés, de vous donner tous les renseignements concernant les moyens pécuniaires pour le soutien de ces deux classes d'infortunées ; en réponse,

J'ai l'honneur de vous informer, qu'ayant pris connaissances de la réponse que font à votre lettre les Dames de l'Hôpital Général, je n'ai rien à y'ajouter, et que ce serait abuser de votre temps que d'entrer dans des détails, qui ne serait qu'une répétition de ce qu'elles vous disent.

Permettez-moi, cependant, d'observer qu'une institution telle que celle des insensés, ne pourrait convenablement rester plus longtemps sous la direction d'une maison de filles, déjà très-occupés à d'autres devoirs, et pour d'autres raisons qui ce suggéreront facilement à votre idée.

J'ai, &c.

Sir John Doratt, M. D., (signé) *P. de Rocheblave.*
Inspecteur-général des Hôpitaux, &c. &c. &c.

Hôpital Général de Montreal.

L'HÔPITAL Général de Montreal a été fondé en 1753, pour le soulagement des pauvres invalides destitués de tout secours.

Les autres œuvres ci-après mentionnees n'etoient pas dans l'origine des œuvres de l'institution.

Les sœurs de l'Hôpital Général sont elles-mêmes administratrices de leurs biens, sous l'autorité de l'Evêque Catholique du diocèse.

Bien

Bien peu de tems après sa fondation, cet établissement à commencer à secourir les pauvres enfans abandonnés alors, et a continué à les recevoir et à en prendre soin ; ensuite, pour le mettre en état de continuer une œuvre aussi necessaire, et dont les dépenses devenoient considerables, le gouvernement est presque toujours venu au secours de l'établissement en lui octroyant des sommes de deniers pour le maintien des enfanstrouvés, et la législature a continuée à faire à l'Hôpital Général des octrois d'argent pour le même objet ; mais le surplus des dépenses a été payé par l'Hôpital Général.

Vers l'année 1793, le gouvernement d'alors a proposé à cette communauté de se charger temporairement, mais pour un temps qui n'a pas été fixé, du soin des pauvres insensés, moyennant que le gouvernement fît construire, à ses frais, sur le terrein de l'Hôpital Général, un bâtiment avec des loges pour les placer, et payât les dépenses que necessiterait le soutien des dits insensés.

Cette proposition ayant été acceptée par la communauté des sœurs du dit hôpital, il a été construit sur leur terrein, aux frais du gouvernement, un bâtiment contenant des loges pour les insensés, qui ont été placés, sous les soins de la dite communauté, et dont le gouvernement et la législature ont jusqu'à présent payé les dépenses.

Vers l'année 1830, la communauté, sans renvoyées les insensés qui se trouvaient alors sous ses soins, a cessé d'en admettre de nouveaux, parce que le bâtiment sus-dit destiné a les loger est devenu vieux, mal-sain et insuffisant ; de sorte qu'il n'en reste plus maintenant que deux dans les loges, auxquelles l'hôpital fait à ces frais les réparations les plus nécessaires pour le logement de ces deux individus.

La communauté n'a pas entendu se décharger pour toujours des insensés ; elle a cessé d'en admettre dans les loges du vieux bâtiment, parce qu'elle a jugé qu'il ne pouvait plus aucunement convenir à ces pauvres malheureux ; mais elle auroit probablement continué à donner ses soins aux insensés, si la législature avoit pu construire, sur le dit terrein de l'Hôpital Général, une maison convenable pour leur logement, et proportionnée aux besoins actuel de la population.

L'Hôpital Général a sous ses soins : 1. Des pauvres invalides et infirmes. 2. Des petits enfans trouvés. 3. Des petites orphelines des emigrés. 4. Quelques insensés.

Les revenus de l'Hôpital Général previennent : 1. De quelques terreins et bâtiments dans la ville, et l'Isle de Montreal et aux environs. 2. D'un fief à Chateauguay. 3. Du travail des sœurs qui composent la communauté. 4. Des secours volontaires accordés par les messieurs du seminaire de Montreal. 5. Des octrois de la législature provinciale, comme il a été dit ci-dessus, pour le soutien des enfans trouvés, mais les revenus de l'hôpital sont insuffisans pour en couvrir les dépenses.

	£.	s.	d.
Le montant de la dépense pour les enfans trouvés, depuis le 10 Octobre 1834 jusqu'au 10 Octobre 1837, a été de - - - - -	3,831	6	7
Et l'Hôpital Général à reçu de la législature seulement - - -	1,947	–	–
Ainsi les dépenses sont excédé de - - - £.	1,884	6	7

(signé) *Sœur Marguerite Beaubien,*

Montreal, 24 Juillet 1838. Supérieure de l'Hôpital Général de Montreal.

N. B.—Chaque sœur, en entrant à l'Hôpital Général, fait donation à l'établissement de tous ses biens présens et futurs, pour aider à continuer les différentes œuvres de l'Hôpital Général.

ETAT des ENFANS TROUVÉS qui ont été aux soins des Sœurs Grises, de l'Hôpital Général de Montreal, pendant le période du 10 Ocobre 1836 au 10 Ocobre 1837.

I. ÉTAT des ENFANS qui etoient reçus avant le 10 Octobre 1836, et qui ont continué á être en Nourrice.

			Mois.	Jours.
François - - - -	depuis le 10 Oct. 1836	mort le 12 Octobre 1836	–	2
Marie Anne - - -	,, ,,	,, 22 ,, ,,	–	12
Mary - - - -	,, ,,	,, 22 ,, ,,	–	12
Louis Marcelin - - -	,, ,,	retiré de nourrice 1 Nov.	–	21
Michel - - - -	,, ,,	,, 10 ,, ,,	1	–
Roch Maximin - - -	,, ,,	mort 12 ,, ,,	1	2
Joseph Philomini - -	,, ,,	,, 18 ,, ,,	1	7
Eusebe - - - -	,, ,,	,, 21 ,, ,,	1	10
Catherine - - -	,, ,,	retirée de nourrice 25 ,,	1	14
Anne - - - -	,, ,,	morte 5 Dec. ,,	1	25
Guillaume - - -	,, ,,	retiré de nourrice 10 ,,	1	29
Rosy - - - -	,, ,,	,, 11 Janvier 1837	3	–
Helene - - - -	,, ,,	,, 12 ,, ,,	3	1
Jean Baptiste - - -	,, ,,	,, 14 ,, ,,	3	3
Marie Angelique - -	,, ,,	morte 19 ,, ,,	3	9
Jeanne - - - -	,, ,,	retirée 25 Fevrier ,,	4	14
James - - - -	,, ,,	mort 1 ,, ,,	3	22
Marguerite - - -	,, ,,	retirée 15 Mars ,,	5	4
Marie Louise - - -	,, ,,	morte 29 ,, ,,	5	19

(continued)

			Mois.	Jours.
Marie - - - -	depuis le 10 Oct. 1836	retirée 29 Mars - 1837	5	18
Alexandre - - -	„ „	„ 30 „ „	5	19
Mary - - - -	„ „	morte 2 Avril „	5	23
Maximin - - - -	„ „	„ 7 „ „	5	28
Mary - - - -	„ „	„ 8 „ „	5	29
J seph - - - -	„ „	„ 11 „ „	6	1
Jean Baptiste - - -	„ „	retiré 13 „ „	6	2
Charles - - - -	„ „	„ 17 „ „	6	6
Joseph - - - -	„ „	y étant encore 10 Oct. „	12	–
Louis - - - -	„ „	mort 9 Mai „	6	29
Marie Philomene - -	„ „	„ 9 „ „	6	29
Marie Josephte - -	„ „	retirée 7 Juin „	7	27
Louis - - - -	„ „	„ 7 „ „	7	27
Pierre Charles - - -	„ „	„ 16 Août. „	10	5
John - - - -	„ „	„ 19 „ „	10	8
Marguerite - - -	„ „	„ 1 Septembre „	10	21
Jaques - - - -	„ „	„ 2 „ „	10	22
Adelaide - - - -	„ „	„ 4 „ „	10	24
Marguerite - - -	„ „	„ 6 „ „	10	26
Marie Adeline - - -	„ „	„ 8 „ „	10	28
William - - - -	„ „	morte 19 „ „	11	8
David Richard - - -	„ „	retiré le 21 „ „	11	10
Philomene - - -	„ „	y étant encore 10 Oct. „	12	–
Marie Osias - - -	„ „	„ „ „	12	–
	Nombre de Mois et de Jours résultant de l'Etat - -		252	26

II. ETAT des ENFANS reçus depuis le dit 10 Octobre 1836, mentionnant le temps qu'ils ont été aux soins du dit Hôpital Général pendant le période susdit.

			Mois.	Jours.
Jeanne - - - -	reçu le 17 Oct. 1836	morte le 24 Octobre .836	–	8
Marie Adele - - -	„ 20 „ „	y étant encore 10 - 1837	11	21
Louis - - -	„ 25 „ „	mort 18 Nov. - 1836	–	25
Bridget - - -	„ 2 Nov. „	„ 23 Juillet - 1837	8	22
Fraçnois Regis - -	„ 3 „ „	„ 12 Nov. - 1836	–	10
Elizabeth - - -	„ 4 „ „	„ 14 „ „	–	11
Jacques Toussaint - -	„ 5 „ „	y étant encore 10 Oct. 1837	11	6
Charles - - - -	„ 9 „ „	mort 27 Nov. - 1836	–	19
Jeanne - - - -	„ 10 „ „	„ 28 „ „	–	19
Felix - - - -	„ 15 „ „	„ 27 „ „	–	13
Anne - - -	„ 17 „ „	morte le 4 Sept. - 1837	9	19
Marie Philomene - -	„ 24 „ „	y étant encore 10 Oct. „	10	24
Marie Felicité - - -	„ 17 „ „	„ „ „	10	17
Esther - - - -	„ 25 „ „	„ „ „	10	16
Jacques - - - -	„ 28 „ „	donné 3 Dec. - 1836	–	6
Mary - - - -	„ 7 Dec. „	y étant encore 10 Oct. 1837	10	4
Josephine - - -	„ 14 „ „	morte 4 Fevrier „	1	22
Joseph - - - -	„ 16 „ „	y étant encore 10 Oct. „	9	25
Anne - - - -	„ 24 „ „	morte 24 Dec. - 1836	–	1
Jacques - - - -	„ 5 Janvier 1837	„ 14 Fevrier 1837	1	10
William - - - -	„ 7 „ „	„ 9 Mai „	4	3
Jeanne - - - -	„ 7 „ „	y étant encore 10 Oct. „	9	4
Helene - - - -	„ 7 „ „	„ „ „	9	4
Susanne - - - -	„ 11 „ „	morte 14 Janvier „	–	4
Antoine - - - -	„ 16 „ „	„ 25 Fevrier „	1	10
Philomene - - -	„ 19 „ „	„ 6 Avril „	2	19
Catherine - - -	„ 24 „ „	„ 8 Fevrier „	–	16
Jean - - - -	„ 25 „ „	„ 24 Mars „	2	–
Alphonzine - - -	„ 29 „ „	„ 14 Fevrier „	–	17
Jerome Eustache - -	„ 5 Fevrier „	„ 25 „ „	–	21
George - - - -	„ 6 „ „	„ 24 „ „	–	19
Theodore - - - -	„ 10 „ „	„ 13 Mars „	1	4
Helene - - - -	„ 11 „ „	„ 16 „ „	1	6
Marie Domithile - -	„ 15 „ „	y étant encore 10 Oct. „	7	26
Marguerite - - -	„ 20 „ „	„ „ „	7	21
Marie Amable - - -	„ 21 „ „	morte 14 Avril „	1	25
Theophile - - -	„ 22 „ „	y étant encore 10 Oct. „	7	19
Marie Celina Benard - -	„ 23 „ „	morte 27 Mars „	1	5
Angelique - - -	„ 1 Mars „	„ 7 Juin „	3	7
Marie - - - -	„ 7 „ „	„ 15 Mai „	2	9
Zoe - - - -	„ 8 „ „	„ 27 Mars „	–	20
Godfroie - - - -	„ 9 „ „	„ 28 „ „	–	20
Marie Clothilde - -	„ 10 „ „	„ 6 Juillet „	3	27
Simeon - - - -	„ 11 „ „	mort 25 Mai „	2	15

				Mois.	Jours.
Antoinette - - -	reçu le 17 Mars 1837	morte 12 Avril - 1837		–	27
Janet Dorothée - - -	„ 17 „ „	„ 25 Mars - „		–	9
Maximin - - - -	„ 20 „ „	„ 7 Avril - „		–	19
Marie - - - -	„ 21 „ „	„ 12 Mai - „		1	22
François Patrick - -	„ 27 „ „	„ 13 Avril - „		–	18
Anne - - - -	„ 23 „ „	y étant encore 10 Oct. „		6	18
Marie - - - -	„ 24 „ „	morte 16 Mai - „		1	23
Marie Philomene - -	„ 27 „ „	y étant encore 10 Oct. „		6	14
Maurice Onsime - -	„ 27 „ „	mort 15 Avril - „		–	20
Leandre Hyppolite - -	„ 30 „ „	y étant encore 10 Oct. „		6	11
Joseph Vincent - - -	„ 30 „ „	„ „ „ „		6	11
Augustine Eugenie - -	„ 31 „ „	„ „ „ „		6	10
Marie Anne - - -	„ 2 Avril „	Morte 25 Avril - „		–	24
Marguerite - - -	„ 5 „ „	„ 17 Juillet - „		3	13
Joseph - - - -	„ 7 „ „	„ 8 Juin - „		2	2
Marie Philomene - -	„ 10 „ „	„ 14 Avril - „		–	5
John - - - -	„ 12 „ „	y étant encore 10 Oct. „		5	29
Marie Louise - - -	„ 19 „ „	morte 29 Septembre „		5	11
Antoine - - - -	„ 24 „ „	„ 7 Juin - „		1	15
Mary - - - -	„ 24 „ „	„ 17 Juillet - „		2	24
Emilie - - - -	„ 24 „ „	„ 26 Août - „		4	3
George - - - -	„ 26 „ „	„ 10 Juillet - „		2	15
Louis - - - -	„ 29 „ „	„ 3 Mai - „		–	5
Marie Philomene - -	„ 1 Mai „	„ 2 Juillet - „		2	2
William James - - -	„ 1 „ „	„ 13 Mai - „		–	13
Octave Maximin - -	„ 2 „ „	„ 12 Août - „		3	11
Julie - - - -	„ 7 „ „	„ 22 Mai - „		–	16
Reine - - - -	„ 8 „ „	„ 5 Avril - „		2	29
Jacques - - - -	„ 9 „ „	„ 26 Mai - „		–	18
Joseph - - - -	„ 14 „ „	„ 22 „ - „		–	9
Pierre - - - -	„ 14 „ „	„ 30 „ - „		–	18
Marie Philomene - -	„ 16 „ „	y étant encore 10 Oct. „		4	25
Marguerite - - -	„ 19 „ „	morte le 6 Juin - „		–	19
Margueret - - -	„ 19 „ „	y étant encore 10 Oct. „		4	22
Joseph - - - -	„ 22 „ „	„ „ „ „		4	19
Augustin - - - -	„ 22 „ „	„ „ „ „		4	19
Marie Anne - - -	„ 24 „ „	„ „ „ „		4	17
Marie - - - -	„ 24 „ „	morte 31 Juillet - „		2	8
Marie Anne - - -	„ 25 „ „	„ 10 Juin - „		–	17
Pierre - - - -	„ 26 „ „	„ 16 „ - „		–	22
Robert - - - -	„ 30 „ „	y étant encore 10 Oct. „		4	11
James - - - -	„ 31 „ „	„ „ „ „		4	10
Francis - - - -	„ 9 Juin „	„ „ „ „		4	2
Jean B'te - - - -	„ 9 „ „	mort 19 Juin - „		–	11
Joseph - - - -	„ 12 „ „	„ 25 „ - „		–	14
Marie Antoinette - -	„ 13 „ „	„ 24 „ - „		–	12
William - - - -	„ 14 „ „	„ 5 Juillet - „		–	22
Samuel - - - -	„ 19 „ „	„ 8 Août - „		1	21
Marie Henriette - -	„ 22 „ „	„ 7 Juillet - „		–	16
Camille - - - -	„ 27 „ „	„ 4 „ - „		–	8
Jane - - - -	„ 28 „ „	„ 9 „ - „		–	12
Joseph Leandre - - -	„ 6 July „	donné 11 „ - „		–	6
Sophie - - - -	„ 13 „ „	y étant encore 10 Oct. „		2	28
Marie Catherine - -	„ 19 „ „	„ „ „ „		2	22
Jean - - - -	„ 25 „ „	mort 4 Août - „		–	11
Damase - - - -	„ 28 „ „	„ 4 „ - - „		–	8
Esthere - - - -	„ 28 „ „	„ 9 „ - - „		–	13
Pierre Alexandre - -	„ 7 Août „	„ 3 Septembre „		–	28
Pierre - - - -	„ 19 „ „	„ 31 Août - „		–	13
Clemence - - - -	„ 21 „ „	„ 31 „ - - „		–	11
Joseph - - - -	„ 29 „ „	„ 4 Septembre „		–	7
Marie - - - -	„ 29 „ „	„ 13 „ - „		–	16
Helene - - - -	„ 1 Sept. „	„ 14 „ - „		–	14
Angele - - - -	„ 4 „ „	y étant encore 10 Oct. „		1	7
Archibault - - -	„ 8 „ „	„ „ „ „		1	3
Joseph - - - -	„ 11 „ „	mort 30 Septembre „		–	20
Marie Philomene - -	„ 13 „ „	„ 25 „ „		–	13
Jean B'te - - - -	„ 23 „ „	„ 5 Octobre „		–	13
Helene - - - -	„ 25 „ „	y étant encore 10 Oct. „		–	16
Marie - - - -	„ 28 „ „	„ „ „		–	13
Marie Delphine - -	„ 30 „ „	„ „ „		–	11
Elizabeth - - -	„ 30 „ „	„ „ „		–	11
Edouard - - - -	„ 7 Oct. „	„ „ „		–	4
Maximin - - - -	„ 10 „ „	„ „ „		–	1
Nombre de Mois et de Jours résultant de l'Etat II. - -				311	29

III. ETAT des ENFANS, qui n'étant plus en Nourrice, ont été aux soins du dit Hôpital pendant le tout ou partie du dit période du 10 Octobre 1836 au 10 Octobre 1837.

			Mois.	Jours.
Marie	depuis le 10 Oct. 1836	y étant encore 10 Oct. 1837	12	–
Olive	,, ,,	,, ,, ,,	12	–
François	,, ,,	,, ,, ,,	12	–
Marie Anne	,, ,,	,, ,, ,,	12	–
Eugenie	,, ,,	,, ,, ,,	12	–
Maria	,, ,,	,, ,, ,,	12	–
Jean Bte	,, ,,	,, ,, ,,	12	–
François Zosime	,, ,,	,, ,, ,,	12	–
Delphine	,, ,,	,, ,, ,,	12	–
Anne	,, ,,	,, ,, ,,	12	–
Agatha	,, ,,	,, ,, ,,	12	–
Louise	,, ,,	,, ,, ,,	12	–
Joseph Raphael	,, ,,	,, ,, ,,	12	–
Josephte	,, ,,	,, ,, ,,	12	–
Janary	,, ,,	,, ,, ,,	12	–
Jean	,, ,,	,, ,, ,,	12	–
Philomene	,, ,,	,, ,, ,,	12	–
William	,, ,,	,, ,, ,,	12	–
Rosalie	,, ,,	,, ,, ,,	12	–
Ulalie	,, ,,	,, ,, ,,	12	–
Samuel	,, ,,	,, ,, ,,	12	–
Sophie	,, ,,	,, ,, ,,	12	–
Catherine	,, ,,	,, ,, ,,	12	–
Josephine	,, ,,	,, ,, ,,	12	–
Catherine	,, ,,	,, ,, ,,	12	–
Joseph Guillaume	,, ,,	,, ,, ,,	12	–
Jean Bte Jacques	,, ,,	,, ,, ,,	12	–
Ursule	,, ,,	,, ,, ,,	12	–
Etienne	,, ,,	,, ,, ,,	12	–
Helene	,, ,,	,, ,, ,,	12	–
Josephte	,, ,,	,, ,, ,,	12	–
Angelique Eleonor	,, ,,	,, ,, ,,	12	–
William	,, ,,	,, ,, ,,	12	–
Maria	,, ,,	,, ,, ,,	12	–
Jean Bte	,, ,,	,, ,, ,,	12	–
Christine	,, ,,	,, ,, ,,	12	–
Marie	,, ,,	,, ,, ,,	12	–
Damase	,, ,,	,, ,, ,,	12	–
Victoire	,, ,,	,, ,, ,,	12	–
Marie	,, ,,	,, ,, ,,	12	–
Denis	,, ,,	,, ,, ,,	12	–
Marcelline	,, ,,	,, ,, ,,	12	–
Marie Anne	,, ,,	,, ,, ,,	12	–
Joseph	,, ,,	,, ,, ,,	12	
Catherine	,, ,,	,, ,, ,,	12	–
William	,, ,,	,, ,, ,,	12	–
Marie	,, ,,	,, ,, ,,	12	–
Julie	,, ,,	,, ,, ,,	12	–
François Xavier	,, ,,	,, ,, ,,	12	–
Marie Salomie	,, ,,	,, ,, ,,	12	–
Adeline	,, ,,	morte - 3 Juin	7	25
Simon	,, ,,	mort le - 28 Oct. 1836	–	19
Pierre Leon	,, ,,	,, 1 Dec. ,,	1	22
Paul Joseph	,, ,,	donné - 11 Jan. 1837	3	22
Marie Anne	,, ,,	,, 26 ,, ,,	4	17
Bernard	,, ,,	mort - 25 Avril ,,	6	16
William	,, ,,	,, 5 Mai ,,	6	26
Marie	,, ,,	,, 21 ,, ,,	7	12
Marie Tarcill	,, ,,	,, 27 ,, ,,	7	18
Joseph	,, ,,	,, 29 ,, ,,	7	20
Marie Lucie	,, ,,	,, 30 ,, ,,	7	21
Catherine	,, ,,	,, 30 ,, ,,	7	21
Marguerite	,, ,,	donné - 6 Juin ,,	7	28
Marguerite	,, ,,	morte - 23 ,, ,,	8	14
Alexis	,, ,,	donné - 16 Août ,,	10	7
Elizabeth	,, ,,	morte - 21 ,, ,,	10	12
François Magliore	,, ,,	,, 2 Sept. ,,	10	24
Monique	,, ,,	donnée - 2 Oct. ,,	11	23
Louis Marcelin	,, 1 Nov.	mort le - 25 Juin ,,	7	25
Michel	,, 10 ,,	,, 5 Mai ,,	5	26
Marie	,, 25 ,,	y étant encore 10 Oct. ,,	10	16
Guillaume	,, 10 Dec.	mort - 25 Juin ,,	6	16
Rose	,, 11 Jan. 1837	y étant encore 10 Oct. ,,	9	–
Helene	,, 12 ,, ,,	,, ,, ,,	8	29
Jean Bte	,, 14 ,, ,,	mort - 28 Avril ,,	3	15

				Mois.	Jours.
Zoe - - - -	depuis le 20 Fev. 1837	mort	6 Juin „	3	18
Jacques - - - -	„ 25 „ „	„	1 Mai „	2	7
Marguerite - - -	„ 15 Mars „	y étant encore	10 Oct. „	6	26
Alexandre - - -	„ 31 „ „	Mort le -	8 Mai „	1	8
Jean Bte - - - -	„ 12 Avril „	„	2 „ „	–	21
Charles - - - -	„ 17 „ „	„	25 Juin „	2	9
Jeanne - - - -	„ 19 Mai „	„	25 Mai „	–	7
Marie Josephte - -	„ 7 Juin „	y étant encore	10 Oct. „	4	4
Louis - - - -	„ 7 „ „	„	„ „	4	4
Samuel - - - -	„ 19 „ „	mort le -	8 Aout „	1	21
Marie Anne - - -	„ 27 „ „	y étant encore	10 Oct. „	3	14
Catherine - - -	„ 27 „ „	„	„ „	3	14
Pierre Charles - - -	„ 16 Août „	„	„ „	1	25
Jean - - - -	„ 29 „ „	„	„ „	1	12
Marguerite - - -	„ 1 Sept. „	„	„ „	1	10
Jacques - - - -	„ 2 „ „	„	„ „	1	9
Adelaide - - - -	„ 4 „ „	„	„ „	1	7
Adeline - - - -	„ 7 „ „	„	„ „	1	4
Marguerite - - -	„ 8 „ „	„	„ „	1	3
Davide Richard - -	„ 21 „ „	„	„ „	–	20
Nombre de Mois et de Jours résultant de l'Etat III. - -				825	7

Recapitulations et Compte de Dépenses des Enfans Trouvés.

Il y a eu aux soins de Sœurs de l'Hôpital Général pendant le période du 10 Octobre 1836 au 10 Octobre 1837, 43 enfans tenus en nourrice qui étoient reçus avant le dit 10 Octobre 1836, comme il parait en l'état I. ci-devant lesquels ont formé ensemble, à raison du temps que chacun y est resté pendant le dit période, 252 mois et 26 jours; ce qui, à raison de 1 *l.* par mois, forme une somme de - - - - - - - - - - - - - - £. 252 17 4

118 enfans qui ont été reçus pendant le dit période, comme il pérait en l'état No. II. ci-devant; lesquels ont formé ensemble, à raison du temps que chacun y est resté pendant le dit période, 311 mois et 29 jours, ce qui, à raison de 1 *l.* par mois, forme une somme de - - - - - - - - - - 311 19 4

95 enfans n'étant plus en nourrice, comme il parait en l'état III. ci-devant; lesquels ont formé ensemble, à raison du temps que chacun est resté au dit hôpital pendant le dit période, 825 mois et 7 jours de pension, sur le pied de 7 *l.* 10 *s.* par anneé, a fait une somme - - - - - - - - - - 515 15 5

Pour entretenir ces derniers enfans mentionnés en l'état III. de vêtement et de lits &c. &c. pendant le dit période, à raison de 20 *l.* par année pour chacun - - 137 10 9

Montant de la dépense pour les enfans trouvés pendant le dit période du 10 Octobre 1836 au 10 Octobre 1837 - - - - - - 1,218 2 10

Montreal, 20 Decembre 1837.

(signé) *Sr Marguerite Beaubien*, Supere.
Sr Elizabeth Forbes, dite *Mc Mullen*, Dpst.

État des insensés qui ont été aux soins des Sœurs Grises, de l'Hôpital Général de Montreal pendant le période du 10 Octobre 1836 au 10 Octobre 1837.

Marguerite M'Donell depuis le 10 Octobre 1836, y étant encore le 10 Octobre 1837	365	jours.
Antoine Bailan - - - - - - - - - - - - -	365	„
	730	„

Recapitulation et Compte de Dépenses des Insensés.

Il y a eu aux soins des Sœurs de l'Hôpital Général, pendant le période du 10 Octobre 1836 au 10 Octobre 1837, deux insensés, qui ont formé ensemble, comme il parait en l'état ci-dessus, 730 jours de pension, à 2 *s.* par jour, a fait une somme de - - - - - - - - - - - - - £. 73 – –

Montreal, 20 Decembre 1837.

(signé) *Sr Marguerite Beaubien*, Supere.
Sr Elizabeth Forbes, dite *Mc Mullen*, Dpst.

O.

Report from Montreal General Hospital for the Support of Insane and Orphans.

Monsieur, Montréal, 6 Juillet 1838.

Je viens de recevoir l'honneur de votre lettre du 3 du présent, me demandant comme un des Commissaires, pour le soutien des insensés et enfans trouvés pour le district de Montréal, et pour l'information du gouvernement de son Excellence, tous les renseignements

ments concernant les moyens pécuniaires de l'établissement ou asile des insensés et enfans trouvés. En réponse, j'ai l'honneur de vous informer que j'ai communiqué votre lettre aux dames de l'Hôpital Général, sous les soins desquelles se trouvent ces personnes, et ces dames me promettent une réponse le plus tôt possible, que je ne manquerai pas de vous faire parvenir de suite en attendant.

Je suis, &c.

Sir John Doratt, M.D.
Inspector-general of Hospitals,
&c. &c. &c.

(signé) *P. de Rocheblave.*

P.

REPORT from MONTREAL ORPHAN ASYLUM.

Sir, Montreal, 5 July 1838.

I HAVE the honour to acknowledge the receipt of your letter of the 25th June, and beg, in answer, to submit to you the following statement for the information of the Government of his Excellency the Governor-general.

The Montreal Orphan Asylum was established in the year 1822, under the immediate auspices of the Protestant clergy of this city, who framed the constitution by which it is governed, and delegated the entire management of its internal economy to a committee of ladies, consisting of a first and second directress, a treasurer, secretary, and a committee of management.

Since its establishment to the present time, the asylum has afforded a home to 264 children of both sexes, of whom 218 have been provided for, many having been adopted into respectable families, and others apprenticed to farmers and tradesmen; during the foregoing period there have died only 20 children, of whom six by Asiatic cholera, in the years 1832 and 1834.

The financial resources of the society *being entirely derived from voluntary contributions*, its usefulness has, of course, been limited to its revenues, which preclude the admission of more than 32 at any one period. This is a subject of deep regret to the managers, there being no other Protestant asylum for orphans in the city of Montreal.

From its foundation to the year 1832 the means of the society have been exclusively derived from charitable donations, and an annual subscription from its patrons, the epidemic of that unfortunate year having compelled them to increase the number of their inmates, they were under the necessity of applying to the provincial legislature for aid, when a sum of 100*l.* was granted them, and since that period the Legislature (when in Session) has annually voted them the sum of 50*l.*

The mean annual expenditure of the institution is - - - - -	£. 235 - -
The mean annual receipts from subscribers - - - - - -	75 - -

The difference to meet the expenditure is raised by appeals, from time to time, to the charity of the benevolent, in divers ways.

During the last two years the society has deeply felt the depression of the times, and it has only been by great personal exertion on the part of the ladies managers that the institution has been enabled to support its usual number of inmates.

I have, &c.
(signed) *Anne McCord,*
Secretary, M.O.A.

Sir John Doratt, M.D.
&c. &c. &c.

Q.

MEMORANDUM by Sir *John Doratt*, M.D., of the Expenses incurred by the Legislature of *Lower Canada*, for the Insane, Invalid Poor, &c., through the Convents at *Quebec* and *Montreal*.

EXPENSES incurred by the Legislature from the year 1823 to 1837, for the maintenance of insane persons in the convent termed L'Hôpital Général at Quebec, 8,226*l.* 14*s.* 4*d.* currency.

Expenses incurred by the Legislature from the year 1823 to 1837, for the maintenance of poor invalids at L'Hôpital Général at Quebec, 7,137*l.* 14*s.* currency.

Expenses incurred by the Legislature from the year 1826 to 1838, for the maintenance of sick poor at the convent L'Hôtel Dieu at Quebec, 2,950*l.* currency.

Expenses incurred by the Legislature for the maintenance of foundlings at the convent L'Hôtel Dieu, from the year 1824 to 1838, inclusive, 9,879*l.* 13*s.* 4*d.* currency.

Expenses

Expenses incurred by the Legislature for the maintenance of foundlings and insane, two in number, at the convent called L'Hôpital Général at Montreal, from October 1834 to October 1837, 1,947 *l.* currency.

£.	s.	d.
8,226	14	4
7,137	14	–
2,950	6	–
9,879	13	4
1,947	–	–

TOTAL - - - £. 30,141 1 8 currency, in 14 years.

N. B.—The value of currency in Lower Canada is about 10 per cent. less than that of sterling money.

(signed) *John Doratt*, M. D.

R.

MEMORANDUM by Sir *John Doratt* of the Expenses incurred by the Legislature of *Lower Canada* for theMaintenance and Education of Poor, and purposes of Literature.

QUEBEC.

Quebec Diocesan Committee, 200 *l.* yearly, from the period of the Duke of Richmond's administration up to the year 1836.

From the year 1837 to 1838 inclusive, 111 *l.* 2 *s.* 2 *d.* currency.

Quebec Emigrant Society, from the year 1832 to the year 1837 inclusive, 5,797 *l.* 9 *s.* 2 *d.* currency.

Société d'Education de Quebec, from the year 1823 to the year 1838 inclusive, 7,159 *l.* 17 *s.* currency.

St. Andrew's School, 100 *l.* every year for the last eight years, 800 *l.* currency.

Quebec British and Canadian School, from the year 1829 to the year 1837 inclusive, 1,900 *l.* currency.

Quebec Ladies' Charitable School, 100 *l.* each year, from 1834 to the year 1837 inclusive, 300 *l.* currency.

Quebec Historical and Literary Society, from the year 1830 to the year 1838 inclusive, 850 *l.* currency.

	£.	s.	d.
Amount of Expenditure - -	111	2	2
" "	5,797	9	2
" "	7,159	17	–
" "	800	–	–
" "	1,900	–	–
" "	300	–	–
" "	850	–	–

TOTAL - - - £. 16,918 8 4 currency.

MONTREAL.

Ladies' Benevolent Society, in the year 1832 and the year 1834, the two years of cholera, 500 *l.* currency.

Orphan Asylum, in the year 1832, 100 *l.*; and from the year 1832 to 1837 inclusive, 250 *l.*: Total, 350 *l.*

Natural History Society, from the year 1829 to the year 1831 inclusive, 450 *l.*

	£.	s.	d.
Amount of Expenditure - -	500	–	–
" "	350	–	–
" "	450	–	–

TOTAL - - - £. 1,300 – – currency.

		£.	s.	d.
TOTAL Expenditure	Quebec - - -	16,918	8	4
	Montreal - - -	1,300	–	
		£. 18,218	8	4

In the above statements no mention is made of the expenses incurred by the Legislature for the maintenance of the invalids, insane and foundlings, in the convents of Quebec, Trois Rivières and Montreal, such expenses being separately stated.

In a late report made by the Commissioners appointed for the relief of the insane, the invalids and foundlings, in the district of Quebec, the Commissioners state there is due by the Legislature the sum of 1,350 *l.* 16 *s.* 4 *d.* currency, for the period from 11th of October 1837 to 10th of July 1838, for the maintenance of the insane and invalids of the L'Hôpital Général, as also for the maintenance and care of the foundlings of the convent L'Hôtel Dieu.

(signed) *John Doratt*, M. D.

— No. 4.—

ADDRESSES

presented to the Earl of Durham in September and October 1838.

ADDRESS of the Deputations from NOVA SCOTIA, NEW BRUNSWICK, and PRINCE EDWARD'S ISLAND.

To His Excellency the Right honourable *John George* Earl of *Durham*, Viscount *Lambton*, &c. &c., Knight Grand Cross of the Most Honourable Military Order of the Bath, one of Her Majesty's Most Honourable Privy Council, and Governor General, Vice-Admiral and Captain General of all Her Majesty's Provinces within and adjacent to the Continent of *North America*, &c. &c. &c.

May it please your Excellency,

Address of the Deputations from Nova Scotia, New Brunswick, and Prince Edward's Island.

IN approaching your Lordship on the eve of our departure from Quebec, we beg unanimously to offer to your Lordship the expression of our highest respect, and of the deep concern with which we have heard of your Lordship's rumoured intention to resign the government of these provinces.

The duties of the mission with which we have been entrusted by the Lieutenant-governors of Nova Scotia, New Brunswick and Prince Edward Island, and the frankness of communication permitted by your Lordship, have brought us into acquaintance with your Lordship's feelings and views in relation to British North America, and irresistibly impressed our minds with the conviction that your Lordship cherishes an ardent desire to elevate the colonies committed to your government, and entertains conceptions calculated to render that desire effective.

In a review of the short period of the government under your Lordship's personal direction, we behold your Lordship, with that feeling so congenial to Englishmen, which turns with repugnance from the shedding of blood on the scaffold, blending mercy with justice; while returning tranquillity had already rewarded an administration conducted without the sacrifice of one human life, and we were aware that improved laws and institutions were in preparation, which, under a Government firm, mild and impartial, gave to the future the reasonable prospect of restored confidence and renovated prosperity.

For the provinces with which we are more personally connected, we saw in the warm interest, the enlightened and comprehensive views, and extensive powers of your Lordship, the dawning of vigour and improvement hitherto unknown. With your Lordship's departure, these anticipations will, we fear, fade away; but, although it should be our lot to see these provinces continue feeble and nerveless, compared with the condition at which their natural advantages entitle them to aim, yet shall we ever remember with gratitude the statesman who, exalted in the first rank, and treading on the highest eminences of political life in our common country, hesitated not, at the call of his Sovereign, with disinterested zeal to undertake an office of unparalleled difficulty, and has given to these distant territories the benefit of his enlarged experience and vigorous conceptions. Your Lordship's comprehensive mind has opened to our view the animating prospect of great public improvements advancing our common welfare, and which will ever associate your Lordship's name with the highest prosperity of the Colonies.

We are unwilling to abandon the hope that your Lordship may yet continue in the administration of your high office. Under any circumstances, we beg to assure your Lordship, that our most ardent wishes for the happiness of the Countess of Durham, your Lordship and family, will accompany you through life.

J. W. Johnson, Member of the Legislative Council, Nova Scotia; *James B. Uniacke*, Member for the County of Cape Breton, and Member of Council; *Wm. Young*, Member of Assembly for the County of Inverness; *M. B. Almon*.—Deputation from Nova Scotia.

Charles Simmons, Member of the Executive Council, and Speaker of the Assembly of New Brunswick; *Henry Peters*, Legislative Council; *E. Botsford*, Member of Executive and Legislative Council; *Hugh Johnston*, Member of the Executive Council and House of Assembly; *James Kirk*; *John Robertson*.—Deputation from New Brunswick.

I. H. Haviland, Member of Exceutive and Legislative Councils; *G. Dalrymple*, Speaker of the House of Assembly; *Joseph Pope*, Member of Assembly for Prince County.—Deputation from Prince Edward Island.

Quebec, 22 September 1838.

ADDRESS from TORONTO.

To His Excellency the Right Honourable *John George* Earl of *Durham*, Viscount *Lambton*, &c. &c.

May it please your Excellency,

Address from Toronto.

We, Her Majesty's dutiful and loyal subjects, inhabitants of the city of Toronto, respectfully approach your Excellency with renewed assurances of devotion and attachment to Her Majesty's Royal Person and Government.

We retain a lively and gratifying remembrance of your Excellency's visit to Toronto on the 18th of July last, of the reception given to your Excellency by the inhabitants of this city and vicinity, and of your Excellency's courteous and satisfactory reply to the congratulatory Address then presented to you; and we now beg to reiterate our expressions of confidence in your Excellency's administration contained in that Address, and of satisfaction at your appointment as Governor of British North America. At this important crisis, any public circumstance tending to destroy confidence in the stability and power of the Government cannot fail to be productive of the most disastrous results, encouraging faction, and paralysing the industry and enterprise of the country. And, impressed with this feeling, we would regard any occurrence which might have the effect of inducing your Excellency to retire from the government of British North America as a great public calamity.

The peculiar and unprecedented difficulties in which the affairs of British North America were involved when your Excellency assumed the government, ought to have secured for the acts of your administration the most liberal construction, and should have obtained for them the cordial and unwavering support of all those who are interested in the peace and prosperity of these Colonies, and the integrity of the British Empire; and we, therefore, have learned with great concern, as well as with just grounds of apprehension, the position which certain noble Lords in the British House of Peers have thought it necessary to assume in reference to your Excellency's administration.

Deeply and immediately interested in those measures which it is the object of your Excellency to mature, we find ourselves imperatively called upon at this juncture to express publicly our confidence in your Excellency, and again to tender to you the assurances of an active and cordial support in whatever measures you may devise or adopt, having for their object the benefit of all classes of the community; and we trust your Excellency, undeterred by opposition or misrepresentation, on the part of those who are unacquainted with the true interests of the country, will proceed to the accomplishment of those great objects of your mission—the tranquillization of British North America, and the advancement of her general prosperity.

(1,332 Signatures.)

ADDRESS from QUEBEC.

To His Excellency the Right Honourable *John George* Earl of *Durham*, Viscount *Lambton*, &c. &c.

May it please your Excellency,

Address from Quebec.

We, Her Majesty's most dutiful and loyal subjects, inhabitants of the city of Quebec and its vicinity, considered it as a strong proof of Her Majesty's gracious attention to the prosperity of Her North American Provinces, that it had pleased Her Majesty to commit the government thereof to your Excellency, in whose firmness, justice and integrity we placed the highest confidence, assured that in your hands the powers of government would be directed to the true interests of the people.

With these sentiments, we greeted the arrival of your Excellency, in the gratifying expectation that, whilst measures were adopted for the removal of the more immediate and pressing inconveniencies arising from the suspension of the powers of the ordinary legislature of this Province, and for restoring tranquillity to the country,—still suffering from the effects of a wicked and unprovoked rebellion,—there would, under the auspices of your Excellency, be matured such a system of government for the Canadas, as would re-establish therein upon a firm foundation social order, advance their welfare and prosperity, strengthen the ties which connect them with the parent State, and unite them inseparably in sentiment, as they are in interest, with the powerful Empire of which they form a part.

In the prosecution of the inquiries connected with this large and complicated subject, we cannot refrain from acknowledging with gratitude the unremitting exertions of your Excellency since your arrival.

It is, then, with the greatest concern we find that, whilst these important labours are in progress, circumstances have arisen which may lead to an unexpected and abrupt termination of your official connexion with this and the adjoining Provinces. We deeply lament the premature discussion in the British Parliament of the measures of your Excellency, and the course there taken, tending, as they have done, to weaken the moral influence of your government, to encourage the disaffected, and to create apprehensions in the minds of the loyal.

We looked forward with anxiety to the period when we should be put into possession of the result of your Excellency's labours, which it was hoped would lead to the establishment of an efficient system of government within the Colony, protecting the rights of all classes of Her Majesty's subjects therein.

Address from Quebec.

We are convinced that nothing could have contributed to the advantageous settlement of this grave matter, than the determination which your Excellency has been pleased to express, that you would communicate to the Provinces, for their consideration, whatever plan your Excellency may form for this purpose, before submitting it to the Cabinet and to the Imperial Parliament, thus affording to the inhabitants of these Provinces an opportunity of conveying to your Excellency and to the supreme authority of the Empire, a frank and loyal expression of their sentiments thereupon.

Convinced of your Excellency's eminent endowments, and of your diposition to promote the great objects confided to you, and apprehensive of the consequences likely to arise from your now withdrawing from the government of these Provinces, we beg leave to express an earnest hope that, notwithstanding these unlooked-for obstructions, your Excellency may be induced to continue to exercise the functions of your high office, until you shall have accomplished the important end of your mission, for the attainment of which, your Excellency may rely on our zealous co-operation.

If, however, your Excellency should entertain the conviction that you can no longer govern the Colony with satisfaction to yourself, we feel assured that upon your return to England you will, in another sphere, render the information which you have acquired by your labours here, conducive to the establishment of the permanent peace and welfare of these Provinces.

(4,287 Signatures.)

RESOLUTIONS from MONTREAL.

At a numerous Meeting of the Inhabitants of the City and Neighbourhood of *Montreal*, held in *St. Anne's* Market-place, on Monday, the 1st of October, for the purpose of expressing to his Excellency the Earl of *Durham* the opinions entertained by the Meeting of the Proceedings of the Imperial Parliament in relation to certain acts of the Administration of his Excellency, and of the evils which would ensue from the relinquishment by his Excellency of the Government of these Colonies, the following Resolutions were adopted :—

Resolutions from Montreal.

Resolved 1st, That this Meeting is desirous respectfully to convey to his Excellency the Earl of Durham its firm persuasion that, in the performance of the arduous duties of his high and responsible office, he has been actuated by an earnest desire to accomplish the objects of his important mission; and to express a deep regret that the proceedings in the Imperial Parliament affecting his Excellency, and the feeble and inefficient support received by him from Her Majesty's ministers, by impairing the moral force of his government, have discouraged the hope of its successful issue, and endangered the welfare of British North America.

Resolved 2d, That this Meeting laments his Excellency's determination to resign the government of these Provinces, at a time when confident hopes are entertained that, by his Excellency's residence among us, he has acquired accurate information as to the true cause of the difficulties which exist, and that these difficulties would be met by some comprehensive measure, calculated to take from the turbulent and disaffected the power of using their political rights, to the injury of the peaceable and loyal inhabitants.

Resolved 3d. That this Meeting respectfully submits to his Excellency its settled conviction, that in the consideration of a comprehensive measure for the future government of these Provinces, the Legislative Union of the Canadas and the establishment of an efficient legislature therein, afford the only means of accomplishing their pacification, and of perpetuating their connexion with the Empire, and that any general federation of the British North American Colonies would, in the opinion of this Meeting, be inadequate for the attainment of these important ends, and multiply the present subjects of discord.

Resolved 4th. That this Meeting would consider the relinquishment by his Excellency of his high office at the present critical period, as a public calamity, and respectfully, but earnestly, entreat his Excellency to disregard the attempts made in Britain to prejudice the public mind against his administration, to continue in the exercise of the high functions with which he has been honoured by Her Majesty, and thereby secure to himself the enduring gratitude of the inhabitants of British North America.

Resolved 5th. That the Chairman and Secretary of this Meeting be requested to transmit a copy of the foregoing Resolutions to his Excellency the Earl of Durham.

(signed) *Peter M'Gill*, Chairman,
T. Mitchell, Secretary.

ADDRESS from KINGSTON, U. C.

May it please your Excellency,

Address from Kingston.

We, Her Majesty's dutiful and loyal subjects, the Clergy, Magistrates and others, inhabitants of the town of Kingston, in Upper Canada, most respectfully approach your Excellency with the expression of our unfeigned regret at your Lordship's intention of resigning the government of British North America, to which you had been called by the express command of Her most gracious Majesty.

We cannot but regard your Excellency's departure at this eventful crisis as productive of disastrous consequences to our prosperity, and the more so, as it destroys the hopes which we,

we, in common with our loyal fellow Colonists in this hemisphere, had cherished of your Excellency's administration, as we confidently anticipated that the policy which your Excellency intended to pursue would be eminently calculated to heal all animosities, restore peace and confidence in our land, strengthen and perpetuate our connexion with the parent State, consolidate and promote our commercial and agricultural interests, call into action our vast natural resources and advantages, and, by the introduction of the superabundant capital and redundant population of the mother country, render British America *British* in fact as well as in name. Address from Kingston.

Without expressing any opinion as to the motives which may have actuated your Excellency's opponents and Her Majesty's Ministers, we take pleasure in assuring your Excellency that the ordinances which appear to have been the indirect cause of your Excellency's resignation, can never be regarded as the edicts of oppression or tyranny, but must ever be viewed by the loyal inhabitants of these Provinces as far too favourable to traitors in time of civil discord, and much more lenient than the criminals could have expected.

We beg to reiterate to your Excellency the confidence we entertain in your intentions and talents, and we earnestly solicit your Excellency not to withdraw from the government of these Provinces until these measures (in the prospect and promise of which the people of these Colonies have placed so much reliance) have been matured and perfected.

(signed)

George Okill Stuart, LL. D., Archdeacon of Kingston; *Alexander Macdonell*, Eps. Regiopolis; *John S. Cartwright*, Chairman Qr. Sessions, Mid. Dist.; *Thomas Kirkpatrick*, Mayor of Kingston.

ADDRESS from COBOURG, U. C.

To His Excellency the Right honourable *John George* Earl of *Durham*, Viscount *Lambton*, &c. &c.

May it please your Excellency,

WE, the undersigned inhabitants of the town of Cobourg, in the province of Upper Canada, beg leave to approach your Excellency to offer the expression of our sincere regret at the unfortunate occurrence of the recent debate in the House of Lords, upon the subject of the ordinances lately promulgated by your Excellency in Council; without expressing any opinion upon the legality of those ordinances, we lament the discussion of their validity at the present period, as calculated to inspire the disaffected in Lower Canada with a belief that the crime of rebellion may continue to be committed with impunity, and to render a settlement of our difficulties more remote and uncertain. Address from Cobourg.

We cannot but feel that a fair opportunity has not been afforded to your Excellency for the development of those plans which your Excellency has assured the people of this Province will tend to maintain their "eternal" connexion with their beloved mother country.

Confiding in the patriotism, firmness and ability of your Excellency, we entreat your Excellency not to be discouraged by the untoward circumstance alluded to, but manfully and earnestly to persevere in your endeavours to place the security and prosperity of these important appendages of the British Crown upon such a foundation as shall be satisfactory to the whole Empire.

And, as in duty bound, we shall ever pray.

Cobourg, September 28, 1838. (133 Signatures.)

ADDRESS from NIAGARA.

To His Excellency the Right honourable *John George* Earl of *Durham*, Viscount *Lambton*, &c. &c.

May it please your Excellency,

WE, the undersigned members of a committee appointed to sign on behalf of the inhabitants of the town of Niagara and its vicinity, in meeting assembled, beg to assure your Excellency, that we read with dismay and alarm an account of the proceedings of the British House of Peers, casting a reflection on a part of your Excellency's administration. Whether these proceedings emanated from a spirit of philanthropic patriotism, or were the offspring of envious faction, we do not presume to decide. But we cannot withhold our opinion, that this uncalled for measure is fraught with dangerous consequences to the Colonies and the Empire, by destroying that confidence which your Excellency had restored, by estranging those affections which your Excellency had reclaimed; by blighting that prospect which an unhappy people have vainly hoped was about to open to their view. We understand that your Excellency has resolved to take your departure for Britain on the 10th of the current month. Were we, Sir, to indulge the impulse of our feelings, we would entreat you to remain where you are; but if it be your deliberative resolve, such is the confidence in the wisdom, integrity and judgment of your Excellency, that we would not, if we could, from selfish gratification, stop you one moment on the way. You have, Sir, during Address from Niagara.

Address from Niagara.

during the period of your residence amongst us, acquired more genuine knowledge of the country and its affairs than had been collected by the Home Government since it has been a British Colony; armed with this knowledge, you will return to that august assembly in which you hold so distinguished a place; by it you will be enabled there to rebut the false charges, refute the false reasonings, and overwhelm with confusion the ignorance of your political opponents. Tell our gracious Queen that Her loyal Canadian subjects owe her a debt of gratitude for the appointment of your Excellency, and that they lament the state necessity which compels you to return. There, under the protection of the Throne and the people, complete that work which here you have so nobly begun, and in which you have been so untimely interrupted, and transmit to us, or may we hope personally deliver to us, a constitution which may perpetuate the British connexion, and will impress upon our minds the remembrance of your virtues.

Niagara, 3 October 1838. (Signed by the Committee.)

ADDRESS from the EASTERN DISTRICT of UPPER CANADA.

To His Excellency the Right honourable *John George* Earl of *Durham*, Viscount *Lambton*, &c. &c.

May it please your Lordship,

Address from the Eastern District of Upper Canada.

We, the Grand Jury and Magistrates of the Eastern District of Upper Canada, desire to avail ourselves of the opportunity which is afforded by our attendance at Her Majesty's Court of Assize to express for ourselves and on behalf of the loyal inhabitants of this district our confidence in the integrity of your intentions, and in the wisdom of your deliberations for the firm establishment of constitutional principles in the portion of Her Majesty's Colonies over which you preside.

We fully appreciate the many and great difficulties that presented themselves upon your assumption of the government, some of which continue to clog the wheels of your administration, and to oppose the accomplishment of the object which you desire to effect; but we have looked forward with confidence to your firm and decided course of policy as sufficient to baffle the machinations of the enemies of good government, and to establish upon a solid and lasting basis, British laws, British institutions, and truly British feelings.

We have learned with indignation and disgust, that a party in the Imperial Parliament have, in accordance with the course that has always marked their public career, wantonly assailed your administration, and, with a view to foster and mature the seeds of revolution, that they have been so industriously instrumental in sowing both in this and the sister Province, have succeeded in withdrawing a portion of that power which the exigencies of the times and your local experience rendered it important for the interest of Her Majesty's loyal subjects that you should hold unshackled, and in the use of which your leniency and mercy have been so prominently conspicuous.

The apprehension that the conduct of your enemies in the Imperial Parliament may excite in you (as it justly ought) feelings of indignation, and that the policy which has been so unwisely sanctioned by those from whom a different course might be expected, may lead you to the conclusion that your means of usefulness have been so far withdrawn as to render your continuance in the administration of the government an irksome and unprofitable task, impels us to urge upon your Lordship a mature reflection upon the importance of a step which involves in it the peace, the welfare, and the safety of so many thousands of Her Majesty's faithful subjects, and to pause ere you resign that important station which you hold, accompanied with the confidence and esteem of the loyal portion of those over which you rule.

But should your Lordship feel, that imperative duty to yourself will force you, however reluctantly to withdraw from the government of these Provinces, we desire to assure your Lordship, that you will carry with you our unfeigned regret, as well as our most fervent wishes for your future prosperity and happiness, and our confident reliance in the important aid which our claims upon the Imperial Government will receive from your able and influential advocacy.

Cornwall,
3d October 1838. (Signed by the Chairman and the whole of the Grand Jurors, being thirty-one in number.)

RESOLUTIONS from STANSTEAD, L. C.

Resolutions from Stanstead.

At a Meeting of a number of inhabitants of Stanstead, held in the Academy, on Stanstead Plain, on Wednesday, the 3d October instant, pursuant to a short notice given for the purpose of expressing to his Excellency Lord Durham their vews and opinions of the recent proceedings of the Imperial Legislature, in regard to his Lordship's administration, and his consequent determination to resign the government of Her Majesty's Provinces in British North America,—

Selah Pomroy, esq., as senior Magistrate of the county, was unanimously called to the chair; and *William Ritchie*, esq., requested to act as secretary.

Moved

Moved by Colonel *W. Chamberlin,* and seconded by *James C. Peasely,* esq.

Resolutions from Stanstead.

Resolved 1st, After witnessing for a series of years the development of the resources of this Colony prevented, the energies of its inhabitants paralised, and the prospect of ultimate peace, confidence and prosperity nearly annihilated by contending factions, national prejudice and misrule, resulting in open rebellion, martial law, and finally the suspension of the constitution of 1791, that, it was with renewed hopes of the most salutary and beneficial results we hailed the appointment of a statesman so distinguished as his Excellency Lord Durham, to the administration of the government of this Province, armed as he was with extraordinary powers, as we supposed commensurate to the extent and magnitude of the difficulties to be overcome.

Moved by *Wilder Pierce,* esq., seconded by *Alexander Kilborne,* esq.

Resolved 2d, That his Excellency Lord Durham, in assuming the responsible and onerous duties of the government of this Colony at this alarming period, thereby foregoing the society, comfort and splendors of his rank and home, demonstrated to those most jealous of their liberties, that, however unlimited the powers seemed with which his Excellency was invested, they would be exercised only in mercy, and for the benefit of subject, colony and empire.

Moved by *S. Steel,* esq., and seconded by *Francis Judd,* esq.

Resolved 3d, We cordially approve of the policy and the public acts of his Excellency Lord Durham, as far as they have been promulgated, which to our conviction bear the impress of wisdom, especially the ordinance banishing the eight self-confessed traitors, which, whilst it is denounced as illegal, must be justified by necessity, as being the best alternative to prevent the exhibition of the mockery of a trial and the impunity of the guilty, as in the recent case of Chartrand's murderers.

Moved by *C. Bullock,* esq., seconded by *F. Judd,* esq.

Resolved 4th, That, notwithstanding the difference and respect due to the decision of the noble Lords, and the specious pretext, "regard for the liberty of the subject," which impelled them to interfere with his Excellency's administration, we cannot but deplore the fatality which induced them in the excess of their sympathy for a few confessedly guilty, to jeopardize the interests, peace and permanent welfare of all Her Majesty's loyal subjects in Canada, thereby diminishing Her Majesty's power and influence in this Colony, by encouraging the disaffected, and disheartening the loyal, in again exposing them to the calamities of uncertainty, anarchy, discontent, and a further deterioration in the value of real estate, at a moment they were fondly anticipating, as the result of his Excellency's administration, the revival of their prosperity.

Moved by *Alexander Kilborne,* esq., seconded by Mr. *John Chamberlin.*

Resolved 5th, That while we are overwhelmed in an unexpected manner and moment, with the extent of the accumulating evils to which we are exposed by this impolitic interference of the Imperial Legislature, with his Excellency Lord Durham's administration, coupled with the understanding that his Excellency deems it proper to resign in consequence; that the authority, "the exercise of which his Excellency observes has thus been so weakened as to render it totally inadequate to the grave emergency which alone called for its existence." We cannot forbear most respectfully to beseech his Excellency Lord Durham to reconsider this decision which his Excellency had in contemplation, in restoring tranquillity, reviving confidence, causing substantial justice to be administered, tempered with mercy, reforming all the institutions of the Province, and to promulgate those laws designed to secure protection to those great British interests which have been too long neglected, &c. &c.

Moved by Mr. *John Chamberlin,* seconded by *Wilder Pierce,* esq.

Resolved 6th, That should his Excellency Lord Durham resolve to continue to carry on the government of this Colony, we confidently trust and believe that the support and voice of Her Majesty's loyal subjects in America and Europe, would sustain his Excellency in his patriotic course, while the press, loaded with their remonstrances, would speedily induce the Imperial Legislature to confer all necessary powers for the full accomplishment of his Excellency's mission, *i. e.* to enforce obedience to the laws, to protect the loyal and well disposed, and to punish the guilty.

Moved by Dr. *Colly,* and seconded by *Wilder Pierce,* esq.

Resolved 7th, That we most highly appreciate the able and judicious conduct of his Excellency Sir John Colborne, both as Commander of Her Majesty's Forces as well as administrator of the government previous to the arrival of his Excellency Lord Durham.

Resolved, That a copy of the foregoing Resolutions, signed by the Chairman and Secretary, be forwarded to his Excellency the Governor-General, as well as copies to the *Quebec Gazette* and *Morning Courier,* Montreal, for publication.

The Chairman having left the chair, the thanks of the Meeting were voted to him.

(signed) *Selah Pomroy,* Chairman.
Wm. Ritchie, Secretary.

ADDRESS from SAINT THERESE DE BLAINVILLE, L. C.

To His Excellency the Right honourable *John George* Earl of *Durham*, Viscount *Lambton*, &c. &c.

May it please your Excellency,

Address from St. Therese de Blainville.

We, the undersigned, Her Majesty's loyal subjects of British origin, inhabitants of Saint Therese de Blainville and the vicinity, beg leave most respectfully to approach your Excellency, to express our deep regret and indignation at the proceedings which have recently taken place in the Imperial Parliament (in reference to the line of conduct your Lordship has adopted since your arrival in these Provinces), and the extreme alarm with which we have heard of your Lordship's intentions to resign your high commission.

My Lord, we are not about to address you in the language of indiscriminate praise; servile flattery would be as offensive to your Lordship, as unbecoming men, who boast their origin from the glorious isles, whence we or our fathers have come such language would not suit the crisis at which we have arrived, nor express the sentiments we entertain.

We do not seek to mask the fact, that one of your Lordship's acts has been considered by us as highly impolitic lenity, but we have never questioned the rectitude of your Lordship's intentions.

Living in the midst of a population which we know, by experience, to be hostile to every thing British in its nature or origin, we have looked forward to the events of the coming winter with all the anxiety that our peculiarly exposed condition cannot fail to excite.

We remain resolved to maintain unshaken during the anticipated ordeal, the same active loyalty which at the peril of our lives we displayed during the last winter.

In your Lordship's upright and patriotic intentions we place unbounded confidence. On all hands your abilities are allowed to be of the first order, and it is known that the powers with which your Lordship has been invested are far beyond those generally entrusted to our Governors. We then conscientiously believe that your Lordship has the honesty to purpose, the talent to discern, and powers sufficient to do what is right. But if your Lordship deserts us in this crisis (disgusted by the unprincipled attacks of political rivals, and the base desertion or rather betrayal of men who prefer office to the integrity of an empire), the object of your assailants will be obtained. Your Lordship will forfeit the glory of effecting the noble objects which drew you here, and we are lost.

The might of the British nation, when at last it wakens to a sense of the true position of this country may redeem the cause, but we shall have been ruined. Our anticipations of a coming storm are grounded on our personal observations; and if in the hour of peril the helm be abandoned, or committed to the hands of the incapable or irresolute, what can we hope for?

My Lord, to us the emergency is fearful, and if we have transgressed the forms usually prescribed to the address of this nature, we plead in excuse the earnestness of our desire, "to perpetuate the connexion between these Colonies and the Mother Country."

(92 Signature

ADDRESS from STAMFORD, U. C.

To His Excellency the Right honourable *John George* Earl of *Durham*, Viscount *Lambton*, &c. &c.

May it please your Excellency,

Address from Stamford.

We, the undersigned, inhabitants of the village of Stamford and its vicinity, have heard with astonishment and deep sorrow, the violent and unjustifiable attacks made upon your Excellency's conduct as Governor General of the Canadas, by Lord Brougham, in the House of Peers, and with equal regret and surprise that the Premier, Viscount Melbourne, has intimated to the House the intention of his colleagues and himself to advise Her Majesty to disallow the Ordinances your Excellency thought proper to issue. Without entering into any opinion as to the legality or advantages of the Ordinance in question, we beg to assure your Excellency, that we repose the utmost confidence on your Excellency's firmness of purpose and determination to do what is right in the affairs of this distracted country, believing that your Excellency had the power and the desire to place the government of the British North American Provinces on a solid and firm foundation of peace and prosperity, calculated to raise them to the highest eminence in the scale of nations, as an important part of the Empire of Great Britain. We, therefore, earnestly and solemnly entreat your Excellency not to abandon the important post committed by Her Majesty the Queen to your care, a measure, which we feel confident, would be calculated to produce the highest state of anarchy and confusion, but to remain and carry on the great and mighty work of a complete and thorough renovation of the government of the Canadas.

(37 Signatures.)

ADDRESS from WHITBY, U. C.

To His Excellency the Right honourable *John George*, Earl of *Durham*, Viscount *Lambton*, &c. &c.

May it please your Excellency,

Address from Whitby.

We, Her Majesty's dutiful and loyal subjects of the township of Whitby and province of Upper Canada, respectfully approach your Excellency with assurance of devoted attachment to Her Majesty's Royal Person and Government.

We

Address from Whitby.

We hail as the omen of better days, your Excellency's arrival as Governor of British North America, and have marked with deep interest the gratifying reception which your Excellency has given to every topic of importance which has been laid before you, regarding the interest of strong proof of Her Majesty's gracious attention to the happiness and prosperity of Her North American Provinces, that it hath pleased Her Majesty to commit the government thereof to your Excellency, in whose firmness, justice and integrity we placed the highest confidence, assured that in your hands the powers of government would be directed to the true interests of the people.

We reflect with regret that your Excellency has not been granted a fair opportunity for the development of those plans in which we are so deeply interested, and which you so distinctly informed the inhabitants of these Provinces, would advance their general prosperity and consolidate their union with the parent country, but that when by your own assurance you were on the eve of unfolding your designs fraught with such importance to the Colonies, your Excellency has thought it necessary to express a resolution to retire from the government of British North America, a resolution which, if carried into effect, will, we are certain, prove a great public calamity.

Confiding as we still do in your Excellency's integrity and ability, we find ourselves imperatively called on at that perilous and eventful crisis to express in a public manner our attachment to your Excellency, our entire reliance on the wisdom of your liberal administration, our assurance of active and hearty support of any measures for the benefit of all classes, and most earnestly beseech your Excellency, not to be discouraged by the unhappy circumstance referred to, but to retain the administration of these Provinces, and, unawed by opposition and unruffled by misrepresentation, persevere in your benevolent and earnest endeavours to maintain the constitutional rights of Her Majesty's loyal subjects, and place on a permanent basis the security and prosperity of these important appendages of the British Empire.

In behalf of the Meeting,

(signed) *L. Heyden*, Chairman,
A. M'Pherson, Secretary.

ADDRESS from PERTH, U. C.

May it please your Excellency,

Address from Perth

We, the inhabitants of Perth and its neighbourhood, have heard with deep concern that recent accounts from England have induced your Lordship to think of leaving these Colonies before the close of the present season.

We cannot find language to express to your Lordship the satisfaction we felt at your appointment to the government of the British North American Colonies; and we still entertained unabated confidence that your Lordship from the enlightened, benevolent and just principles which have directed your public life, and from your great experience in the science of government, will be able to bring to maturity such a code of remedial laws as will restore peace and security to the people of Lower Canada.

As to this province, we also trusted that your Lordship's advice and influence would materially tend to remove the causes of that discontent which so widely prevails, and which were made the pretext for the late infamous attempt to overthrow the government.

Impressed with these feelings, and apprehensive of the consequences to the people of both Provinces, should your Lordship depart before you provide a remedy for the ills under which they labour, we are forced, by an irresistible sense of duty as well as of danger, to implore of your Lordship not to leave these Provinces in their present state of insecurity; but to persevere in bringing to perfection such measures as your Lordship has found the state of the country to require.

When your Lordship has done this, we feel assured you will meet with a reward within your own breast of far greater value than the world can bestow,—a consciousness of having been the means, under Providence, of preventing the horrors of civil war, of healing the wounds of a distracted community, and of restoring peace and prosperity to this once happy land.

With these high objects presented to your Lordship's patriotic labours, we again beseech you not to leave us, but to treat with indifference and unconcern the unworthy attempts of party opponents to injure or weaken your Lordship's government.

With great respect we remain your Lordship's most humble and obedient servants.

Perth, Upper Canada, one of the Military Settlements
on the Rideau, 2d of October 1838. (141 Signatures.)

RESOLUTIONS from MEGANTIC COUNTY, L. C.

Resolutions from Megantic County.

A Public Meeting of the Inhabitants of Leeds was held at Hume's Tavern, on Saturday the 6th of October, for the purpose of expressing their sentiments on the report now current, of his Excellency the Governor-General the Earl of Durham being about to resign.

Z. Goff, esq., J. P., was called to the chair, and Mr. James Burray requested to act as secretary. The object of the Meeting being explained, a discussion on the subject ensued, after which, the following Resolutions, prepared in committee, were read by the secretary, and the question being put from the chair, were unanimously agreed to.

 Resolved

Resolutions from Megantic County.

Resolved 1st, That this Meeting has the fullest confidence in his Excellency the Earl of Durham as Governor-General of Her Majesty's dominions in North America, and that since his Excellency's assumption of the government of this Province, in the short space of little more than three months, tranquillity has been restored, public confidence revived, and every prospect of permanent peace and good government being established under his Excellency's administration.

Resolved 2d, That this Meeting, therefore, views with extreme regret the embarrassment thrown in the way of his Excellency's government, by discussions had in the Imperial Parliament originating with his Excellency's political enemies—reckless of the peace and welfare of the inhabitants of this Province.

Resolved 3d, That this Meeting, deprecating as it does this ill-timed interference with his Excellency's administration of our affairs, under very trying and difficult circumstances,—and having no pretensions to judge of the legality of the ordinances in question, on which such variety of legal opinions exist; it nevertheless highly approves and applauds the wise, merciful, and humane measures adopted by his Excellency the Earl of Durham towards the rebels.

Resolved 4th, That should the magnanimous and patriotic spirit which inspired his Excellency the Earl of Durham to undertake the arduous duties of his mission and government, yield to the factious opposition of his lordship's political enemies, and resign; this Province will again become a prey to all those troubles with which it was afflicted prior to, and at the time of, his arrival amongst us; and it is justly to be feared, that the last state of this country will be worse than the first.

Resolved 5th, That the foregoing Resolutions be forthwith transmitted to his Excellency the Earl of Durham, signed by the chairman and secretary on behalf of this Meeting; and that the editors of the *Quebec Gazette* and *Quebec Mercury* be requested to publish them.

(signed) *Z. Goff*, J. P. Chairman.

Leeds, Megantic, Oct. 6, 1838. *James Burray*, Secretary.

RESOLUTIONS from MISSISQUOI and ROUVILLE COUNTIES, L. C.

Resolutions from Missisquoi and Rouville Counties.

At a Meeting of the loyal inhabitants of the counties Missisquoi and Rouville, held at Wheeler's Inn, Noyan, on the third day of October 1838, P. H. Moore, esq., in the chair, and Ralph Taylor, junior, secretary, the following Preamble and Resolutions were passed:—

Whereas a fearful state of alarm exists in the minds of the loyal inhabitants of these counties bordering on the frontier of this Province, created by the secret meetings of the disaffected and the frequent clandestine importation from the United States of arms, and munitions of war, and serious apprehensions are entertained that the rebellion of the French inhabitants heretofore, but imperfectly quelled, will soon break out again with redoubled violence, threatening the destruction of the lives and properties of Her Majesty's faithful subjects, and the dismemberment of this Province from the parent State. The inhabitants of the counties of Missisquoi and Rouville are convened under a deep and solemn sense of the duty which they owe as loyal subjects to the government under whose fostering care they have enjoyed protection and prosperity; to take into consideration the dangers that threaten this Province, and this frontier in particular, and to adopt such measures for mutual protection and defence, as the emergency demands.

Resolved 1st, That the inhabitants of these counties have heretofore given full proof of their loyalty and attachment to the government in time of peril, and are still determined firmly to adhere to those principles of obedience to the constituted authorities which are sanctioned by all laws, human and divine.

Resolved 2d, That as this wicked and unnatural rebellion, the cause of our beloved Queen is identified with that of every loyal subject, we mutually plege to Her Majesty's Government, and to each other our best exertions to maintain the integrity of the Empire, and to protect our families and properties from a ruthless rebellion, by which the safety of all is endangered.

Resolved 3d, That in these times of peculiar difficulty, when the greatest interests of the country are at stake, although we may not approve of every measure, it is the imperious duty of every good and loyal subject to strengthen the hands of government, which is labouring for the peace of the country, and the protection and the welfare of its inhabitants, and that it is at once unwise, impolitic, and even disloyal and dangerous to embarrass its operations either in its civil or military departments.

Resolved 4th, That in our peculiarly exposed situation, and with comparatively small numbers, harmony of feeling and promptitude and unanimity of action are essential to our safety and success, and that therefore we earnestly recommend the formation of voluntary corps of vigilance in the most exposed parts of these counties, for guards and patroles to watch the motions of the enemy, to act in concert, and communicate with each other and to the proper authorities any information important to the public safety; and that every man will keep his arms and ammunition in complete order for instant use. The said corps of vigilance to continue in being until the Government shall think proper to adopt more efficient measures.

Resolved 5th, That, considering the danger to which the loyal inhabitants on this frontier are exposed, to be great, from the secrecy, concert and vindictiveness of the rebels, an humble petition be addressed to the Commander of the Forces, praying for the establishment on the frontier of these counties, of a more adequate disposable force for their protection.

Resolved

Resolved 6th, That we gratefully acknowledge the protection of Divine Providence hitherto afforded us in the unhappy struggle; and, doubly armed in the confidence of a cause morally and politically just, we will cheerfully and fearlessly perform our duty to our country, in the firm expectation of the continuance of that protection. Resolutions from Missisquoi and Rouville County.

Resolved 7th, That copies of the proceedings of this Meeting be transmitted to his Excellency Lord Durham, and to Sir John Colborne, Commander of the Forces, through the hands of Lieutenant-Colonel Williams, conveying to the former our grateful sense of his Excellency's exertions in behalf of this Colony, and a firm reliance on his administration, which we hope to evince by our steady loyalty, and obedience to the laws; and to the latter, the assurance of our readiness, at any moment to afford him the most efficient aid in our power for the maintenance of order and tranquillity in this Province. Respectfully soliciting their sanction and support of all measures necessary for the attainment of these objects.

(signed) *P. H. Moore*, Chairman.
R. Taylor, junior, Secretary.

ADDRESS from BEAUHARNOIS, L. C.

To His Excellency the Right honourable *John George* Earl of *Durham*, Viscount *Lambton*, &c. &c.

May it please your Excellency,

We, the inhabitants of British origin in the seigniory, Beauharnois, take the earliest opportunity of expressing our deep concern and unfeigned regret at your Excellency's determination to resign the government of the British North American Provinces. Addresses from Beauharnois.

We were impressed with the warmest gratitude to our most gracious Sovereign for the nomination of your Excellency to the important trust with which your Excellency was charged.

We appreciated the exalted and disinterested feeling which at once induced the assumption of that trust, encompassed as it was with unparalleled difficulty.

We had in consequence given to your Excellency our fullest confidence.

We relied on your Excellency's acknowledged principles, talents and firmness for the re-establishment of permanent public tranquillity, the organization of new and much desired institutions, and an early restoration of our constitutional rights; and

We had every reason to believe that the measures which your Excellency was actively engaged in preparing, would accomplish those valuable ends.

We cannot, therefore, sufficiently deplore a course of events in the Mother Country, that not only threatens the destruction of all our well-founded expectations, but may lead to the most disastrous results in the colony.

Notwithstanding, we would still cherish a hope, that your Excellency, overlooking all subordinate considerations, and animated with the purest patriotism, would be induced to retain the government of those ill-fated Provinces, assured as your Excellency is of, and supported as your Excellency will be by our confidence, co-operation and gratitude.

Under any circumstances, your Excellency will be pleased to accept our fervent wishes for your Excellency's preservation and happiness,

Signed by me, agreeably to a resolution adopted at a public meeting held this day.

North Georgetown, Seigniory of Beauharnois,
1 October 1838. *James Wright*, Chairman.

ADDRESS of the Inhabitants of the Townships in the County of BEAUHARNOIS.

To His Excellency the Right honourable the Earl of *Durham*, Governor General of the *British North American* Provinces, &c. &c.

May it please your Excellency,

We, the undersigned inhabitants of the townships of the county of Beauharnois, understanding that your Excellency has come to the determination to resign the government of these Provinces, beg to express our feelings of deep regret and sorrow at your having considered it necessary to take such a step.

When your Excellency assumed the government of these Provinces, long-continued misrule had caused a state of disorder and violence in the Canadian portion of your government unparalleled in the British Dominions; and the task of reducing the conflicting elements into order was justly considered to be of the most difficult description. A short time sufficed to convince the men of British origin of all parties, that in your Excellency they had found a person capable of applying a salve to their political evils, and of placing the country in a position worthy of its vast capabilities.

These hopes have been suddenly checked by a branch of the British Legislature and the acquiescence of the Ministry, in a point upon which they could not at the time properly judge, and the country is again threatened (should your Lordship adhere to your resolution) with a continuance of the old state of anarchy and confusion.

Your Lordship, we trust, will excuse us, if, in the conviction that, by adhering to your resolution, such would inevitably be the result, we take it upon us most earnestly to beseech that you would re-consider the propriety of your proposed resignation, and in spite of your

Address from Beauharnois.

justly wounded feelings, allow these afflicted Colonies the only chance now remaining of continuing appendages of the British Empire, by consenting to finish the important task so auspiciously begun.

Should our poor endeavours to alter your Excellency's determination prove futile, we beg to assure you, that on your departure, you will carry with you our most ardent and sincere wishes for the happiness of your Lordship and your family.

(134 Signatures.)

ADDRESS from BRIGHTON, U. C.

To His Excellency the Right honourable *John George*, Earl of *Durham*, Viscount *Lambton*, &c. &c.

May it please your Excellency,

Address from Brighton.

We, her Majesty's dutiful and loyal subjects, inhabitants of the village of Brighton and its vicinity, in the Newcastle District, and Province of Upper Canada, beg leave most respectfully to address your Excellency, at a time when every well-wisher to a continuance of the exitsing connexion between these Colonies and the Mother Country cannot but feel great alarm and apprehension, at the intimation of your Excellency's intention to withdraw from the government of British North America.

We assure your Excellency that we repose entire confidence in your Excellency's wisdom and intentions, and view with approbation your public acts, so far as we have had an opportunity of judging.

It is with feelings of the deepest regret we have noticed the recent unfortunate and inexpedient decision which took place in the House of Lords on the subject of your Lordship's Ordinances in Council lately promulgated by your Excellency,—a decision which we have too much reason to fear will not allow your Excellency time to accomplish the great object of your mission, the tranquillization of the Canadas, and the advancement of the general prosperity of British North America.

We would take leave to remind your Excellency, that we did hope from your Excellency's declared intentions providing all parties in these Provinces would lend you their aid and influence, that no obstacles raised at a distance would prevent or hinder the accomplishment of the great object your Excellency had in view in assuming the highly important trust committed to you by our most gracious Sovereign, feeling full confidence that a more judicious appointment could hardly have taken place.

We therefore implore your Excellency not to decide upon taking a step which may for ever blast our prospects as a British Colony, but to remain with us while any thing remains undone which may tend to the peace and tranquillity of these Provinces, in which event, the lasting gratitude of the inhabitants of Canada will be awarded to your Excellency.

Brighton, Newcastle District, Upper Canada,
October 1838. (58 Signatures.)

ADDRESS from ST. CATHERINE'S, U. C.

To His Excellency the Right honourable *John George* Earl of *Durham*, Governor-General of Her Majesty's North American Colonies, &c. &c.

Address from St. Catherine's.

We, inhabitants of St. Catherine's and its vicinity, in Upper Canada, beg to express to your Excellency our high sense of those motives which induced you, in compliance with the request of our Sovereign, for our benefit and that of the British Empire generally, to undertake the government of British North America, in a season the most critical, and surrounded by embarrasments and difficulties of an almost overwhelming nature.

We beg to assure your Excellency that, from that integrity of principle and firmness of purpose by which you have ever been distinguished, the rigid investigation which you are now making into the different departments of the government, and the causes which have retarded the prosperity of those Provinces, and duly appreciating, as we believe your Excellency does, the importance of these internal improvements which we so much require, the hopes of all classes of Her Majesty's subjects were resting on you, and they were waiting through the present season of difficulty with patient, but most eager and intense expectation for the publication of those measures which you had nearly matured for the public benefit.

We sincerely regret that any thing should have occurred to cause your Excellency the slightest annoyance while discharging your very difficult task, and our apprehension is that, should your Excellency determine to leave us now, your departure, by deferring the settlement of our difficulties, would be most injuriously felt. We therefore respectfully, but most earnestly, entreat your Excellency to persevere in the important mission you have undertaken, which we fondly hope will result in promoting the best interests of your fellow-subjects.

Such a course will, we are convinced, secure for your Excellency the support of the loyal inhabitants of these Colonies in all measures tending to the perpetuation of our connexion with the Mother Country.

St. Catherine's, U. C., 3 October 1838. (413 Names.)

The

The coloured population of St. Catherine's most fully concur in the sentiments expressed in the Address adopted by the Meeting of the second instant, and desire their names tb be added thereto as follows. Address from St. Catherine's.

(38 Names.)

These names have been taken down at the request of each individual, after the Address was carefully read and explained to the whole.

Jno. Mittleberger, Secy.

ADDRESS from CHIPPAWA, U. C.

To His Excellency the Right honourable the Earl of *Durham*, Governor General of the *British North American* Provinces.

May it please your Excellency,

We, the undersigned inhabitants of Chippawa and its vicinity, hailed with much satisfaction your Excellency's acceptance of the important office of Governor General of the Canadas, anticipating the greatest benefits from your Excellency's known determination of character to act uprightly for the public good. We have heard with dismay that your Excellency has been induced, from certain proceedings of the Imperial Parliament, founded on the wanton and malicious motion of Lord Brougham, on a late occasion, to intimate your intention to resign the high office committed by Her Majesty the Queen to your especial care. Satisfied of the direful consequences which must result to the whole Province in this determination, we respectfully and most earnestly beseech your Excellency not to abandon the high and honourable office of pacificator, assuring your Excellency that, without entering into the merits of the ordinance in question, we repose the fullest confidence in the integrity and honourable intentions of your Excellency's motives; relying on your Excellency's wisdom and abilities to place this part of Her Majesty's Empire on a firm and substantial form of good government, founded upon peace and prosperity. Address from Chippawa.

October 3, 1838. (66 Signatures.)

ADDRESS from DRUMMONDVILLE, and the Vicinity of the FALLS OF NIAGARA.

To His Excellency the Right honourable the Earl of *Durham*, Governor General of the *British American* Provinces.

May it please your Excellency,

We, the undersigned inhabitants of Drummondville, and the vicinity of the Falls of Niagara, have heard with indignation and deep regret the violent and unjustifiable attacks made upon your Excellency's administration as Governor General of the Canadas, by Lord Brougham, in the House of Peers, and with equal sorrow, that the Premier, Viscount Melbourne, has intimated to the House the intention of his colleagues and himself to advise Her Majesty to disallow the ordinance your Excellency thought proper to issue. Without entering into any opinion as to the legality or consequences of such ordinance, we beg to assure your Excellency we repose every confidence in the firmness of purpose and determination to act uprightly for the public good of all classes of Her Majesty's subjects, and that your Excellency had the power and the desire to place the Government of the Canadas on a solid and firm foundation of peace and prosperity, calculated to raise them to the highest eminence in the scale of nations, as a part of the British Empire. We therefore entreat and beseech your Excellency not to abandon this most important post, committed by our beloved Sovereign to your especial care and attention,—a measure we have every reason to believe will be attended with the most disastrous consequences of anarchy and confusion, but to remain and carry on the great and mighty work of complete and thorough renovation of the government of the Canadas. Address from Drummondville, &c.

October 3, 1838. (30 Signatures.)

ADDRESS from the District of OTTAWA, U. C.

To His Excellency the Right honourable *John George* Earl of *Durham*, Viscount *Lambton*, &c. &c. &c., Knight Grand Cross of the Most Honourable Military Order of the Bath, one of the Queen's Most Honourable Privy Council, and Governor General, Vice-Admiral and Captain General of all the *British* Provinces within and adjacent to the Continent of *North America*, &c. &c. &c.

May it please your Excellency,

We, the undersigned inhabitants of the district of Ottawa, in the province of Upper Canada, humbly beg leave to address your Excellency on the present alarming crisis of public affairs, which has arisen particularly in that part of your Excellency's widely-extended jurisdiction which comprises the province of Lower Canada. Address from Ottawa.

We hailed your Excellency's appointment to your present exalted station as a gratifying omen of the highest public benefit to the Provinces at large, and we felt assured, that if soundness of judgment, and firmness and integrity of purpose in a ruler, could effect the restoration of peace and prosperity to the land, our gracious Queen could not have delegated Her power to an abler or more patriotic representative.

Address from Ottawa.

The occurrences which have recently taken place in the Imperial Parliament, in reference to your Excellency's administration of the government of these Provinces, have filled the country with alarm and indignation; and we humbly beg leave to express our sincere participation in the feelings of regret at the treatment which your Excellency has so undeservedly experienced, and at the same time to declare our unabated confidence in the wisdom of your Excellency's government.

We have had frequent reason to deprecate the changes which, for so many years, have been constantly occurring in the appointment of Governors and Lieutenant-Governors in these Provinces; and we believe that a perseverance in this system of change has uniformly tended to render the government unstable, undecided, and ineffectual for all good purposes.

Cordially entertaining these sentiments, we sincerely deplore your Excellency's intended relinquishment of your exalted office, as vitally injurious to the best interests and prospects of these Colonies, as well as of the great Empire of which they form a part; and we cannot forbear entertaining the ardent hope that, cheered on and sustained, as your Excellency is, and will be, by the unanimous voice of Her Majesty's loyal subjects throughout these vast Provinces, your Excellency will determine on remaining to effect the difficult, but glorious and patriotic object of your Excellency's mission.

District of Ottawa, 6 October, 1838. (282 Signatures.)

ADDRESS of the Clergy, Magistrates and other Inhabitants of the Town of KINGSTON, U. C.

To His Excellency the Right honourable *John George* Earl of *Durham*, Viscount *Lambton*, Knight Grand Cross of the Most Honourable Military Order of the Bath, one of Her Majesty's Most Honourable Privy Council, and Governor General, Vice-Admiral and Captain General of all Her Majesty's Provinces within and adjacent to the Continent of *North America*, &c. &c. &c.

May it please your Excellency,

Address from Kingston.

We, Her Majesty's dutiful and loyal subjects, the clergy, magistrates and other inhabitants of the town of Kingston, in Upper Canada, most respectfully approach your Excellency with the expression of our unfeigned regret at your Lordship's intention of resigning the government of British North America, to which you had been called by the express command of Her most gracious Majesty.

We cannot but regard your Excellency's departure at this eventful crisis as productive of disastrous consequences to our prosperity, and the more so, as it destroys the hopes which we, in common with our loyal fellow colonists in this hemisphere, had cherished of your Excellency's administration, as we confidently anticipated that the policy which your Excellency intended to pursue would be eminently calculated to heal all animosities, restore peace and confidence in our land, strengthen and perpetuate our connexion with the parent State, consolidate and promote our commercial and agricultural interests, call into action our vast national resources and advantages, and, by the introduction of the superabundant capital and redundant popolution of the Mother Country, render British America British in fact as well as in name.

Without expressing any opinion as to the motives which may have actuated your Excellency's opponents and Her Majesty's Ministers, we take pleasure in assuring your Excellency, that the ordinance which appears to have been the indirect cause of your Excellency's resignation, can never be regarded as the edict of oppression or tyranny, but must ever be viewed by the loyal inhabitants of these Provinces as far too favourable to traitors in time of civil discord, and much more lenient than the criminals could have expected.

We beg to reiterate to your Excellency the confidence we entertain in your intentions and talents; and we earnestly solicit your Excellency not to withdraw from the government of these Provinces until those measures (in the prospect and promise of which, the people of these Colonies have placed so much reliance) have been matured and perfected.

George Okill Stuart, ll. d.
Archdeacon of Kingston.

(signed) *Alex^r Macdonell*,
Eps. Regiopolis.

John S. Cartwright,
Chairman Qr. Sessions, Mid. Dist.

Thos. Kirkpatrick,
Mayor of Kingston.

ADDRESS from the Magistrates of the Parish of *Blairfindie*, in the County of *Chambli*, L. C.

A son Excellence le très Honorable *John George* Compte de *Durham*, &c. &c.

Address from Blairfindie.

Nous, les soussignés, magistrats de la paroisse de Blairfindie, dans le comté de Chambli, supplions votre Excellence de vouloir bien nous permettre de lui témoigner les regrets sincères que nous cause la nouvelle du départ projetté de votre Excellence. Si après avoir été l'automne dernier en butte à tant de persécutions et de mauvais traitements, à cause de nos principes,

principes, politiques opposés à la majorite des concitoyens de notre paroisse, nous sommes maintenant si paisibles et heureux, la reconnoissance et le devoir nous obligent d'avouer à votre Excellence, que nous ne le devons qu'à l'administration humaine, sage et judicieuse de votre Excellence. Address from Blairfindie.

Qu'il nous soit donc permis de témoigner qu'elle seroit notre joie en apprenant que votre Excellence auroit changé ses dispositions, et se décideroit à continuer son administration, qui ne peut manquer bientôt de remplir le tout désire, nous voulons dire, la paix et le bonheur, de tous les sujets de Sa Majesté dans cette Province. Et osons-nous souscrire respectueusement

Votre très-devoués serviteurs,
(signed) *Timoleon Quesnet.*
L. Archambeault.

ADDRESS of the Roman Catholic Inhabitants of UPPER CANADA.

To His Excellency the Right honourable *John George* Earl of *Durham,* Viscount *Lambton,* Knight Grand Cross of the Most Honourable Military Order of the Bath, one of Her Majesty's Honourable Privy Council, Governor General, Vice-Admiral, a Captain General in and over the British Provinces of *North America.*

It is with feelings of intense regret that the Roman Catholic inhabitants of Upper Canada have learned that your Excellency is about to resign the administration of public affairs in British North America. They looked upon your Lordship's long and consistent career in the furtherance of the great principles of civil and religious liberty, and your gracious declaration, on the assumption of your administration in British North America, "that neither distinction of party, race or politics should cause the exclusion of any one from those advantages and that encouragement which their patriotism had a right to command," as the certain harbinger of a restoration to that permanent confidence and tranquillity on which the future prosperity of these Provinces essentially depend. Address from the Roman Catholic Inhabitants of Upper Canada.

We are quite convinced that it is only by the firm establishment of principles such as your Lordship so ably promulgated, that the future happiness of the people can be secured; and that it must prove highly detrimental to the public advancement, if secret societies and public processions, calculated to embitter and distract the whole current of social feeling, should be tolerated in the very infancy of a mighty Empire.

We had fondly hoped that the successive efforts of our late beloved Monarch, King William the Fourth, and of our present lovely and interesting Sovereign, would have been attended with happier results, and that the virulence of faction would, at their high behest, have been controlled or assuaged. It is therefore with feelings of grievous and bitter disappointment that we are compelled to announce to your Excellency that Orange lodges and Orange processions, which had heretofore been confined to Ireland, and there pronounced illegal—in many instances dissolved from better and kindlier feelings taking place, in some cases suppressed, in others those who have taken part in them punished—have been established and introduced into Upper Canada, where such feuds, party discord, and animosities should have remained unknown; and that on the 12th of July last past, many Orange processions took place in various parts of the Province, accompanied by threats, violence, and, in some instances, attended with flagrant breaches of the public peace.

We therefore confidently appeal to your Lordship, as one not only distinguished for your uniform advocacy of those great and imperishable principles of civil and religious liberty which throw a halo brighter than the blaze of jewels around your coronet, rivet the popular affection on your Lordship, and induce the people to repose with the most unhesitating reliance and assurance on your disposition to prevent such enormous evil, as also on your firmness and determinaton to carry your wishes into effect; and we therefore earnestly beg that your Excellency, previous to your resignation of the important trust confided to your care, will order a full, strict and careful investigation into this matter, so vitally important to the ultimate happiness and religious tranquillity of the Province.

We have made many efforts to induce the Executive to put down this increasing abomination, but hitherto without effect.

The Roman Catholics of Upper Canada therefore appeal unhesitatingly to you. They have long viewed your patriotic efforts with admiration, and they cherish the profoundest veneration for your illustrious father-in-law, the venerable Earl Grey, whose public life has been but one continued and consistent effort to promote the freedom of the human race, and remove those shackles from conscience, which will render his name and memory hallowed by every Roman Catholic throughout the British Empire.

We feel also desirous of bringing before your notice and attention the charter of King's College in Upper Canada, by which you will perceive that, although amended with a view to prevent ascendancy on the one hand, and exclusion on the other, the interests of the Church of England have been alone attended to, and that no other persons but those who belong to that church are likely to receive any encouragement, either in the appointment of professors or otherwise. Such unwise and invidious distinctions can only prove the legitimate source of many difficulties hereafter, and should be most sedulously and carefully avoided from the first, as your Excellency will admit that the prevention of an evil is far safer and easier of accomplishment than its remedy.

Address from the Roman Catholic Inhabitants of Upper Canada.

With reference to the clergy reserves, considering that we were expressly and designedly excluded, by the Act of 1791, from any participation in them, we have resolved not to embarrass the settlement of that question, by making application for any portion of them; nevertheless, as Her Majesty's Government have considerately and generously left them open for provincial legisiation, we cannot but express our united and firm conviction, that, bestowing them exclusively on the Church of England, will cause general discontent, and that it would prove far more satisfactory to the great mass of the people, and more conducive to the general weal, were they devoted to the great and beneficient purpose of the religious and moral instruction of the whole people.

We cannot conclude these expressions of complaint, without adding another to the number; viz., that the unwise and injudicious conduct of those at home, who ought nobly to have sustained you, instead of joining in the ranks of your political and personal opponents, should induce your Excellency to relinquish the administration of public affairs on the continent. May we express our fervent entreaty that you will still continue to preside over us, the hope of the Provinces, and the security for their just, impartial and judicious government.

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

(Signed by the Catholic Bishops, and 30 principal Inhabitants.)

ADDRESS from the Township of FARNHAM, L. C.

To the Earl of *Durham*, Governor-General of the *Canadas*.

Address from Farnham.

We, the undersigned citizens of the township of Farnham, and parts adjacent, in Lower Canada, beg leave respectfully to represent to the Earl of Durham, that we are so situated as to have been among the afflicted witnesses of some of the commotions which so greatly disturbed this Province during the autumn and winter of last year. We deeply regret those commotions, and, above all, deplore their lamentable issue, the shedding of blood, and that on no small or unimportant scale.

With these awful scenes in our recollection, we have hailed the paternal govrenment of the Earl of Durham, distinguished as we consider it to have been by moderation as well as firmness; and strong had been our hopes that it would be the means of permanently softening down the asperities of party, and of preventing the recurrence of such afflicting and degrading events.

It is, therefore, matter of grief and lamentation to us that circumstances should have induced the Earl of Durham to entertain the intention of retiring from these Provinces. We are persuaded that, notwithstanding these circumstances, his government would continue to have the support of good and moderate men of all parties, and that nothing which has occurred would materially weaken its strength and efficacy.

We shrink from the view of the too probable recurrence of confusion and bloodshed, should the Earl of Durham retire from Canada; and, as friends to peace, charity and good order, we venture most respectfully, yet earnestly, to implore him to continue to afford to these Provinces the benefit of his wise counsels, and peaceable, yet efficient protection.

Farnham, 9 October 1838. (Fifty-nine Signatures.)

ADDRESS from the Literary and Historical Society of QUEBEC.

To His Excellency the Right honourable *John George* Earl of *Durham*, Viscount Lambton, &c. &c., Knight Grand Cross of the Most Honourable Military Order of the Bath, one of Her Majesty's Most Honourable Privy Council, and Governor-General, Vice-Admiral, and Captain General of all Her Majesty's Provinces within and adjacent to the Continent of *North America*, &c. &c.

May it please your Excellency,

Address from Literary Society of Quebec.

Six months have not elapsed since the Literary and Historical Society of Quebec performed the pleasing duty of offering to your Excellency their congratulations on your arrival on these shores, and on your assumption of the Government, and laid before you a statement of the objects which they were endeavouring to promote, and of the hopes and expectations which not they alone, but the rest of the population of the British North American Provinces sanguinely entertained of the beneficial results that should flow from your Lordship's enlightened labours in the arduous and noble mission which you had undertaken.

From your Excellency's assurances on that occasion, and still more from other subsequent evidences of the desire which your Excellency was pleased to express to co-operate in the views of the Society for the advancement of science and of literature, and for the cultivation of those pursuits which soften the asperities of political contention, the Society derived large encouragement to look forward with increase of hope to their future progress and prospects under your Excellency's wise and beneficent administration.

It

Address from Literary Society of Quebec.

It is, therefore, with no ordinary regret that they now approach your Excellency, to take leave of you on the occasion of your intended departure from the Province, with the purpose of resigning that power, from the exercise of which they had already experienced so much of good, and anticipated still greater benefits.

Abstaining studiously, and upon principle, from all intermeddling with matters of mere political concern, and devoting their attention to pursuits of science and literature alone, the Literary and Historical Society nevertheless could not be insensible to the advantages which those pursuits seemed likely to derive, in no limited measure or remote degree, from the application of your Excellency's enlarged and liberal views to the general concerns of the province. They looked forward with pleased and sanguine anticipation, in common with their fellow-subjects throughout British North America, to a new order of things, to the dawning of a better and a brighter day, in which they also should, as a Society, have reason to rejoice. Nor is this hope entirely foregone, when they now present themselves before your Excellency, to express their regret at your approaching departure; for they cannot but feel a confidence, justified by the encouragement they have already experienced from your Excellency by every public manifestation of your Excellency's principles and character, that even when no longer directly connected with the Government of this Province, your Excellency will still bear its interests in recollection, and that among those interests the promotion of literature and science within its borders will hold in your Excellency's estimation no inferior place.

The Literary and Historical Society have already had repeated occasion to acknowledge valuable instances of your Excellency's munificence, and of your disposition to promote their designs.

It now only remains for them, in taking leave of your Excellency, to express their respectful wishes for your Excellency's prosperous voyage, and return to the land of your fathers, and that you may there long continue, in private happiness, and in public honour, to fulfil the expectations of your own country, and the hopes of this, in that eminent station which you have attained among the statesmen of England.

(Signed by the Officers of the Society.)

ADDRESS from PRINTERS of QUEBEC.

To His Excellency the Right honourable *John George* Earl of *Durham*, Viscount *Lambton*, &c. &c., Knight Grand Cross of the Most Honourable Military Order of the Bath, one of Her Majesty's Most Honourable Privy Council, Governor General, Vice-Admiral and Captain General of all Her Majesty's Provinces within and adjacent to the Continent of *North America*, &c. &c. &c.

May it please your Excellency,

Address from Printers of Quebec.

WE, Her Majesty's loyal and devoted subjects, printers, and others connected with the press, in the capital of the British North American dominions, respectfully request permission to add one to the very numerous Addresses which have been presented to your Excellency, expressive of regret at your intended departure from this continent.

Your Excellency has already received such unequivocal proofs of the confidence of the British North American colonists in your integrity, wisdom and talents, that our Address, which can only be an echo of numerous precedents, may be deemed supererogatory. We would fain hope, however, that your Excellency will be pleased to receive, as an additional mark of esteem and respect, the expressions of heartfelt regret for your resignation of a body of Her Majesty's subjects, who, from the nature of their profession, have had ample opportunities of watching the progress of events in this Colony since its political horizon was brightened by the arrival of your Excellency on our shores.

The sanguine anticipations to which the appointment of your Excellency as Governor General of British North America gave rise, were, we may be permitted to say, fully borne out by the acts of your Excellency, and by the measures which were known to be in contemplation; measures which promised to the loyal and well-disposed inhabitants of this distant portion of the British Empire a career of unprecedented prosperity. It is, therefore, a source of sincere regret and disappointment that your Excellency's political enemies in the Imperial Parliament should have so far forgotten their sacred and important duties, as to endeavour, by unworthy means, to embarrass the course of your Excellency, in whom the hopes of the loyal inhabitants of these Colonies were centred, and to whom the destinies of an important portion of the Empire were confided by our most gracious Sovereign.

Your Excellency having already expressed your determination to resign the government of these Colonies, it would be indelicate in us to pray, with preceding Addresses, that your Excellency would remain on this continent. But your Excellency has already conferred great benefits on this country; and we look forward with bright hopes to the time when your Excellency, having resumed your place in the House of Lords, will triumphantly answer those noble personages who have substituted the gratification of private rancour for the discharge of public duty. And we also, from your Excellency's declaration, confidently expect your Excellency's powerful advocacy in the Imperial Legislature of the cause of Her Majesty's North American subjects.

Address from Printers of Quebec.

With the sincerest wishes for the future happiness of your Excellency, and the Countess of Durham and family, we respectfully take leave, assuring your Excellency that the remembrance of your short stay in Canada will ever be associated in our hearts with the most grateful and pleasing recollections.

Quebec, October 1838.

(61 signatures.)

ADDRESS from St. George's Society, QUEBEC.

To His Excellency the Right honourable *John George* Earl of *Durham*, &c. &c. &c.

May it please your Lordship,

Address from St. George's Society, Quebec.

On behalf of the St. George's Society of this city, instituted for charitable purposes, we beg leave to approach your Excellency to express our unfeigned respect for your Lordship's character and proceedings in the high station filled by your Excellency as Governor General over this part of the dominions of our Sovereign, as also our deep regret at the prospect of your early retirement from a post which gave so much hope and comfort to this lately distracted land.

Although the objects of this Society are purely benevolent, we cannot remain unmindful or indifferent on an occasion like the present to the welfare of the land we live in, or to measures which tend to sever its connexion with our beloved Mother Country; we cannot therefore refrain from expressing our deep regret at the course which has led to your Lordship's return to England.

It has been our satisfaction and our pride to record in the list of its members your Lordship as the first of Old England's sons holding the high situation your Lordship is about to relinquish, and as the first life member of the Society, the largest contributor to its charitable funds. While we desire to assure your Lordship that we shall retain you, in an especial manner, in our respectful and grateful remembrance, we also cherish the consolatory hope that this the land of our adoption is yet destined to find in your Lordship one of its most enlightened legislators and benefactors,—the firm advocate of all measures that may consolidate its interests with those of Great Britain.

We pray your Lordship to convey to our beloved Queen the assurance of our ever dutiful and affectionate attachment to Her Person and Government; and accept our heartfelt wishes for a safe and prosperous voyage to yourself, the Countess of Durham and your family.

Quebec, October 1838. (Signed by the Officers of the Society.)

ADDRESS from BYTOWN, U. C.

To His Excellency the Right honourable *John George* Earl of *Durham*, Viscount *Lambton*, &c. &c. &c., Knight Grand Cross of the Most Honourable Military Order of the Bath, one of Her Majesty's Most Honourable Privy Councillors, and Governor General, Vice-Admiral and Captain General of Her Majesty's Provinces within and adjacent to the Continent of *North America*, &c. &c. &c.

May it please your Excellency,

Address from Bytown.

We, the inhabitants of Bytown and its vicinity, in the Province of Upper Canada, having heard, with deep regret, that events had taken place in the councils of our Sovereign, which might induce your Lordship to relinquish the high duties of your command in this country, cannot permit this opportunity to pass without expressing our deep disappointment at the loss we shall sustain in withdrawing your Lordship's valuable services at the present time.

We hailed the appointment of a nobleman of your Lordship's well-tried experience to preside over these Provinces as an event promising a speedy settlement of all our political difficulties, and felt deeply sensible of the sacrifices you made in undertaking such a task, at a time when these difficulties were much increased by the prevalence of the discontented within, and the encouragement they received from evil-disposed characters from without.

Our hopes of great benefit from your Lordship's exertions, during the short period of your residence among us, have not been disappointed. We have seen the disaffected put down, peace restored, and confidenne in trade and commerce beginning to revive, and all this accomplished with the exercise of the god-like attribute of mercy towards the misguided. We have seen your Lordship's powerful mind has been directed to the correction of errors, which have crept into the management of some of the most important affairs of these Colonies, and which have hitherto operated in retarding their prosperity, while at the same time your Lordship's views have been steadily directed, to draw forth and bring into action those great sources of public wealth and happiness with which these Colonies abound by nature.

Under all these promised benefits, from your remaining amongst us in the discharge of the duties of your exalted station, we cannot fail to regret the machinations of political opponents, the desertion of political friends, or any other cause, should induce your Lordship to withdraw from that station you so ably fill. We would, therefore, if consistent with your Lordship's own views, very respectfully solicit you to prolong your stay, to bring to maturity those plans which have been so ably commenced, and on which the future happiness and prosperity of these Provinces so intimately depend.

The

The benefits which have flowed from your administration of the government of these Provinces will insure to your name a favourable place in the future history of these Colonies; and should your Lordship see proper to discontinue your residence here, we trust the experience you have acquired by that residence (short as it has been) will secure for the Canadas your Lordship's favourable consideration, while in discharge of your important duties in the councils of our Sovereign. Address from Bytown.

With every wish for the happiness of the Countess of Durham and family, and praying your Lordship will be pleased to accept the same.

(261 Signatures.)

ADDRESS from the GORE DISTRICT of UPPER CANADA.

To His Excellency the Right honourable *John George* Earl of *Durham*, Knight Grand Cross of the Most Honourable Military Order of the Bath, one of Her Majesty's Most Honourable Privy Council, and Governor General, Vice-Admiral and Captain General of all Her Majesty's Provinces within and adjacent to the Continent of *North America*, &c. &c. &c.

We, Her Majesty's faithful and loyal subjects, inhabiting the Gore district of Upper Canada, beg to approach your Lordship respectfully to address you on the occurring events directly affecting these Provinces. Address from Gore District, Upper Canada.

We have seen with grief and indignation the attacks made upon your Lordship's conduct in the Imperial Senate; and we beseech your Lordship not to allow those feelings of disgust or resentment (natural to an honourable mind under the unworthy treatment you have received) to induce your Lordship hastily to resign the high powers committed to you by our gracious Queen.

We feel that such a step would, now that your Lordship has become acquainted with the situation and circumstances of these Colonies, without having matured the various important measures your Lordship may have commenced, not only place your Lordship in a disadvantageous position with regard to your political opponents, but would be a great calamity to us, Her Majesty's loyal subjects in these Provinces.

Public men, of whatever rank or party, must be prepared for abuse from their opponents as a matter of course; and we hope that your Lordship will attribute what has recently transpired in the Imperial Parliament to a spirit of opposition which might naturally be expected, and to the want of correct information as to your peculiar and trying situation.

We beg of your Lordship to reflect how much we must suffer by the delay, confusion and uncertainty of the settlement of our many difficulties, should you in disgust throw up the high powers with which our beloved Queen has invested you for our behoof.

Many of us may differ from your Lordship in our political opinions; but we firmly trust that, after a dispassionate view of our circumstances and situation, your Lordship will see the necessity of remaining firm to your original purposes, and of proceeding with those measures already in contemplation for our benefit.

Far as we are from home, we are still Britons, and, as such, we deprecate the measures of those who would so far depart from the true principles of British justice as to condemn a man without knowing the circumstances which induced him to act or to judge of that which he intends to do, without ascertaining that which he has done.

Whatever may be your Lordship's determination, we beg to assure you, that you carry with you our best feelings and kindest wishes. When you shall have returned to that home where you are honoured and esteemed, and to that society you have so much adorned, we pray that you may feel some consolation for the sacrifices you have made for our good, in the remembrance that you leave behind many, very many true hearts, who are grateful for the kindness you intended, whether success shall have crowned your efforts, or factious opposition defeated them.

(1,180 Signatures.)

RESOLUTIONS from BRANTFORD, U. C.

Agreeable to notice, a Public Meeting was held at the Commercial Hotel in this town, on Monday, the 1st instant, at 3 o'clock P. M., for the purpose of addressing his Excellency, the Earl of Durham, to express our confidence in his government, and to request his Lordship not to leave his important charge until his plans for the future government and prosperity of these Colonies shall be matured. Resolutions from Brantford.

John A. Wilkes, esq., was called to the Chair; and

Lewis Burwell, esq., was appointed Secretary.

After a few appropriate remarks from the Chairman, stating the object of the Meeting, the following Resolutions were adopted:—

Moved by *Henry Moyle*, esq., and seconded by Mr. *Watts*.

Resolved 1st, That the inhabitants of the town and township of Brantford viewed with no small degree of satisfaction the appointment of his Excellency the Right honourable

Resolutions from Brantford.

the Earl of Durham to the post of Governor General and High Commissioner over Her Majesty's North American Colonies, and of his arrival among us with ample powers to effect the beneficent intentions of his Sovereign towards Her transatlantic subjects,—powers which we felt assured could be confided to no personage more experienced and trustworthy.

Moved by Mr. *William F. Wallace,* and seconded by *F. T. Wilkes,* esq.

Resolved 2d, That these feelings of gratification and confidence were more than justified by the prudent, manly and impartial course adopted by his Excellency towards all parties under his government, and by the signal success that had already attended his endeavours to disarm the hostility of contending factions, and of the citizens of a neighbouring Republic, and, by a wise and conciliatory policy, to create, in even the most uncompromising of his opponents, in both the Canadas, a disposition to accord to his Excellency's conduct in his high vocation a fair and candid trial.

Moved by *Lewis Burwell,* esq., and seconded by Mr. *Henry F. Fay.*

Resolved 3d, That we lament with feelings of deep regret the recent conduct of certain noble Lords in the British Parliament, in reference to the Earl of Durham's administration; we cannot but be sensible that such a course of conduct is calculated to distract the minds of Her Majesty's subjects in these Colonies, to ferment a spirit of animosity and discord both at home and in the Colonies, which will not easily be subdued, unless the noble Lord now at the head of the government of British America is left to mature and bring into action the enlarged plans he has now in view for the future government and prosperity of these Colonies.

Moved by *F. T. Wilkes,* esq., and seconded by Mr. *John W. Downs.*

Resolved 4th, That Messrs. Moyle, Ross, Watts, Fay, F. T. Wilkes and Burwell be appointed a committee to draft an Address, founded on the foregoing Resolutions, soliciting his Excellency the Earl of Durham to continue his administration of the government of British North America, and that they also circulate the Address for signatures.

Moved by Mr. *William F. Wallace,* and seconded by Mr. *William C. Ross.*

Resolved 5th, That the Chairman be requested to transmit the Address to his Excellency the Earl of Durham as soon as it shall be signed.

After the usual ceremony of a vote of thanks being given to the chairman for his able conduct in the chair, the Meeting broke up.

(signed) *J. A. Wilkes,* Chairman.
Lewis Burwell, Secretary.

LETTER from Archdeacon *Strachan* to the Hon. *Charles Buller,* Chief Secretary, &c. &c.

Honourable Sir, Toronto, Upper Canada, 20 Sept. 1838.

Letter from Archdeacon Strachan to the Hon. Charles Buller.

The intelligence received this morning of the proceedings of the House of Lords has filled us with consternation lest the dishonourable, and unjust treatment which Lord Durham has received, should have the disastrous effect of inducing that high-minded and talented nobleman to return to England

There are not, I am sure, ten honest men of reflection in the Canadas who do not condemn this shameful and uncalled-for interference with the Governor General's administration; and the prevailing opinion seems to be, that his Lordship will immediately take his departure.

My opinion is different; Lord Durham has undertaken a mission the most important, perhaps, that ever was entrusted to a British subject; the greater the difficulties, and the more numerous the impediments thrown in his way by factious opposition, the brighter his glory in its successful accomplishment. Nothing has happened which might not have been anticipated; it was foreseen that his Lordship's political opponents would take pleasure in troubling and traducing him, and certainly no event would gratify them more than his Excellency's resignation; but it is a gratification which, I trust, they will never taste.

I persuade myself that Lord Durham will treat with contempt those miserable attacks which disgrace their authors, and pursue, to its termination, the great object which brought him to Canada, and in the success of which, the happiness of millions depend.

With what noble dignity and honourable pride will his Lordship face and confound his enemies on his return next spring as the pacificator of the Canadas! I freely confess that the course which I most earnestly pray that his Lordship may adopt requires great forbearance and sacrifice of feeling; but for these a great statesman must ever be prepared, and they will greatly enhance the victory which his Excellency is sure to obtain. They will place him on a political eminence that shall make his opponents dread, rather than, as now, exult in his return.

I beg to apologize for this intrusion, and yet I mistake Lord Durham's generous and lofty bearing, if a frank expression of my feelings at this crisis be taken unkindly.

There

There is, perhaps, no man better known than I am in the two Provinces, or who has more influence with the respectable portion of the community, for I have friends and pupils scattered through the whole country; I have, therefore, good means of ascertaining the sentiments of those whose opinions are the most valuable, and I feel convinced that the outrage offered to his Lordship will unite them more strongly than ever in his favour; for here it has already produced a general burst of indignation. Letter from Archdeacon Strachan to the Hon. Charles Buller.

I have only to add, that it will be a pleasure to me to contribute every thing in my power to the prosperous issue of Lord Durham's administration; and if Mr. Pitt considered the constitution which he conferred upon the Canadas one of the glories of his life, what glory must redound to the statesman who gives a free constitution to the British North American Colonies, and, by consolidating them into one territory or kingdom, exalts them to a nation acting in unity, and under the protection of the British Government; and thus not only insuring their happiness, but preventing for ever the sad consequences that might arise from a rival power getting possession of their shores.

I have the honour to be, honourable Sir,
With great respect,
Your most obedient, humble servant,
John Strachan,

ADDRESS from the House of Assembly of NEWFOUNDLAND.

To the Right honourable the Earl of *Durham*, Governor-General of the *British North American* Colonies, &c. &c. &c.

We, Her Majesty's loyal subjects, the Commons of Newfoundland, in General Assembly convened, approach your Excellency, to give expression to our sincere respect for your Excellency's high character, as well as to convey to your Excellency our unanimous and unqualified approval of the public acts of your Excellency during the period you have filled the station of Her Majesty's Viceroy over the British North American Provinces. Address from the House of Assembly of Newfoundland.

In common with all the people of all the North American Colonies, we hailed your Lordship's appointment to the high office at the present crisis in Colonial government with hope and confidence, convinced that your Lordship was the individual, above all others, most competent to calm the stormy waves of public agitation, allay the kindling flames and angry strife of contending parties, by removing such defects from the local constitutions of the Colonies, as would make them move in harmony with the wants and wishes of the people, cement the connexion with and bind the Colonies to the parent Government, by the eternal bond of kindred affections and mutual interests, and lay the foundation of Her Majesty's throne in the hearts of her people.

So fully were we impressed with the advantages already derived from your Lordship's government, that we consider it our duty to convey to Her Majesty, in an humble and dutiful Address, our grateful thanks for Her great anxiety to promote the general interests of Her North American Colonies, and to secure their permanent connexion with the parent State, evinced by placing over them a nobleman so competent to detect the defects in the existing constitutions of the Colonies, and heal the distractions of their people, as your Lordship.

How great, then, must our disappointment be, after having our hopes raised to the highest pitch of expectation, to find your Lordship arrested in the execution of your magnificent design to form these vast Provinces into an integral part of the United Kingdom by the mean and selfish intrigues of contending factions, ever ready to sacrifice the best interests of the Empire to their lust for power. It may appear presumptuous in the House of Representatives of this remote and long-neglected Colony to pass an opinion on the acts and proceedings of the most powerful assembly in the universe; yet we cannot but express our deep regret that any measure should meet the sanction of the Imperial legislature, by which our best interests are sacrificed, and our opinion that their acts, in reference to your Lordship's mission, have been most injurious and objectionable. They would scarcely be tolerated in the wildest democracy, and could only find a parallel in the petty jealousies of the small oligarchies and aristocracies that had arisen in the middle ages, or in what may be called the "paltry raffle of colonial faction."

Your Lordship sailed from England, bearing with you at the same time the confidence of your Sovereign and that of the British people. Your object was to re-establish the dominion of your Royal Mistress in distant Provinces that had risen in resistance to her power. She invested you with all Her authority; Her unconquered armies, Her invincible fleets were placed under your command. Instead, however, of raising your trophies on the ensanguined fields of civil strife, on a country desolated, on inhabitants flying from their flaming villages, on fathers torn from their children, and wives from their husbands; instead of following the example, which, alas! history presented to your view, and taking advantage of the dreadful calm that follows an unsuccessful civil war, to immolate your hecatombs of human victims at the shrine of angry and offended power; yours, my Lord, were not such laurels. Your Excellency's friends in the British Senate, to oppose a factious opposition, could not fling on their table the blood-stained trophies of a Cannœ; boast of the military triumphs and cruelties of an Alva; but they could do no more. They could hold up your illustrious example as an exception to the precedents in the history of unlimited

Address from the House of Assembly of Newfoundland.

unlimited power; they could say that you not only conquered, but that you annihilated Her Majesty's enemies—you made friends of them.

For reasons which have not been yet explained to us, the representatives of this Colony had not an opportunity of meeting your Lordship at the seat of your government, in company with the delegates from the sister Colonies; yet, notwithstanding, we rested in perfect security, having unbounded confidence in your Lordship, that in any measures intended for the general benefit of the North American Colonies, the particular interests of this most ancient and valuable Colony would not be neglected.

We have observed, with unmixed satisfaction, the repeatedly expressed opinions of your Lordship, not only of the possibility, but of the practicability of permanently uniting these Provinces with the parent State. In these opinions we fully participate, and we see no good reason why Newfoundland and the other Provinces should not form a part of the United Kingdom as much as Yorkshire, Edinburgh or Cork.

And we again beg to assure your Lordship, that though we shall long regret the unhappy circumstances that have caused hopes thus ardently conceived to be so suddenly blighted, yet we are not without hope that, though your Lordship's views and our hopes have been frustrated, the knowledge that your Lordship has acquired will be of lasting advantage to us in another place.

House of Assembly, October 25, 1828. (signed) *Will. Carson*, Speaker.

— No. 5. —

Letter from Mr. *William Young* on the State of *Nova Scotia*.

My Lord, Quebec, 20 September 1838.

Letter from Mr. William Young on the State of Nova Scotia.

In the several interviews with which my associates and myself have been honoured since our arrival in Quebec, frequent allusion has been made to the revenue and expenditure of Nova Scotia, the composition of the two councils lately organised, and the evils that are complained of in the administration of her public affairs. The statement annexed to the joint communication which we addressed yesterday to your Lordship on the main object of our mission, contains a general and pretty accurate account of the sources from which the revenue of the province is derived, and the mode in which it is expended; and I feel that it is a duty I owe to my constituents and to the liberal or popular party with whom I usually act in the Assembly, to avail myself of this opportunity of placing before your Lordship in writing, in a more distinct and permanent form than a mere verbal communication, the principal grievances which the great majority of the people anxiously desire to be reformed. There are some well-informed and upright men in our province who ridicule the idea of there being any grievances with us, and distrust the party who have proclaimed their existence, and aim at their redress. If those who deny that there are grievances, mean only to say, that there are none of such magnitude as should render the people discontented with their condition, or disturb, even for an hour, the tranquillity of the government, I concur with them to the full extent. Abuses in Nova Scotia have never reached the same irritating or fearful height which we have witnessed in other provinces. The substantial blessings of an enlightened, and, upon the whole, an impartial and upright administration of the law, of perfect freedom of conscience, and the unfettered exercise of industry, of the absence of oppression in every form, have been long enjoyed by us, and have doubtless largely contributed in fostering that ardent attachment to the British Crown and institutions, which may be fairly said to be an universal feeling. I know not of a single individual of influence or talent, who would not regard a severance of our connection with the mother country, and our incorporation, which would soon follow, into the American Union, with its outrages on property and real freedom, its growing democratic spirit and executive weakness, as the greatest misfortune that could befall us. Let not your Lordship, then, or the British Ministry, be misled into a belief, that there is any party in Nova Scotia which does not reverence the name, and would not uphold, at every hazard, the supremacy of England. True, we admire the enterprise, activity and public works of the United States, and would wish that they were more largely imitated in our own possessions; but the people of Nova Scotia have no desire to purchase these or any other advantages, by deserting their constitution. They do, however, desire that our public affairs in some respects should be more economically and wisely managed: and it is to these that I have now respectfully to solicit your Lordship's most favourable attention.

See Journals of 1838, fol. 445.

First. The administration of the Crown Lands is universally and most justly complained of. Before the introduction of the present system, grants could be obtained on the payment of moderate fees, which were distributed among the different officers, and reduced the necessity and amount of salaries. In this point of view, the lands yielded some, though a very inadequate, revenue to the Crown, and the country was easily and quickly settled. Improvident and enormous grants to individuals, which have been the bane of other colonies, and were not unknown to our early history, have been long unheard of among us, and the old system, though far from effective, worked well and smoothly. But the Home Government were unhappily persuaded to erect a new office, with a salary disproportioned to its duties, and a substitution of sales at an upset price for the fees on grants, and ever since there has been murmuring and discontent on every side. The officers who used to receive the fees complained that they were deprived of their emoluments, and have increased their demands of salary; and the expense of maintaining the new office, and paying the commissioner his 500*l.* sterling a year, has swallowed up very nearly the whole proceeds.

ceeds. Upwards of 100,000 acres of land have been sold since 1831, and about 7,700 *l.* received, of which only 1,047 *l.*, as near as I can compute it, and that for the most part in the last year, has been paid into the casual revenue. This, however, is but a small portion of the evil. The young men of the colony, unable to purchase the wild lands on the terms now imposed, and who would constitute our most valuable and hardy settlers, are leaving us by hundreds, and the clearing and improvement of the country is greatly retarded. I rejoice, therefore, that your Lordship contemplates a thorough change of the system, and look to it with confidence and hope, as one of the most important benefits that will flow from your administration.

Letter from Mr. William Young on the State of Nova Scotia.

Journals of 1837, Ib. 199. fol. 1838. App. fol. 184.

Secondly. The oppressive and systematic encroachments of the Americans upon our fisheries have attracted universal attention, and exasperated all classes. It would be vain for me to attempt a discussion of this extensive subject, which has already engaged your Excellency's notice. The question is examined in all its bearings in a Pamphlet which I had the honour of sending to Colonel C. Couper, with the Journals and other documents referred to in this letter, and your Lordship will find a great body of facts collected by a committee of the Assembly in 1837, and annexed to their report, which fully establishes the reality and extent of injuries done to our people by foreign aggressors.

Thirdly. The expense of our customs' establishment is regarded as a serious evil. Previous to 1826 the principal officers were paid by fees, and enjoyed very large incomes. When these were abolished, a proposition was made to our legislature to grant an annual sum towards the maintenance of the establishment, which was accordingly done by the Act 10 Geo. 4, c. 31, in consideration of the abolition of the fees, and of the benefit which the removal of the former burthensome restrictions would confer on the general commerce of the province. The Assembly of that day, however, is usually supposed to have made an improvident bargain, such as the present Assembly, I am sure, would never have yielded. They granted in perpetuity for the support of the customs' establishment no less a sum than 7,144 *l.* 18 *s.* 9 *d.* currency, payable out of the Imperial duties. Besides this large amount, the establishment, as I have already mentioned, exhausts the whole of the Crown duties, which are understood to yield about 2,500 *l.* currency. The establishment costs us, therefore, nearly, if not quite, 10,000 *l.*, and it collects about 15,000 *l.* worth of duties. The salaries are, many of them, enormous, and the colonial revenue is collected by a distinct department, which might easily be dispensed with, at an annual charge, including the commission of 15 per cent. paid in the out-ports, of about 2,500 *l.* The duties of both departments might be as efficiently, and with more convenience to the merchant, fulfilled by one, at an annual expense of about 6,000 *l.* So that in this single item a saving is quite practicable, with the approval and sanction of the British Government, of 6,500 *l.* a year—a sum nearly equivalent to all that the legislature can bestow on its favourite object, the intellectual and moral improvement and education of the people.

Prov. Laws, vol. 4, fol. 57.

Fourth. The Assembly has long been solicitous that every port in the province where there is a custom-house officer, should be declared a free port. The present system fosters the illicit trade which so injuriously affects our revenue, and cripples the activity of our foreign commerce. The Assembly have declared that they can see no reason to fear an equal open competition between the industry of their constituents and that of any other nation, and have earnestly petitioned the Home Government, and supported the application by very cogent arguments, that every port where a custom-house officer is stationed may be permitted to enjoy the privileges of a free port.

Fifth. The emoluments and salaries of some of the officers of government, not under the control of the legislature, are disproportioned to the means of the colony, and engender habits of expense which re-act upon the manners of the people, and hinder the accumulation of capital. The secretary of the province has 1,000 *l.* sterling a year out of the casual revenue, and holds besides the lucrative office of registrar of deeds. I will not undertake to state the amount of his income; but it is plain, that it far exceeds what any officer should derive from the public funds of a young and comparatively poor colony. The opinion is gaining ground, and I entirely concur in it, that none of our public officers, even the highest, with the exception of the Governor, should have more than 1,000 *l.* currency a year, and that none, except two or three of the highest, should receive more than a puisne judge. Connected with this subject is an unhappy question still open, and which all men must anxiously desire to have finally adjusted. Certain fees have been taken by our Chief Justice and Judges of the Supreme Court, under an old ordinance of Council, which the Assembly have repeatedly attacked as illegal. On the strict constitutional ground I have no doubt they are so, though I admit that much is to be said, and plausibly and forcibly said, by the advocates of the fees. They amount, on an average, to about 500 *l.* a year, and, for the sake of this sum, and the principle it is supposed to involve, we have the painful and singular anomaly of a court, highly respected for integrity as well as talent, exacting fees which the representatives of the people have denounced as contrary to law. For my own part, in consideration of these fees having been received for half a century, and, till of late years, with the implied acquiescence at least of the legislature and people, I would be willing to commute them by a reasonable allowance to the present Chief Justice and Judges. At one time, I think, the Assembly would have granted such a commutation; but nothing, I am convinced, would induce them to it now. In the debate of last session on the civil list, the majority offered, in exchange for the casual and territorial revenue, to grant permanently to Her Majesty the following salaries: To the Lieutenant-governor during his continuance in office, 3,000 *l.* sterling per annum; and to any future Lieutenant-governor, 2,000 *l.*; to the present Chief Justice, 850 *l.* sterling per annum, without fees, during his

Letter from Mr. William Young on the State of Nova Scotia.

his continuance in office; and to any future Chief Justice, 750 *l.* sterling; and to each of the Assistant Justices of the Supreme Court, 500 *l.* sterling, without fees. They resolved also, that the provisions for the Attorney and Solicitor General, and secretary of the province, should be made by annual votes, a point on which I differed from them for the same reasons that are put so forcibly in the Report of the Canada Commissioners. I think it right also to add, that I voted against the first Resolution, as I feared it might defeat the proposed settlement, and thought the salaries somewhat lower than they ought to be.

Sixth. The majority of the House of Assembly is dissatisfied with the composition of the Executive and Legislative Councils, and the preponderance in both of interests which they conceive to be unfavourable to reform. This is the true ground, as I take it, of the discontent that is felt. The respectability and private virtues of the gentlemen who sit at the two Council Boards are admitted by all; it is of their political and personal predilections that the people complain. They desire reforming and liberal principles to be more fully represented and advocated there, as they are in the Assembly. The majority of the House, while they appreciate and have acknowledged the anxiety of his Excellency the Lieutenant-governor to gratify their just expectations, have also expressed their dissatisfaction that the Church of England should have been suffered to retain a majority in both Councils, notwitstanding the remonstrances of the House, and the precise and explicit directions of the Colonial Secretary. Religious dissensions are happily unknown among us, and the true way to prevent their growth and increase, is to avoid conferring an inordinate power on any one sect, however worthy it may be of respect or favour. The argument in the Address of last session on this point appears to me irresistible. I have respectfully to invite your Lordship's consideration also of the Address passed by the House in the session of 1837. These documents are the authentic and deliberate expositions of the views entertained by the Assembly, and touch on most of the questions I have referred to in this letter. Had it not extended to such length, I would have been glad to introduce some remarks also on the jurisdiction and practice of the Admiralty Court, which will soon become an intolerable grievance, as some already consider it to be, and on the management of the post-office, and the Act which was passed during the last session, and which will save us, if it go into operation, about 1,000 *l.* per annum. There are other reforms demanded in our local affairs, particularly in the excessive number of our common-law judges and courts, and the want of an effective and easy appeal from our other tribunals, with which I shall not trouble your Lordship, as they are within the power of our own legislature. The reforms I have taken the liberty of urging depend, for the most part, on the British Government, and I earnestly hope that they will commend themselves to your Lordship's approval. An intelligent and powerful mind cannot fail to discover their substantial justice, and the high sanction of your Lordship would greatly assist us in our endeavours to accomplish them. Several of these points have been discussed by Mr. Uniache and myself in the presence of your confidential advisers, and I have shown the draft of this letter* to him and to my two other associates. The accuracy of the facts I have stated is, I believe, unquestionable, and I am confident that the great body of the people concur in the conclusion I have drawn from them.

I beg, therefore, in conclusion, respectfully to solicit your Lordship's powerful interposition in our behalf, and to assure your Lordship that I have written this letter purely on public grounds, being on terms of friendly intercourse with almost all the members of Her Majesty's Councils, and the officers of Government, whose emoluments, however, I consider, in many instances, higher than the province can afford.

I have, &c.
(signed) *W^m Young.*

His Excellency the
Right Honourable the Earl of Durham, Governor-general,
&c. &c. &c.

—No. 6.—

LETTER from the Right Rev. *A. Macdonell,* Catholic Bishop of *Kingston.*

Letter from the Right Rev. A. Macdonell, Catholic Bishop of Kingston.

My Lord, Quebec, 22 June 1838.

YOUR Excellency's arrival in these provinces, invested with more extensive powers than were ever yet entrusted to any British subject, shows the unbounded confidence which your Sovereign has been graciously pleased to repose in your Excellency's liberal and enlightened policy, and at the same time inspires the inhabitants with sanguine expectations, that those powers will be exercised to remove the grounds of the jealousies, discontents and disaffection which have occasioned already so much evil in both the Canadas, and, if allowed to continue much longer, will infallibly terminate in direful results.

A residence of 34 years in Upper Canada, and an uninterrupted intercourse during that period with a large proportion of the population of the province who are placed under my own charge, and a general acquaintance with almost all the respectable characters in both provinces, have given me opportunities of knowing the sentiments, feelings and disposition of Canadians which few others have had; and, understanding that your Excellency has expressed a desire of receiving all the informaton that can throw light on the causes which occasion the unfortunate differences and troubles that have existed, and still do exist

* Mr. Uniache, on reading the letter, wishes me to add, that he does not concur in it.

exist in these provinces, I consider it my duty to submit respectfully, but fearlessly and unhesitatingly, to your Excellency, such information as my opportunities have enabled me to acquire.

Letter from the Right Rev. A. Macdonell, Catholic Bishop of Kingston.

The population of Upper Canada is composed of Protestants of the Church of England, Methodists, Presbyterians, and Scots Highlanders, who joined the royal standard during the revolutionary war with the United States, and are called U. E. Loyalists, and their descendents, and the disbanded soldiers of the First Glengarry Fencible regiment, whom I conducted unto this province with an order from the home government to give them a grant of land; French Canadians, who inhabit the western district, and Irish emigrants, who have been pouring annually in great numbers into the province ever since the conclusion of the last war.

All the French Canadians, and a great majority of the Irish emigrants and Scotch Highlanders, are Catholics. All the Irish Catholics, and the whole of the Scots Highlanders, have given the most unequivocal proofs of their loyalty and attachment to the British constitution, by rushing to arms at the first call of the Government. The Scots Highlanders, not satisfied with mustering to the number of 2,000 men in their own province, volunteered their services to Lower Canada, and two corps of them served on the frontier until the excitement occasioned by the threats of the rebels had entirely subsided.

So successful were the exhortations of the Catholic clergy to their respective flocks, that scarcely any of them was implicated in the rebellion. The leaders and chief contrivers of the late outbreak were Protestants, Presbyterians and Methodists; but the majority of the rebels were Methodists and Presbyterians. Such of the Protestants as became disaffected and inimical to the Government, are so from jealousy and disappointment at seeing a certain party in and about Toronto assume too much power, and exercise what they think too much influence over the different Lieutenant-governors; so much so, that there is hardly a situation of trust or emolument that is not engrossed by themselves and their friends.

The Methodists and Presbyterians have become disaffected from their dread and abhorrence of a dominant church, and they cannot be persuaded but the establishment of rectories, and the postponement of the distribution of the clergy reserves, are preludes to a system which they are fully determined to resist to the utmost of their power; and it is in vain to expect that peace or permanent tranquillity can be established in the province until these questions are finally settled.

The warm and animated discussion which has taken place between the archdeacon of Toronto and the Honourable William Morris, of Perth, in reference to the right of the Presbyterians to a share of the clergy reserves, has raised a general excitement among the Presbyterians, which it will take a long time to allay, and which may terminate in unpleasant, if not dangerous consequences.

The Catholics, who compose a great proportion of the population of Upper Canada, are either Irish emigrants, Scots Highlanders, or French Canadians. All those, although not disaffected to the Government, are far from being satisfied. The Irish arrived in this county with their minds under a strong irritation, arising from the pressure of tithe exactions, rack-rents in their own country, and, above all, their mortal hatred to Orangeism, which they find rapidly spreading over this province: they are with great difficulty persuaded that they will meet with justice and fair play in Canada, and are thus predisposed to receive every unfavourable impression which the exaggerated misrepresentations of the disaffected, who are most anxious to win them over to their party, choose to make upon them.

Unable to build places of worship for themselves, or educate their children, they, as well as the Scots Highlanders, feel greatly disappointed at being excluded from their share of the clergy reserves, and at not receiving any assistance from Government for the education of their children, although the Methodists obtained this very year a grant of 4,100*l.* towards their seminary at Cobourgh.

There are abundant funds for education in the province, if the school lands were disposed of, and the proceeds applied to the support of district and common schools. The withholding of those funds, and of the clergy reserves, from the purposes for which they were intended, and the spread of the Orange system, are the principal, if not the only, grounds of discontent among all denominations in Upper Canada.

The Scots having contributed so materially to the conquest of the Canadas, and to the defence of them on every occasion when any attempt had been made to wrest them from the British crown, feel indignant that they should be deprived of all the rights and advantages which others enjoy who have not the same claims that they themselves have.

I humbly beg leave to submit to your Excellency a further claim, which the Catholic clergy of this diocese conceive to have on the Government, on account of the charge they have for many years past taken of the various tribes of Indians who inhabit different parts of this province, and of those who this year and last summer emigrated from the territories of the United States to the Manatoline Islands in Lake Huron. The Methodists, who have taken great pains to convert these simple people to their religious creed, have so disgusted the Indians by their interference with temporal concerns, contrary to the practice of the Catholic clergy, who confine themselves entirely to spiritual matters, that they have been most urgent to get Catholic priests among them; and I have so far complied with their solicitations, as to appoint two clergymen, who speak the Indian language, to Penetangueshine and the Manatoline Islands; but as the Indians themselves can afford nothing towards the support of those clergymen, and my salary, although not half the amount of that which

Letter from the Right Rev. A. Macdonell, Catholic Bishop of Kingston.

the Catholic Bishop of Quebec receives from the British Government, being burthened with the expenses of the education of 14 students for the ecclesiastical state, it is impossible for me to afford them any assistance, and the only means they have of supporting life in these remote and dreary regions, where their duty calls them to spend their time among savages, is the slender quota that falls to their share of the 1,000*l.* allowed by Government to all the Catholic clergy of Upper Canada.

The Jesuit property in Lower Canada had been bequeathed by the original donors for the purpose of instructing the Indians in the Catholic religion; and as that duty now principally devolves upon the Catholic clergy of Upper Canada, I should hope that your Excellency would see the justice and propriety of ordering at least a share of that property to go towards supplying the Indians with religious instruction, and thus fulfilling the original intention of the donors.

I have, &c.

Alexander Macdonell,
Bishop of Kingston, Upper Canada.

—No. 7.—

Memorial of Anthony Manahan, Esq.

MEMORIAL of *Anthony Manahan*, Esq., complaining of the total Exclusion of Roman Catholics (Irish) from all Places of Emolument and Honour in the Power of the Government of *Upper Canada*.

To His Excellency the Right honourable the Earl of *Durham*, Viscount *Lambton*, &c. &c. &c., Knight Grand Cross of the Most Honourable Military Order of the Bath, one of Her Majesty's Most Honourable Privy Council, and Governor-General of all Her Majesty's Provinces within and adjacent to the Continent of *North America*, &c. &c.

May it please your Excellency,

ENCOURAGED by the generous invitation to all of Her Majesty's subjects who had any matter to communicate, connected with the prosperity and tranquillity of these Provinces, over the destinies of which your Excellency has been happily called to rule by our most Gracious Queen, I, an humble individual, a magistrate of the Midland District, Colonel of the 2d Regiment of Hastings Militia, and one of the Representatives of the county in the Provincial Assembly, most respectfully approach your Excellency humbly to state on behalf of 75,000 of Her Majesty's most faithful subjects, the Irish Roman Catholic inhabitants of this Province,—

That Irish Catholics constitute a full fifth of the population:

That hitherto, and always in the time of need and the hour of danger, they have proved their unshaken fealty to their beloved Queen, their devoted attachment to British institutions, their full and unmitigating determination to maintain and perpetuate the happy dependence of these Colonies upon the parent state, and their dislike for republican institutions:

That of all Her Majesty's faithful subjects in this Colony, Irish Catholics are those who have never complained, although always neglected when the patronage of the Executive was to be distributed; a fact which your Excellency may not doubt, when you ascertain that there is not one Irish Catholic in this Province in any office of profit or emolument:

That this exclusion has been, and still continues to be, keenly felt by the entire class it affects; and has been the means of inducing hundreds, if not thousands, of well-affected subjects, intending settlers, to seek elsewhere an asylum; especially those who were sensitively alive to the wrongs for centuries inflicted on their unfortunate fellow Catholics of Ireland, in times now happily fast going past, and the perpetuation of which they dreaded in this favoured land.

That those exclusions are chiefly, if not wholly, attributable to the absence of liberal and enlightened men in the councils of the Province, who, above party feelings, sectarian principles and family interests, would promote in common the Catholic with the Protestant to offices of emolument, honour and profit, knowing no distinction where integrity and talent recommended the Catholic as well as the Protestant, especially in the councils of former days, under whose influence, although not in office, the exclusions complained of are continued, and will be perpetuated unless remedied by your Excellency. Of this spirit of exclusion, your Excellency will find ample proof in a letter addressed by the Rev. William Macaulay, rector of Picton, brother to the Honourable John Macaulay, at present, and for life to be, Chief Secretary to the Lieutenant-Governor of Upper Canada, no less inveterate in bigotry and prejudice. This letter was addressed to Sir Francis Head, who having appointed a Catholic to the office of sheriff of the Prince Edward's district, recently abandoned by Richard Bullock, Esq., now adjutant-general of militia, by reason of the inadequacy of its emoluments, 92*l.* per annum, to support him, was called upon by this clergyman to cancel any Catholic appointments which had been made, and never again to presume to appoint a Catholic to office in this truly Protestant Colony. Superadded, the petition of the Reverend William Rintoul, moderator of the Church of Scotland, in name and by appointment of the Synod of the Presbyterian Church of Canada in connexion with the Church of Scotland, to the House of Assembly; a copy of which I most respectfully append for your Excellency's information.

Acting

Memorial of Anthony Manahan, Esq.

Acting up to the spirit and letter of the generous liberality they profess, Her Majesty's Ministry have recommended that the free colonial inhabitants of the Island of Trinidad, and, I believe, the other British islands in the West Indies, should be represented in the councils of the Colony, and that fit and discreet persons should be selected for appointment to the council in that island. In Upper Canada, where Irish Catholics constitute one-fifth of the population at present, and if immigration from Ireland be encouraged, my fellow Catholics from Ireland would soon amount to one-half its population, by the valour of whose ancestors the Canadas were conquered; by whose personal assistance these Colonies were defended against an invading republican enemy during the last war; by whose uncalculating attachment and firm loyalty the machinations of republicanizing agitators were speedily defeated at the late elections; by whose distinguished bravery the civil war incited by those agitators was immediately suppressed, and the designs of American sympathizers to invade us, were frustrated. Yet in Upper Canada there never was one Irish Roman Catholic an executive or legislative councillor, nor has one been ever appointed to any public situation of emolument and profit within the Colony. May it please your Excellency to permit me most respectfully to ask the question, Would religionists of any other persuasion, would people of any other country, knowing and appreciating British liberty, British justice, endure such exclusions, or with them would such unjust distinctions be compatible with the peace and tranquillity of the country? Rather, would not the complaints of English Protestants, Scotch Presbyterians, and English and Scotch Dissenters be hurled at the Throne until they became, without exclusion or distinction, sharers in the sunshine of executive favour and patronage? And may it please your Excellency, shall the acknowledged merit, the just claims of the Irish Roman Catholics of Upper Canada to a reasonable participation in the rights and immunities of Her Majesty's Protestant subjects be overlooked and neglected; shall the good actions of Catholics, never found murmurers at injuries, nor ungrateful for confidence or esteem, be unrewarded? Shall the councils of the Province, the public departments of Upper Canada, in short the entire machinery of its government, be carried on in this spirit of exclusion, without a voice to maintain Irish Catholic integrity and loyalty against the prejudice and bigotry overwhelming it, or supervise measures of impartiality and justice? Forbid it my Lord of Durham! I deem it enough to make your Excellency aware that such a state of things exists; a remedy, an effectual remedy, will be applied. The Irish Roman Catholic will be made happily to feel and to know that his integrity and talent are to be taken into common account with his Protestant brother. Then, oh then, how gratefully will the thousands here further your Excellency's laudable designs of filling up this country with a loyal, honest, industrious class of people from home, by encouraging the tens of thousands of their Catholic friends ready and willing to migrate to join them.

I most humbly crave your Excellency's indulgence for this intrusion; I am aware I shall by this simple act of justice to my fellow Catholics from Ireland, have raised a host of enemies in the notorious family compact of Toronto; but the motto I adopt is, "Fiat justitia, ruat Cœlum," thus translated, "Your Lordship will do justice, displease whom it may."

I have, &c.

Kingston, Upper Canada, 18 July 1838. (signed) *A. Manahan.*

Copy of the Petition referred to above.

Unto the Honourable the Commons House of Assembly,

The Petition of the Commission of the Synod of the Presbyterian Church of *Canada* in connexion with the Church of *Scotland*,

Humbly sheweth,

That your Petitioners, believing it to be at once the highest duty and interest of the State to make a formal recognition of Him who is the head over all things for His body the Church, and to promote and maintain His cause in the world, view with satisfaction the measure of unanimity which prevails in your Honourable House respecting the appropriation of the clergy reserves for the support of Christian ministers. Yet, inasmuch as they firmly believe that the Roman Catholic religion is that great apostacy which was foretold by the Apostles of the Saviour, they cannot regard the proposal to endow the ministers of that religion in Upper Canada without the most sincere alarm, convinced that such a measure would be at once opposed to sound principle, and extremely injurious to the temporal and spiritual [quere welfare] of this youthful community.

Your Petitioners do therefore earnestly pray, That your Honourable House will not sanction the appropriation of lands or money to the support of the Roman Catholic religion, or of any church or body of Christians who do not hold and avow the fundamental doctrines of the Christian religion as they are set forth in the creeds and confessions of the Reformed Churches.

In the name and by appointment of the Commission of the Synod of the Presbyterian Church of Canada in connexion with the Church of Scotland, at Toronto, the 26th day of January 1837 years.

(signed) *William Rintoul*, Moderator.

— No. 8. —

MEMORIAL of Representatives of *Scotch* Church in *Montreal.*

To his Excellency the Right Honourable *John George*, Earl of *Durham*, Viscount *Lambton*, &c. &c., Knight Grand Cross of the Most honourable Military Order of the Bath, one of Her Majesty's Most honourable Privy Council, and Governor General, Vice-Admiral and Captain-General of all Her Majesty's Provinces within and adjacent to the Continent of *North America.*

May it please your Excellency,

Memorial of Representatives of Scotch Church in Montreal.

WE, the Members of the joint Committee of Representatives, nominated by the three congregations in the City of Montreal, in connexion with the Established Church of Scotland, for the purpose of vindicating and maintaining inviolate the constitutional rights and privileges of our church in British North America, beg permission to approach your Excellency, and to express our unfeigned regret that circumstances should have unhappily arisen at a crisis like the present, and while your Excellency was zealously labouring, with the fairest hope of ultimate success, for the permanent re-establishment of public peace, order and prosperity in the Canadas, to compel you to resign the government, and thereby throw a dark shade on our dawning hopes.

We deeply deplore this untoward and most ill-timed event, and beg to assure you that we participate unanimously and fully in the sentiments of confidence which are felt throughout the whole of British North America, in the wisdom, independence and integrity of your administration; and while we cannot but contemplate your departure from us with sorrow and dismay, as a public calamity, which, could we indulge the hope that your resolution may not be irrevocably fixed, we should most solemnly deprecate, we feel, at the same time, that it is inauspicious to the cause in which we are more immediately interested, and that we are thereby placed in circumstances, we fear, less favourable than we contemplated at our first formation, for the early attainment of the important object of our appointment.

In accordance with your generous invitation, at the commencement of your administration, we were preparing to bring before your Excellency a representation of the claims, and an expression of the complaints, of Her Majesty's faithful subjects throughout these Colonies in connexion with our national church, and were animated with the hope that when our claims should be fully submitted to you, they could not fail to obtain from your justice and wisdom that redress for which, we grieve to say, we have for many years past been petitioning too much in vain.

We will not attempt to conceal from your Excellency that there is a very general and deep sentiment of disappointment, regret and mortification in our minds, and we are well assured in the minds of all our brethren, in consequence of the long-continued and, as we humbly conceive, very unmerited neglect with which the claims advanced by us, as members of the established church of Scotland, have been heretofore treated by the authorities of the empire, both at home and in the Colonies; claims of which the justice has been repeatedly recognized, and in words solemnly sanctioned and proclaimed by the Government.

We cannot at present enter into a detailed statement of the grounds of our complaints, but we may be permitted to refer your Excellency to the accompanying appeal, which we have been induced to put forth in the present crisis to the members of our church, and of which we present herewith a copy. Amongst the facts introduced in this appeal, we would invite your special attention to two which are of recent occurrence, and one of which at least has taken place under your immediate administration in this province: first, the unexpected suspension of the payment of the grant of 500 *l.* out of the proceeds of the reserved lands in this province to the ministers of the presbytery of Quebec, of which the first and only payment was made last year; and, secondly, the withdrawal of two small salaries of 50 *l.* each, formerly enjoyed by the senior ministers of Quebec and Montreal. And we would press upon your Excellency's notice the manifest partiality shown in restoring to the Protestant bishop his salary, while the Government, at the same time, persists, in our case, in the refusal of one-half the amount of that salary to the whole body of our clergy in this province.

While we most sincerely regret that we are compelled to resort to this measure of making a public appeal to the sense of our people, in a crisis of excitement and agitation like the present, we feel the most perfect confidence that the intelligent and loyal population with whom we have to do, will act with calmness, moderation and prudence; and, persuaded that your Excellency will give the subject your early and earnest attention, we fondly indulge in the hope, that through your advice and mediation, our religious rights and interests shall be duly protected and permanently secured.

We would presume, most respectfully, to request permission to communicate to your Excellency, in the event of your early departure for Great Britain, such petitions and memorials as may hereafter be intrusted to us for transmission to the parent country, and we entreat your Excellency will be pleased to submit them to our gracious Sovereign, and to that branch of the Imperial Legislature of which your Excellency is a Member, accompanying them with such recommendation as you in your wisdom may think due to the justice and importance of our claims.

If

If the unanimous voice of the loyal inhabitants of these colonies cannot induce your Excellency to relinquish your purpose of retiring forthwith from the Government of British North America, we would offer our best wishes for the safe return of yourself, your Countess and family, adding our fervent prayers to Almighty God for your and their future health and happiness. Memorial of Representatives of Scotch Church in Montreal.

(signed) *James Fleming*, Chairman.
David Chisholme, Secretary.

Montreal, 30 October 1838.

— No. 9.—

Address from the Constitutional Association of *Montreal* to the Inhabitants of *British America.*

Fellow Countrymen,

When an industrious population, after years of suffering, are aroused to a sense of danger, by renewed attacks upon their rights and liberties, an appeal to those of kindred blood, animated by the same spirit, and allied by a communion of interests, can excite no surprise, and requires no justification. Address from the Constitutional Association of Montreal to the Inhabitants of British America.

Long and patiently have the population of British and Irish descent in Lower Canada endured evils of no ordinary description, relying on the interposition of the Imperial Government for relief. Deceived in their fondly-cherished trust, they are impelled to seek from their own energies that protection which has been withheld by the power on whose justice they reposed.

For half a century they have been subjected to the domination of a party whose policy has been, to retain the distinguishing attributes of a foreign race, and to crush in others that spirit of enterprise which they are unable or unwilling to emulate. During that period, a population descended from the same stock with ourselves, have covered a continent with the smiling monuments of their agricultural industry. Upper Canada and the United States bear ample testimony of the flood-tide of prosperity, the result of unrestricted enterprise and of equitable laws, which has rewarded their efforts. Lower Canada, where another race predominates, presents a solitary exception to this general march of improvement. There, surrounded by forests inviting the industry of man, and offering a rich reward to his labour, an illiterate people, opposed to improvements, have compressed their growing numbers almost within the boundaries of the original settlements, and present in their laws, their mode of agriculture, and peculiar customs, a not unfaithful picture of France in the seventeenth century. There, also, may be witnessed the humiliating spectacle of a rural population not unfrequently necessitated to implore eleemosynary relief from the Legislature of the country.

It were incredible to suppose that a minority, constituting nearly one-third of the entire population, imbued with the same ardour for improvements that honourably distinguishes their race throughout the North American continent, and possessing the undisputed control of all the great interests of the colony, would resign themselves to the benumbing sway of a majority, differing from them so essentially on all important points, whilst any mode of deliverance was open to their choice. Nor would supineness or indifference on their part produce a corresponding change in their opponents, or mitigate the relentless persecution with which they have been visited. The deep-rooted hostility excited by the French leaders against those of different origin, which has led to the perpetration of outrages on persons and property, and destroyed confidence in juries, who have been taught to regard us as their foes, has extended its pernicious influence beyond the limits of Lower Canada. Upper Canada, repulsed in her endeavours to open a direct channel of communication to the sea, has been driven to cultivate commercial relations with the United States, whose policy is more congenial with her own. Nova Scotia and New Brunswick will learn, with indignant surprise, that the destruction of their most important interest is countenanced and supported by the Assembly of this province.

A French majority in one province has caused these accumulated evils,—a British majority in the United Provinces will compel their removal.

If it be the desire of the French Canadians to isolate themselves from the other subjects of the Empire, by cherishing the language and manners of a country which stands to them in the relation of a foreign power, the effects of such a prejudice will chiefly be felt by themselves, and may be left for correction to the hand of time; but, when national feeling is exhibited in an active opposition to the general interests of the British American Provinces, when immigration is checked, the settlement of the country retarded, and the interests of commerce sacrificed, to the visionary scheme of establishing a French power; it becomes the solemn duty of the entire British population to resist proceedings so pregnant with evil. Let it not be said that a million of freemen permitted their rights to be invaded, and their onward course impeded, by a faction which already recoils in alarm from the contest it has rashly provoked.

Connected as are the Provinces of British America by a chain of rivers and lakes, affording the means of creating an uninterrupted water communication between their extremities, at a comparatively small expense; possessing within themselves the elements of an extensive trade by the interchange of those products which are peculiar to each, and forming parts of the same Empire, they have the undoubted right to require that these advantages

Address from the Constitutional Association of Montreal to the Inhabitants of British America.

shall not be sacrificed by the inertness or the mistaken policy of any one State; more especially when, as in the case of Lower Canada, that State, from geographical position, exercises a preponderating influence on the prosperity of all.

The facts which have been made public in two addresses, emanating from this Association, conclusively establish the want of education among the French population, their subserviency to their political leaders, and the hostility of those leaders to the population of British and Irish descent. Many additional illustrations of their hostile policy might be adduced.

At a time when men of all political parties in the sister provinces are united in opposing the contemplated change in the timber duties, the Assembly of this province, far from lending their assistance, have countenanced the attack, by recognizing as their agent in England an individual who is distinguished by his advocacy of the Baltic interests, and his active opposition to the colonial trade. To aid in the prosecution of this design, they have not scrupled to appropriate a part of the provincial funds (obtained under the pretext of defraying their contingent expenses) to reward their agent, and to circulate through the British press statements that are calculated to mislead the public mind; thus gratifying their national animosity, by lending a willing aid to ruin the shipping and mercantile interests of the British American provinces, and to prevent the influx of immigrants from the British Isles, who are brought to the Colonies at a trifling cost by the vessels engaged in the timber trade.

Upper Canada is honourably distinguished for works completed and in progress, remarkable for their magnitude and for the extensiveness of their destined utility. The St. Lawrence Canal, at this moment in active progress, will complete an uninterrupted navigation for vessels of considerable burthen from the upper lakes to the line dividing that province from Lower Canada; but at that point the spirit of British enterprise encounters the influence of French domination; the vast design of rendering the remotest of the inland seas accessible to vessels from the ocean, is there frustrated by the anti-commercial policy of the French leaders. We look in vain to their proceedings for any manifestation of a desire to co-operate in the great work of public improvement which animates, as with one spirit, the entire North American population of British descent; nor is their adverse disposition less visible in their opposition to other important designs; they either refuse to grant charters to carry into effect works of acknowledged public utility, or, when after repeated and earnest applications, charters are obtained, they are clogged with restrictions of an unusual character, in the hope of rendering them inoperative.

In all new countries the deficiency of capital proves a serious impediment to the exertions of the enterprising and industrious, and it would be among the first duties of a wise Legislature to invite the introduction of foreign capital, by the adoption of an equitable system of law, that would inspire confidence in personal and in landed securities. In Lower Canada, from the absence of Offices for the Registration of real estate, and from the system of secret and general mortgages, not only is foreign capital excluded, but the Colony is impoverished by the withdrawal of funds for profitable and secure investment in other countries. In tracing the motive of resistance to a measure that more than any other would advance the public welfare, we again encounter the pernicious influence of French exclusiveness. A general distrust of the titles and securities of landed estate is suffered to exist, in order to prevent the acquisition of real property by immigrants from the British Isles.

This spirit of exclusiveness, which betrays itself in all the proceedings of the Assembly, disfigures even those measures, which, it might reasonably be expected, would inspire sentiments of a more lofty and generous nature. Although the British Act of the 14 Geo. III. which confirmed the right of the French Clergy to tithes, declared, most probably for that very reason, that the religious communities should not hold estates, they continue in the undisturbed possession of tracts of land, exceeding fifteen hundred square miles in extent, besides possessing property of great value in Quebec, Montreal, and elsewhere. In addition to the revenues derived from these possessions, the Assembly annually appropriates large sums of money out of the Provincial revenues for the support of those communities, and for the establishment of institutions rigidly and exclusively French, whilst to other institutions on a liberal foundation, affording relief to all, without distinction of origin or creed, a fair participation of legislative aid has been refused.

It is to "the great body of the people" thus characterized, that his Excellency the Earl of Gosford, the representative of a British King and the head of the Commission deputed to inquire into our complaints, has declared that all future appointments to office shall be made acceptable.

A Legislative Council constituted on such a principle, would be but a counterpart of the Assembly; it might, and no doubt would, relieve the Executive from the odium of sanctioning the illegal appropriation of a part of the provincial revenues, by the mere vote of the Assembly; but it would not prevent the same misapplication of the public funds being effected by bill, which is now accomplished by an address to the head of the Administration.

A Government thus conducted, would forfeit all title to our confidence, would be regarded but as an instrument to secure the domination of a party, and the brief period of its duration would be marked by scenes of outrage, and by difficulties of no ordinary description.

The French leaders, if we are to credit their reiterated assertions, entertain an attachment so deep, so absorbing, for elective institutions, that they would at once confer that important privilege, to its fullest extent, without reference to previous habits, education, or political dissensions. How much of this ardour may have been called forth by a desire to establish

Address from the Constitutional Association of Montreal to the Inhabitants of British America.

establish French ascendancy, and to depress British interests, may fairly be deduced from a review of their past proceedings. Without discussing the question of elective institutions which, it is obvious, cannot be introduced to the extent demanded by the Assembly, under the existing political relations of the colony, which relations we are resolute to maintain, we distinctly aver, that we are not influenced by idle apprehensions of a government of the people, and for the people; but it must be emphatically a government of "the people," truly represented, and not that of a French faction; the government of an educated and independent race, attached to the principles of civil and religious liberty; and not that of an uninformed population, striving for domination, and seeking to perpetuate in America the institutions of feudal Europe.

To the people of the sister Colonies we appeal, earnestly recommending the adoption of measures for assembling at some central point, a Congress of Deputies from all the Provinces of British North America. A British American Congress, possessing strength from union, and wisdom from counsel, by the irresistible weight of its moral influence, would supersede those other remedial measures which are the last resource of an insulted and oppressed community. On it would devolve the solemn duty, calmly to deliberate on all matters affecting the common weal, and firmly to resist all attempts to invade the rights, or impair the interests of the United Provinces.

In submitting a brief recapitulation of the objects of the Constitutional Association, it may not be misplaced to offer a few observations explanatory of the position of parties in Lower Canada, and of the sentiments of the British population towards their fellow-subjects of French origin.

The moral guilt of exciting national hostility undoubtedly rests with the French leaders, who alone benefit by the distracted state of the country; but the facility with which the French peasantry have received these impressions, and the unanimity with which they support the aggressive policy of their leaders, render them, although less culpable, yet equally the determined opponents of our rights and our liberties. Unhappily, their want of education prevents a direct appeal being made, through the press, to their judgment; but those of their countrymen who are not blinded by the infatuation of party, who possess education to comprehend, and opportunity to make known, the sentiments of the British population, may be led to reflect upon the consequences that must result from their present delusion. Should the admonition be disregarded, on them let the responsibility rest.

The province of Lower Canada, whether regarded as a part of the British Empire, or of the great North American family, is evidently destined to receive the impress of national character from those States by which she is surrounded. An obstinate rejection of all measures, having for their aim the gradual removal of those peculiarities which distinguish the population of French origin, may retard, for a time, an inevitable event, but will certainly hasten the introduction of changes of a more abrupt and decisive character.

A dispassionate examination of the changes required by the British population, will satisfy all unprejudiced men, that they are adapted to the general interests of society, are liberal and comprehensive in their character, and unconnected with party objects.

To relieve landed estate from the servitudes and exactions of feudal law;

To introduce Registry Offices, and put an end to the iniquitous frauds that grow out of the present system;

To promote works of public improvement;

To encourage agriculture, and protect commerce;

To recognize an equality of rights among all classes;

To resist the domination of sect or party, and to establish a general system of education divested of sectarian tests:—These are our objects and our demands; they are based on truth, are essential to national prosperity and to individual security; they admit of no compromise, and from them we will not recede.

The threatening aspect of the times demands action; neutrality, the usual resource of ordinary minds, will not be attended by an immunity from danger; it must remain with the population of French origin to decide, whether, by continuing to support the leaders they have hitherto selected, they are to be regarded as hostile to our just claims; or, by uniting with their fellow-subjects of British origin, they will compel the introduction of salutary reforms, consign to their native insignificance the few individuals who alone profit by the present system of misrule, and by repudiating ancient prejudices, and exclusive pretensions, place themselves in accordance with the spirit of the age.

To us, it is in one respect a matter of indifference what their decision may be. The principles we espouse are identified with the happiness of the human race; they have taken root with our language in all quarters of the globe; and wherever that language is spoken, there shall we meet encouragement, and thence shall we derive force.

Although Lower Canada presents the strange spectacle of a British Government, bestowing its confidence on men who have openly avowed their hostility to England, and their desire to effect a separation from the Empire; although by the connivance of that Government, the provincial funds have been illegally applied to reward French agitators, to support French journals, and to pay French agents; yet do we feel the proud conviction, that the energies of Britons will rise superior to the emergency, and that, despite an unnatural coalition, the banners of our country will continue to wave over a British Province.

Address from the Constitutional Association of Montreal to the Inhabitants of British America.

The voice of supplication has been unheeded amidst the insolent clamours of faction. United British America, assuming an attitude alike removed from menace or from fear, will proclaim her wrongs, assert her rights, and claim from the Imperial Parliament that interposition which shall remove existing grounds of complaint, and carry with it a sufficient guarantee against future aggressions.

By order of the Executive Committee of the Montreal Constitutional Association.

J. Guthrie Scott, Secretary,
Montreal, January 1836.

William Robertson, Chairman.

APPENDIX (A.)

TO

REPORT

ON

THE AFFAIRS

OF

BRITISH NORTH AMERICA,

FROM

THE EARL OF DURHAM,

HER MAJESTY'S HIGH COMMISSIONER.

&c. &c. &c.

(Presented by Her Majesty's Command.)

Ordered, by The House of Commons, *to be Printed,*
11 *February* 1839.

[*Price* 8*d.*]

APPENDIX (B.)

TO

REPORT

ON

THE AFFAIRS

OF

BRITISH NORTH AMERICA,

FROM

THE EARL OF DURHAM,

HER MAJESTY'S HIGH COMMISSIONER,

&c. &c. &c.

(PRESENTED BY HER MAJESTY'S COMMAND).

Ordered, by The House of Commons, *to be Printed,*
5 *March* 1839.

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— No- 1. —

COMMISSION.

Province of Lower Canada.

DURHAM.

VICTORIA by the GRACE OF GOD, of the United Kingdom of *Great Britain* and *Ireland*, Queen, Defender of the Faith.

To CHARLES BULLER, Greeting:—

WHEREAS it is highly expedient and desirable that the disposal of the extensive tracts of waste land, the property of the Crown, in Our Provinces of Lower Canada, Upper Canada, Nova Scotia, and New Brunswick, and our islands of Prince Edward and Newfoundland, should be placed upon such a footing as may most effectually conduce to the increase of population and wealth in the said provinces and islands, and the general prosperity thereof, and in particular to greatly increased emigration from the mother country, both of capitalists and labourers, as permanent settlers; to the end that, while the vast but imperfectly developed resources of the said provinces and islands should as soon as possible be made fully productive, a more intimate connexion between Britain and her colonial empire in North America, founded on common interests and productive of mutual advantages, may be established and permanently secured. And whereas We have ordered and directed each of Our Lieutenant-governors of Our Provinces of Upper Canada, Nova Scotia, and New Brunswick, and our islands of Prince Edward and Newfoundland respectively, to affix the Great Seal of the province or island of which each is respectively Lieutenant-governor, to a commission addressed by Us to you, to the like effect and containing the like powers and authorities, for inquiry, touching the waste lands, the property of the Crown, in each such province or island respectively, as are hereinafter contained: Know ye, therefore, that We, reposing great trust in your zeal, ability, and discretion, have nominated, constituted and appointed, and by these presents do nominate, constitute and appoint you the said Charles Buller, to proceed with the utmost despatch to inquire into the past and present methods of disposing of waste lands, woods, forests and other domains and hereditaments, the property of the Crown, in our Province of Lower Canada, and to collect information respecting the operation thereof in regard to the advancement of our said Province, and in particular to the promotion of emigration thereto from the mother country. And Our further will and pleasure is that you, after due examination of the premises, do and shall, as soon as conveniently may be, report to us under your hand and seal, what you shall find touching or concerning the premises upon such inquiry as aforesaid, and also that you shall suggest such alterations or modifications of the laws and regulations at present in force, as may appear likely to promote the objects aforesaid. And for the better discovery of the truth in the premises, We do by these presents give and grant to you full power and authority to call before you such and so many of the officers of the Crown Lands Department and agents for emigrants, in our said Province of Lower Canada, and such other officers of the Crown, and other persons, as you shall judge necessary, by whom you may be the better informed of the truth in the premises, and to inquire of the premises and every part thereof, by all other lawful ways and means whatsoever. And We do also give and grant to you full power and authority to cause all and singular the officers aforesaid, in our said Province of Lower Canada, or any other person or persons having in their custody any records, orders, regulations, books, papers or other writings relating to or in any wise connected with the premises, to bring and produce the same before you. And for your assistance in the due execution of this our Commission, We do hereby authorize you to nominate and appoint such person or persons as you shall think fit to be assistant commissioner, or assistant commissioners, for the purposes aforesaid, or any of them, and to delegate to him or them such and so many of the powers hereinbefore vested in you as may seem expedient. And Our will is, and We do hereby direct and ordain, that the person or persons so nominated by you shall possess and exercise any powers and authorities so as aforesaid delegated to him or them, in as full and ample a manner as the same are possessed and may be exercised by you under the authority of these presents. And We do hereby further authorize and empower you, at your discretion, to appoint such person as secretary to this Our commission, as to you shall seem proper, and to frame such temporary rules, orders, and regulations with regard to the manner of disposing of such Crown lands in Our said Province of Lower Canada, as may to you appear expedient, and from time to time, at such like discretion, to alter and vary the same, due regard being had in all such rules, orders, and regulations, to any Provincial Act or Acts, and to any Royal instructions now in force in Our said Province of Lower Canada, touching or concerning the disposal of the said waste lands or any part thereof. And We do hereby further authorize and empower you to give instructions to the several officers of the Crown lands department and agents for emigrants in Our said Province, as to the performance of the duties of their respective offices, subject, nevertheless, to all such Provincial Acts or Royal instructions as aforesaid; which instructions shall be in all respects binding upon the officer or officers to whom the same shall be respectively addressed.

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 affixed thereto.

Witness our right trusty and right well beloved John George Earl of Durham, Viscount Lambton, &c. &c. Knight Grand Cross of the Most Honourable Military Order of the Bath, one of our Most Honourable Privy Council, and Governor-general, Vice-Admiral and Captain General of all our Provinces within and adjacent to the Continent of North America, &c. &c. &c. &c.

At our Castle of St Lewis, in Our City of Quebec, in Our said Province of Lower Canada, the 18th day of June, in the year of our Lord 1838, and in the first year of Our Reign. (signed) *D. Daly*, Secretary.

— No. 2. —

CIRCULAR DESPATCHES from his Excellency the Governor-General to the respective Lieutenant-Governors of Her Majesty's Colonies in *North America*.

Sir, Castle of St. Lewis, Quebec, 18 June 1838.

IN the exercise of the powers vested in me as Governor-general of Her Majesty's colonies in North America, and with a view to the permanent establishment of an improved system in he disposal of waste lands, the property of the Crown in those colonies, and the promotion of emigration thereto upon the most extensive scale that circumstances will admit, I have prepared a Commission, directing an immediate inquiry into the subject, for each of the provinces and islands comprised in my general government; and also authorizing the commissioner therein named to issue temporary rules and regulations for the disposal of Crown lands in each colony, and to give instructions to the officers of the Crown lands department as to the performance of their duties.

I enclose the commission as prepared for the province of Upper Canada, and have to direct that you will cause the Great Seal of that province to be immediately affixed thereto, and that the commission, together with a copy of this despatch, may be published in the usual manner.

As one of the incidental, though not least desirable results of an improved system in the disposal of lands, the property of the Crown, may, I hope, be a very considerable increase in the value of all lands which have become private property; and as the expectation of such a result might lead to applications for grants of land upon the terms now in force to such an extent as should defeat, or at least seriously impede, the most beneficial operation of the improved system, and especially the very desirable result above mentioned, I have also to instruct you, that until further directions from me, you will, so far as it may be in your discretion under any Provincial Act, or Royal instructions, or otherwise, abstain from alienating any waste lands the property of the Crown. You may rely on receiving those further directions in so short a time as to prevent any inconvenience from the present suspension of your discretionary powers in this respect.

I have, &c.

His Excellency, &c. &c. (signed) *Durham.*

Sir, Castle of St. Lewis, Quebec, 30 June 1838.

REFERRING to my despatch of the 18th instant, on the subject of Crown lands and emigration, I have now to explain to you more fully the views with which I thought it indispensable to require your co-operation in the measures which I propose to adopt for the purpose of improvement and emigration in Her Majesty's North American colonies.

In the first place, I am desirous to draw your attention to an extract, which is enclosed, from a despatch which I have addressed to Her Majesty's Principal Secretary of State for the Colonies on this subject; whereby you will perceive the great importance which I attach to an inquiry for all the colonies, with a view to the adoption of a permanent and uniform system.

But it is chiefly because I fear, that without some such precaution the announcement of this inquiry might lead to a sudden and most mischievous alienation of public property, that I have requested you, so far as your discretionary powers would admit, to preserve the public property for the most effectual attainment of a great public purpose. The only serious obstacle, as it appears to me, with which Government would have to contend, in seeking to render the Crown lands productive of a great revenue, is the very large proportion of granted lands which remain in a wild state; and this obstacle, whatever may be its present force, would of course be increased if much more Crown land were alienated, without provisions for its cultivation far more effectual than any that have hitherto been tried. On this account only, I should be glad if it were possible to put a stop to all further grants for the present.

But as this is not possible, inasmuch as laws or regulations to the contrary are in full force, I must be content with interposing, for the present, all such obstacles to the further alienation of Crown property, as may depend on the discretionary powers of the different governments under such laws and regulations. In pursuance of this view of the subject, I have to desire that, in the exercise of such discretionary powers, you will, as far as possible, rather impede than facilitate the alienation of Crown property, and more especially any alienation except for the very highest price and most ready payment that it may be lawful for you to require.

I have, &c.

His Excellency, &c. &c. &c. (signed) *Durham.*

British North America.

APPENDIX (B.)

PUBLIC LANDS AND EMIGRATION.

REPORT to his Excellency the GOVERNOR-GENERAL.

My Lord,

HAVING completed the inquiry directed by the five several Commissions addressed to me by your Excellency, in respect of the Colonies of Lower Canada, Upper Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, as to the manner in which waste lands, the property of the Crown, have been disposed of within the same, I have the honour to lay before your Excellency the evidence which has been taken upon the subject of that inquiry, and in conformity with those Commissions, to suggest the improvements which seem to me desirable.

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The inquiry directed by your Excellency differed in one very essential particular from those that have been previously made under the authority or for the information of the Government. All former inquiries appear to have been confined to the actual condition of the land yet remaining at the disposal of the Crown, without any reference to the character or the results of former proceedings in relation to the land which had been already disposed of. By this limitation of the subject of inquiry, however, the practical utility of the investigation was reduced to a very small amount; and any conclusions to be drawn from the facts ascertained were liable to serious modifications, from circumstances which had been entirely overlooked. A very brief examination indeed was sufficient to convince me that any information I might obtain, with respect solely to the remaining property of the Crown in the wild lands of these Provinces, must be necessarily incomplete and fallacious. I not merely found that the amount of this property was, in most colonies, altogether insignificant in comparison with the wild lands which had become private property; but I also discovered that the value of the public lands still undisposed of was entirely dependent upon the state of the appropriated lands of the colonies. It would have been useless to ascertain merely how many thousands or millions of acres of fertile land yet remain at the disposal of the Crown in these Provinces, when the success of any attempt to turn them to account must be contingent upon the proceedings adopted by the proprietors of that land over which the Crown has no control. The neglect of this consideration has led to great practical errors in the measures hitherto adopted to promote emigration and the acquisition and settlement of public lands. By withdrawing attention from every part of the colonies, except that which belonged to the Crown, it has led the Government to act as though this were the whole, or as though the situation and condition of the remainder might be safely disregarded. Acting under this impression, the Government has induced many persons to emigrate to these colonies by the offer of land upon which to settle, although the land thus promised was absolutely worthless for all purposes of cultivation, on account of the vast tracts of waste granted land that were interposed between the new grant and the settled districts of the colony. Of the persons to whom land has been thus offered, many have wasted their property in attempting to settle upon their grants; and the remainder have allowed their land to remain in a wild state, because they felt that no endeavours to reclaim it from the wilderness could be successful. These evils might probably have been avoided, if, at the time when Government instituted the inquiries previously referred to, it had directed its attention to the waste granted as well as to the waste ungranted lands in the Province. In order that similar errors may be avoided for the future, an inquiry into the nature and operation of previous methods of disposing of public lands must precede any suggestions as to the method to be pursued with regard to that which still remains undisposed of.

This course was also rendered expedient by another consideration. Looking upon these Provinces as fields for British colonization, it became obvious that their value, in this respect, depended less upon the measures which might be adopted for the future disposal of the public lands, than upon those which were employed to remedy the evils of former practices. In Upper Canada, for instance, to which by far the greater portion of emigration has of late years been directed, and which has been selected as the scene of more than one experiment in colonization by former administrations, very little more than a seventeenth part of the surveyed land remains at the disposal of the Crown. The remaining sixteen parts have been long since granted or appropriated; but of this granted land very little more than a tenth, in the whole, is occupied by settlers. This colony, having reference to the circumstances of soil, climate, and geographical position, is probably the most valuable portion of all the colonial possessions of the British empire upon the North American continent. In addition

Appendix (B.)

to a soil better adapted for the raising of grain than almost any other portion of that continent, it is so placed as to form the natural channel through which nearly all the trade of the rapidly-increasing States of the west would pass. By an outlay quite inconsiderable in comparison with the results to be obtained, a practicable water communication might be established from Lake Huron, which would shorten, by more than 300 miles, the distance from that lake to the ocean. The natural facilities of communication too, by means of the lakes by which the Province is bounded on its southern and western frontier, and the River Ottawa, which forms its north-eastern boundary, are probably superior to those possessed by any tract of country of similar extent in North America. Were it adequately settled, it could scarcely fail to be one of the most thriving countries in the new world. At present, with the greater part of its soil unoccupied, and with a population widely scattered over its surface, it is certainly one of the least thriving; and this in spite of an emigration unprecedented for the number and wealth of the emigrants. And all of its great natural advantages are altogether unavailing for public or national objects. The Government of the United Kingdom, by the profuse grants which it has made or sanctioned, has closed against its own subjects by far the larger portion of this most valuable colony. But, unless this Province is to be practically abandoned, and all the benefits that might be derived from its possession, as a home for the destitute population of the empire, and a market for the products of British industry, are to be relinquished, the attention of Government must be directed rather to the land of which it has disposed than to that which remains at its disposal; and it will be necessary to adopt means to turn the former to account, before framing plans for the wiser and more profitable management of the latter.

The case of Upper Canada is the case of all the Provinces. In some the proportion of land remaining at the disposal of the Government is greater, and in others less, than in that colony; but in every Province that which remains is valueless, so long as that which has been granted is allowed to remain unimproved. In every Province the disposal of the public land, which in new countries is the most important of all the functions of Government, must be suspended for a period of indefinite duration; or, concurrently with the measures proposed for the purpose, means must be taken to remove the obstacles to progress, occasioned by the manner in which that function has been hitherto exercised. The inquiries directed by your Excellency form the appropriate and necessary foundation for any proceedings intended to accomplish this object.

Before I proceed to detail, for your Excellency's information, the results of the investigations which I instituted, and the remedial measures which this investigation has suggested, it is expedient that I should advert to one topic, of very considerable importance, connected with the subject. The measures which I shall have to propose are of a character to demand the exercise of the powers of the Imperial Legislature; but they are, at the same time, such as that Legislature may perhaps shrink from adopting. It may be deemed that they involve too great an interference with the property of individuals, and with the rights of the provincial legislatures, to render their adoption safe or just; and it may be argued that the subject is one which appertains of right to the colonies, and upon which they alone ought to legislate. I shall hereafter, when describing the nature of those measures, and the grounds upon which they rest, advert to the particular reasons which induce me to imagine that they cannot be advantageously or effectually carried out by any other than the supreme and central authority of the empire; but, independently of those reasons, the present appears to me to be a case in which it is the plain duty of the Imperial Legislature to interfere. It is not merely that the evils in all the colonies are similar in their nature and their origin, and requiring the same remedy; nor that it is for the interests of each of these colonies that in all an uniform system should be adopted, so that the results of one system in one colony may not be counteracted by the operation of another system in one or more of the neighbouring colonies; nor that the nature of the only adequate remedy is such as to require a central control, and some efficient guarantee for its permanency; and that therefore upon all these grounds the interests of the colonies require that the supreme and central authority of the empire should interpose;—but higher interests than those of the colonies, the interests of the empire of which they form a part, demand that Parliament should establish at once, and permanently, a well-considered and uniform system. The waste lands of the colonies are the property, not merely of the colony, but of the empire, and ought to be administered for imperial, not merely for colonial, purposes. And in whatever measures may be adopted to promote emigration, or facilitate settlement, the interests of the empire are involved, and should be consulted as much as those of the colonies.

It is true that hitherto, while in name the property of the Crown, and under the control of an English minister, these lands have been in effect administered by colonial authorities for purely colonial purposes. It was indeed impossible that it should be otherwise. The execution of the instructions from time to time issued by successive Secretaries of State, or Lords of the Treasury, has of necessity been entrusted to those who, in the colonies, were the peculiar representatives of the English Crown; the Governor acting with the advice of his Executive Council. But the power nominally given to the Governor vested in effect entirely in his Council; and the members of that Council, being residents in the colony, having interests of their own to promote, or friends whom they desired to benefit, or it may be enemies whom they were willing to injure, have uniformly exercised their power for local or personal objects, unchecked by a control, which in this respect could only be nominal. Some recent proceedings of the Home Government would seem also almost to have assumed, that the practice thus pursued was right in principle, though it might be wrongly carried out, since the Government has offered to relinquish to the Colonial Legislature the future control of these lands, or at least of the funds arising from their disposal. It still, however, appears that the principle,

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no less than the working of the former method, was erroneous. There can surely be nothing in the fact, that the Crown has granted to one person, or to any number of persons, a certain portion of land in any colony which can give to those persons any right to dispose of the land which has not been granted to them: but rather the first grantees, having had their share of the land, are less entitled to any voice in the disposal of the remainder than the other citizens of the empire. The only rights which they can possess are of precisely the same character and extent as those possessed by any other subject of the Crown; a right to demand that these lands shall be administered in such a manner as to promote the prosperity of the colony, and to advance the interests of the empire. These objects, properly regarded, are identical, though experience has amply shown that the one may be pursued at the expense of the other. It is for the Imperial Parliament to reconcile these different interests, and by providing for the greatest development of the resources of the colonies, to enable them to offer a market for the manufactures, and a home for the surplus population of the United Kingdom. For this purpose the acquisition of land in the colonies should be facilitated, and the funds produced by their sale should be employed, not merely in the execution of the public works, which are now so essential, but in encouraging and providing for an extensive emigration. The funds thus produced would then be applied to purposes in which the mother country and the colonies would be equally interested.

And the same reasons exist for vesting in the Imperial Parliament the application of remedies for past mismanagement in the disposal of these lands. I should be far from recommending any needless interference with merely local matters, which in almost every case are most effectually provided for by those who are immediately conversant with them. This, however, is not merely a local matter. If regarded solely as it affects the present inhabitants of the colonies, it is a matter of comparative unimportance. The present position of these countries, in reference to their unoccupied land, derives its significance and import from the fact, that it not merely retards the prosperity of the thousands by whom they are now peopled, but that it prevents the millions, to whom they might eventually afford an asylum, from enjoying the advantages to which they are entitled. And without desiring to undervalue the importance of these possessions, I may perhaps venture to say, that if Parliament will not interpose its authority for the accomplishment of these objects, if it will not devise means of cure for the evils which the Imperial Government has caused or permitted, and at the same time provide effectual securities against similar evils for the future, the North American Provinces must be nearly valueless to the empire.

I am induced to believe that this view of the subject is entertained by the more numerous and intelligent part of the colonists themselves. The demands made by the Assemblies of Upper Canada and New Brunswick to be invested with the control of this property were not founded upon any assertion of the separate and independent right of the colony to such control. It was admitted by many of those who took the lead in urging this claim, that the administration of the property belonged of right to the Imperial Legislature. But when that Legislature refused or neglected to exercise its rights, and tacitly delegated its powers to colonial authorities, it was then demanded, and with much apparent reasonableness, that the colonial authority exercising these powers should be the legislature of the Province, and not an irresponsible executive. The colonists however would, I believe, for the most part acquiesce, not merely willingly, but even gratefully, in any measure of the Imperial Parliament asserting and exercising its paramount right, so as to secure the accomplishment of those important objects which can be but imperfectly effected by a colonial legislature.

It must also, I think, be admitted, that the view entertained by the Colonial Assemblies, to which I have just referred, is well founded. And while in all the measures I shall have to recommend, I have proceeded upon the assumption that the Imperial Legislature will exercise its undoubted rights, I am also bound to recommend, that in the event of such a course not being deemed expedient, the whole control of the property should be vested in the most ample and unconditional manner in the Colonial Legislature. This is required by every principle of justice. The United Kingdom has suffered only negatively by the malpractices which have been permitted under previous systems. The advantages to be derived from the possession of colonies, for the sake of which chiefly, if not alone, it is wise to incur the expense of founding and defending them, have, under the existing system, been enjoyed by Great Britain in a very limited and partial degree. But the colonists have suffered directly and most severely by these practices. In proportion as their interests might have prospered by the adoption of a wise system in the disposal of the public lands, they have suffered by the irregular and unwise methods that have been hitherto adopted, and they have at the same time been forbidden to apply any effectual remedy to the evils thus occasioned. While therefore it appears to be the duty, no less than the right, of the Parliament of the United Kingdom to legislate upon this subject, it is equally their duty, if they consider such an exercise of their power inexpedient, to relinquish formally their control over this matter to the Colonial Legislature. At all events, if the local assembly should not legislate for the greatest advantage of the mother country as well as of the colony, it would take care that the mismanagement of the public lands was not, as has hitherto been the case under imperial management, a source of great evil to the colony.

I shall now proceed to detail very briefly the practices which have been pursued in the disposal of the public lands in each of the colonies; to describe the general character of the results which they have produced; to suggest measures of remedy for the evils thus occasioned; and to offer a plan for the future disposal of all the land yet remaining in the hands of the Government, as well as of such as may be reinvested in the Crown by the operation of the measures which I shall suggest.

Appendix (B.)

Lower Canada.

LOWER CANADA.

THE exact area of the Province of Lower Canada is as yet undetermined. Bounded to the south by the States of the Union and the Province of New Brunswick, it has no defined limit to the north, and little is known of the capabilities of that part of the country. The surveyed portion is divided into seigniories and townships. The land comprised in the seigniorial districts amounts to about 8,300,000 acres, and the surveyed lands in the townships amount to 6,169,963 acres. Of the former the whole has been granted by the Crown, subject to an obligation to concede to actual settlers; and 4,300,000 acres have been thus conceded. The quantity of land disposed of for other than public purposes in the townships is about 3,500,000 acres.

The methods of granting the public lands of this Province, founded upon instructions from the Home Government or resolutions of the Governor in Council, have been numerous, and they have widely differed in character and object.

All grants by the French government prior to the conquest were made upon one uniform system. Seigniories, as they were termed, were created in favour of certain individuals of property or influence, who were bound to grant, or, as it was termed, concede, a specified portion of the seigniory to any applicant. The profit of the seigniors was derived from the payment of a small rent; from certain services which the tenant or *censitaire* was bound to perform; from a twelfth of the corn ground at the seignorial mill; and from a fine upon every mutation of the property otherwise than by inheritance.

When the country fell into the hands of the English Government, lands were at first granted in free and common socage, subject apparently to no conditions, but with a reservation of a right on the part of the Crown to resume the whole or any part of the grant if required for military purposes. The quantity to be granted to any individual was fixed by regulations issued by the Lords Commissioners of Trade and Plantations in 1763, and was to be limited to 100 acres for each master or mistress of a family, and 50 acres for each white person or person of colour composing the family, with an exceptional power in the governor to increase this amount by 1,000 acres. The terms of the grant were made thus favourable in order to attract settlers from the other British North American colonies, now forming the United States. In 1775 these regulations were superseded by instructions from England, following the Quebec Act of 1774, which restored the French laws and language. These instructions directed that all future grants should be made in fief and seigniory, in the same manner as those which had been made by the French prior to the conquest. Under these instructions three seigniories were created. In 1786 fresh instructions were issued by the British Government, addressed to Lord Dorchester, directing that grants should be made, in certain fixed proportions, to the refugee loyalists from the United States, and to the officers and privates of the 84th regiment, a colonial corps raised during the revolutionary war; such grants to be held under the Crown as seignor, and to be subject to the incidents of the seignorial tenure. I could not discover what quantity of land had been granted under these instructions. The whole, or nearly the whole, of the grants were situated in that part of the Province which afterwards became Upper Canada; and if, which is doubtful, the grants were ever subject to the incidents of the feudal tenure, these were relinquished in the new state of things introduced by the Constitutional Act.

After the Act of 1791, which separated the Province of Quebec into the two Provinces of Lower and Upper Canada, fresh instructions were issued, which, with regard to the quantity of land to be granted, were similar to those of 1763. By these a quantity was fixed as the ordinary measure of a grant, and the same power of making an exceptional additional grant was conferred upon the Governor. But certain duties of settlement were required to be attached as a condition to every grant, in default of the performance of which the land granted was to revert to the Crown. These instructions continued in force till 1826, being in substance, and with only slight and altogether unimportant variations in form, addressed to every Governor, from Sir Alured Clarke to Lord Dalhousie.

Under these instructions, the practices introduced by the Governor and Council were,

Min. of Ev. Q. 18. 1. The system of leaders and associates described by Mr. Davidson, under which, by an ingenious construction, or rather evasion of the instructions, 1,200 acres were granted to each of from 10 to 40 applicants; it being perfectly notorious, and within the personal knowledge of several of the Executive Council, that the object and result of the scheme was to throw into the hands of one of the applicants, termed the leader, the whole, or nearly the whole, of the enormous quantities thus granted. With this practice, in fact, the history of the settlement of the townships of Lower Canada commences. The first grant was made to Mr. Dunn, who obtained the whole of the township of Dunham. No precise information could be obtained as to this particular grant; but it appeared that the associates, as they were termed, in this case were persons who really desired to obtain land for the purpose of settlement, and that Mr. Dunn, as the leader, assisted them with the means of establishing themselves, looking for his remuneration to the increased value which their industry must give to the remainder of the land. This township is, I believe, at the present time well settled.

It was indeed to be expected, that a practice so palpably opposed to the spirit, and even to the letter of those Royal Instructions under cover of which it was pursued, would owe its origin to some circumstance really tending to advance the settlement of the country; but the plan was too profitable to be allowed to cease with the circumstances out of which it arose. It afforded apparently so easy a method of obtaining large tracts of fertile, and as it was deemed valuable land at a very trifling expense, that its abandonment could hardly be expected. The practice was accordingly reduced to a system; and during the administration

tration of one Governor, Sir R. S. Milne, and under the same six members of the Executive Council who constituted the land board, 1,425,000 acres were granted to about 60 individuals. The profusion of this land-granting board was rewarded by the Duke of Portland by grants of nearly 120,000 acres of land, rather less than 48,000 acres being granted to the Governor, and rather less than 12,000 acres to each of the executive councillors of which it was composed.

Even during the period, however, within which these grants were made, the grantees began to discover that the very great facility with which land could be acquired, rendered its possession well nigh valueless. To settle their grants was impossible without a large immediate outlay, for the purpose of affording to the settlers the means of communicating with each other, and with a market. This work, however, could be undertaken by no one individual with effect, unless the other grantees across whose lands the road must pass joined in the work; and even had this been done, the practice of making Crown and clergy reserves, and thus withholding from settlement two-sevenths of every township, imposed upon the proprietor of the remaining land so much additional expense for which he could never expect any return. The grants, too, were so utterly disproportioned to the population and wealth of the Province, that even if all the grantees had set to work in good faith to settle their lands according to the terms of the grant, they must have been stopped by their inability to obtain settlers. In fact, even at the present moment, including squatters, and after nearly 2,000,000 acres have been disposed of in other ways, there is scarcely in the whole township land of the Province a population sufficient to settle these grants in the proportion of one family to every 1,200 acres. A few townships on the American frontier were settled from the United States. The remainder were either left entirely waste, or were abandoned by their proprietors, after a short trial had proved that any expense incurred in the attempt to improve them must necessarily prove a total loss.

2. After 1806 no new townships were granted; and the grants, which were very few in number, were almost entirely in lots of 200 acres each to actual settlers.

3. From 1814 grants were made under location tickets, with conditions of settlement. These conditions at first required, that in addition to the erection of a house, and the clearing and cultivating four acres of land on the grant, the settler should actually reside upon his lot for three years. This last condition was subsequently abandoned, and the conditions imposed amounted virtually only to a requisition that the grantee should build a hut and chop four acres of wood before a patent for his grant issued.

This practice continued till 1826, when instructions were issued from the Lords of the Treasury, establishing a system of sale by auction, the purchase-money being payable by four annual instalments, without interest. Under these regulations only such lands were open to purchasers as the Governor, on the recommendation of the Commissioner of Crown lands should select for that purpose. The instructions also permitted a sale to actual settlers of a limited quantity, subject to what was termed a quit-rent, but which was, in fact, the payment of interest at five per cent. upon the estimated value of the land. Min. of Ev. Q. 86.

In 1831, instructions were issued by Lord Goderich, requiring the purchase-money to be paid by half-yearly instalments with interest; but these instructions have, it appears, never been obeyed, the Governor, upon the representation of the Commissioner of Crown lands, directing that the former practice of receiving payment by annual instalments without interest, should be continued. Min. of Ev. Q. 116.

In 1837, instructions were issued by Lord Glenelg requiring payment of the purchase-money at the time of sale. These instructions remain in force at present, but no sales have as yet taken place under them.

Concurrently with the various systems thus briefly described, there have been numerous exceptional grants, chiefly in reward of public services. To the militia who served during the revolutionary war, 232,281 acres were granted; to the executive councillors and the Governor above referred to, about 120,000 acres; to the militia who served during the war with the United States in 1812, about 217,840; but in addition to this amount of actual grants, there remain after nearly 20 years have elapsed since these grants were first promised, unsettled but valid claims on the part of these last-named militiamen, to the amount of probably 500,000 acres. Grants have also been made to officers and soldiers of the British army, either in the form of direct grants, or of a remission of the purchase-money; to commuted pensioners; to Mr. Felton and others under orders from Lord Bathurst; to two individuals in lieu of their salary, as chairmen of the quarter sessions, for which the Assembly of the Province refused to provide. There has also been an exceptional sale in England to the British North American Land Company of nearly 800,000 acres. Min. of Ev. Q. 18. 67. 110.

In addition to all the methods of granting land described above, the plan of Crown and clergy reserves demands a separate notice.

By the Constitutional Act of 1791, it was enacted that a reserve for the support of a Protestant clergy should be made in respect of every grant under the authority of the Crown, equal in value, as nearly as the same could be estimated, to one-seventh of the land granted; and that no patent for any grant should be valid unless it contained a specification of the land reserved in respect of the granted land. This Act was the origin of the clergy reserves. The Crown reserves were the result of a plan of the Executive Council, suggested, it is said, by the President of the Council, a refugee loyalist from the United States, who seeing that the disputes which had terminated in the independence of the thirteen provinces, arose ostensibly out of questions of revenue, imagined that all such disputes might be avoided in the Canadas, by creating an independent source of revenue sufficient to provide for the expenses of the government without any necessity for having

 recourse

recourse to the imposition of taxes. For this purpose he proposed that a reserve should be made for the Crown equal to that for the clergy; and it was imagined that as the settlement of the country advanced, this reserve would yield a large annual revenue, and obviate all questions of taxation, by rendering the Government independent of the people. Had the disposal of the public lands been conducted with prudence, and had the Government performed its part towards the improvement of the country, by assisting in opening roads, and by giving to the settlers efficient institutions, it is possible that the objects of both of these reserves might have been accomplished, although at a price far larger and more burdensome than any taxation could have been. But, with few and unfrequent exceptions, the Government took no means to forward the settlement of the country, or to provide for any of the wants of the settlers. The crown and clergy reserves were not merely allowed to lie waste, but they were carefully disposed in such a manner as to separate most completely the actual settlers, and thus to obstruct in the greatest possible degree the progress of settlement. Added to this, the improvidence which, as has been seen, marked the whole proceedings of the Government in reference to the public lands, and the recklessness with which it drew upon this fund to reward services, or to satisfy claimants, diminished the value of these reserves in common with that of all the other lands of the Province, and rendered futile every hope of drawing a revenue from them. The injury therefore which they caused to the colony, was not compensated by any benefit to the Crown or the clergy, and after existing for 35 years, the Crown reserves were at last virtually abandoned when the system of sale was introduced. The clergy reserves however still continued, until in 1831 an Act was passed by the Imperial Legislature, authorizing the sale of one-fourth of these reserves, at the rate of not more than 100,000 acres annually.

The present is not the place to enter into those aggravations of the unpopularity of the clergy reserves, which arose from the object to which they were destined. But the history of these reserves, from their being first made, down to the present time, is too characteristic an illustration of the system pursued in the management of the public lands to be passed over. By the Act of 1791, under the authority of which these reserves were made, it was directed that " whenever any grant of lands within either of the said Provinces shall hereafter be made by or under the authority of His Majesty, his heirs or successors, there shall at the same time be made, in respect of the same, a proportionate allotment and appropriation of lands for the above-mentioned purpose, (the support of a Protestant clergy), within the township or parish to which such lands so to be granted, shall appertain or be annexed, or as nearly adjacent thereto as circumstances will admit, and that no such grant shall be valid or effectual, unless the same shall contain a specification of the lands so allotted and appropriated in respect of the lands to be thereby granted, and that such lands so allotted and appropriated shall be, as nearly as the circumstances and the nature of the case will admit, of the like quality as the lands in respect of which the same are so allotted and appropriated, and shall be, as nearly as the same can be estimated at the time of making such grant, equal in value to the seventh part of the land so granted." When the business of land granting commenced under the instructions given to the Governor of the Province in 1791, it became a question in what manner the provision quoted above, could be most effectually complied with. Various plans were suggested for the purpose by the surveyor-general; and the Executive Council, to whom all these plans were referred, decided in favour of one which proposed that every township should be laid out in lots of 200 acres, of which every seventh lot should be reserved for the clergy, making at the same time another equal reservation for the Crown. Under this system there were first two lots open for settlement, then one lot reserved for the clergy, then two lots open for settlement, then one lot reserved for the Crown, then one lot open for settlement, and so on throughout the township. In this way the reserves for the clergy were so intermixed with the lots, which were either open for grant, or reserved for the Crown, as to ensure their being, in the average, of equal value. It would seem, however, that in this arrangement both the surveyor-general and the Executive Council misconstrued the clause of the Act which directed the making of these reserves; since even assuming that the reserve for the Crown was a grant by the Crown, which it clearly was not, the reserve for the clergy, being one-seventh of a township, of which only the remaining six-sevenths were open to grant, was equal to a sixth instead of a seventh, of the land granted. Upon this original error was grafted one yet more glaring. Th practice originally pursued by the Crown in the disposal of the waste public lands of the Province, was, as I have described, to grant nominally to many, but in reality to one person, in one deed, whole, or half, or quarter townships, exclusive only of the Crown and clergy reserves, and amounting therefore to five-sevenths of the entire township, or of the smaller portion granted. In the patents by which these grants were made, however, the whole of the land which had been appropriated for the clergy in the portion of the township granted, was specified as the allotment and appropriation for the support of a Protestant clergy in respect of that grant. Thus, assuming a township to contain 70,000 acres, divided into 3,500 lots of 200 acres each, which is rather more than the average dimensions of a township, but is assumed as the most simple amount for the purpose of illustration, the appropriation in respect of the clergy reserve amounted to one-seventh, or 500 lots, comprising 10,000 acres, and the Crown reserve to an equal quantity, leaving to be granted 2,500 lots, or 50,000 acres. But in the patent by which this last quantity was granted, and which recited the words of the Act, directing the specification of the reserve for the clergy, the whole 500 lots were specified; and though of equal quality with the granted land, and one-fifth in amount, were described as being equal in value to one-seventh of the land granted, as nearly as the same could be estimated. By what process of reasoning the surveyor-general could have arrived at the conclusion, that one-fifth and one-seventh were equal,

equal, it is not easy to determine; but the result was, that up to 1826 the reserve for the clergy was equal in value to one-fifth of the whole land granted by the Crown.

When the system of sale introduced by the Treasury Instructions of 1826 came into operation, the lots first sold were in most instances the Crown reserves. But here a difficulty arose. When the purchaser, having completed the payment of his purchase-money, applied for patent, these sales were considered by the Crown lawyers as equivalent to grants, and under the Constitutional Act no grant from the Crown could possess any validity unless it contained a specification of the reserve for the clergy in respect of the particular lot comprised in it. The whole of the reserve, however, which had been made for this purpose in the township within which these lands were situated, had been described in former grants; and it therefore became necessary to make a fresh reserve for the purpose. This was a natural consequence of the previous error; but it will hardly be believed that the fresh reserve, made by the surveyor-general, was again equal to one-fifth of the land granted, or 40, instead of 28 $\frac{4}{7}$ acres, upon a lot of 200 acres; so that under this practice the reserve for the clergy, taking as before the case of a township of 70,000 acres, would amount to 12,000 acres, being the original reserve of 10,000 acres, and 2,000 acres upon the sale of the reserve for the Crown in that township. But the reserve did not stop even here. When the Act of the Imperial Parliament, authorizing the sale of the clergy reserves, came into operation, and these reserves were brought into the market, the present attorney-general, whose office it was to prepare the drafts of patents, conceived that the Constitutional Act must be considered as applying also to these grants; and that, therefore, the patent must contain a specification of a reserve, even in respect of these reserves. It is to be presumed that upon a point of law such as this the attorney-general was in the right; but it certainly appears rather singular, that sales under the authority of an Act of Parliament should be invalid, because they did not comply with a provision in a previous Act specifically referring to grants under the authority of the Crown. But however this might be, it was necessary that this opinion should be acted upon, and a fresh reserve was made. Again, one-fifth was reserved, instead of one-seventh, and thus, to follow the same illustration, the reserves would be equal to 14,000 acres. It is obvious too that the system would not stop here. There must be a fresh reserve upon the 4,000 acres of additional reserves when they are sold, and again upon the 800 acres which would be reserved upon them; and this would be repeated until the process could be continued no longer. Supposing the process to be continued to this point, the reserve for the clergy would be equal to a fourth instead of a seventh of the granted land, and the clear excess would be 75 per cent. As the whole of the clergy reserves are not yet sold, it amounts at present only to 50 per cent., or 227,000 upon 446,000 acres.

But the misconstruction or violation of the law with regard to this property has not stopped here. I have already stated, that under the Act authorizing the sale of these reserves, a quantity equal to one-fourth of the whole reserve, was to be sold at the rate of not more than 100,000 acres per annum. Under this Act 299,811 acres have been sold out of 673,567, or considerably more than three-sevenths, and the sales in one year amounted to 111,000 acres. Assuming however, that only so much of the land specified as clergy reserve, as is specified in conformity with the provisions of the Constitutional Act, is really such reserve, then the amount sold is very nearly two-thirds instead of one-fourth of the whole. From the evidence of the Rev. Mr. Sewell it appears that these sales were made without the least regard to the interests of the clergy, and that the property of the Church has been needlessly sacrificed; and from that of Mr. Davidson, that the greatest part of the land so sold has passed into the hands of speculators, who have purchased with the sole view of deriving a profit from the anticipated rise in the value of land. From the first to the last, the proceedings in respect of these reserves have been marked by irregularities and errors; which, although not greater than have prevailed with regard to all the public lands of the Province, are more striking, because, in this instance, the proceedings have been in violation of a plain and positive law.

Min. of Ev. Q. 531, *et seq.*

Min. of Ev. Q. 163.

To what extent and in what manner the settlement of the Province has been retarded by means of this profusion and irregularity in the granting of land, and of the practice of withholding land from grant, may be gathered from a comparison of the population of the township districts with the amount of land granted, and from the evidence of almost every witness examined on the subject. In the absence of all precise statistical details, the former can only be ascertained approximately; but it appears that the proportion is about nine inhabitants to a square mile. Even this, however, exhibits but partially the degree to which the various methods pursued in the disposal of public lands have retarded the settlement of the Province, because it assumes that the population is equally distributed over the whole surface. This is far from being the case. In some townships upon the American frontier, the inhabitants of which have participated in the advantages derivable from the roads and markets of the United States, the population is very considerably more dense. Excluding from consideration these townships, which in fact are indebted for their comparative prosperity to the extent to which they have been withdrawn from the influence of the colonial administration, it may be doubted whether the average population is four to a square mile, and in some extensive and fertile tracts, the whole, or nearly the whole of which has been granted by the Crown, it is not one to every 10 square miles. It is needless to refer to any evidence for the purpose of proving that such a population is poor and unprogressive. The evidence, however, of Mr. Kerr, Mr. Russell, Mr. Stayner, and others, furnishes in detail some of the more striking results of the practices I have described, and exhibits the manner in which these results have been produced.

Min. of Ev.

I shall hereafter, when I have described the systems of land-granting pursued in the other North American colonies, to which the labours of this commission extended, advert more particularly

Appendix (B.)

Lower Canada.

ticularly to those evils which in all cases have arisen from the neglect and improvidence that have characterized this department of the administration. But I must here refer briefly to the delays and impediments which were necessarily thrown in the way of the poorer applicants for land in consequence of the central character of the system of government established in Lower Canada, and the want of any efficient local agency for the management of this branch of the public service. With the exception of the attempts which were made to remedy this inconvenience by the establishment of land boards prior to the division of the Province, and in later years by the appointment of township agents, the operation of both of which was temporary and partial, no right to occupy land could be obtained except by means of a personal application to the Governor at Quebec. And even when by means of these local agencies, a qualified and incomplete right of occupancy was obtained, a satisfactory title to the land could only be procured at the seat of government. To the majority of the settlers this was equivalent to an absolute refusal of a grant, since the expense of a journey to the capital of the Province, and of a residence there for the period required in order to obtain a grant or a title, was greater than the purchase-money of the land would have been. Added to this, the time occupied in obtaining a patent, even when an agent was employed, was on the average 15 months. Numbers consequently who were disposed to settle, preferred occupying the first vacant lot without title, trusting to the justice or the negligence of the Government for the undisturbed enjoyment of whatever improvements they might effect. Numbers, too, it cannot be doubted, preferred emigrating to the United States, where land might be obtained, at a higher nominal price indeed, but with a certainty and facility which in fact made it much cheaper.

The surveys of the township lands also were so imperfect and erroneous as to add very considerably to the practical difficulties in the way of settlement. Instances have occurred in which the lots professed to be granted had no existence except on the diagram in the surveyor-general's office. Yet more numerous were the cases in which a person receiving a grant of 200 acres, found that the lot assigned to him contained from 40 to 90 acres more or less than its assumed dimensions. In many instances the grant was without a boundary, or its figure and boundaries were totally different from those which, by reference to the map, would be found to have been assigned to it. It will be obvious that a very general uncertainty and distrust must have been produced by these errors, and that the desire of improvement in almost every settler must have been checked by fears, lest a more accurate survey should demonstrate that the land which he had cleared and cultivated belonged to some other individual or to the Crown.

In making these last statements, it is due, however, to the individual by whom the office of surveyor-general is at present held, to state, that he cannot be held responsible for the errors I have described. From the system pursued originally, the greater part of the surveys were made by persons who were only nominally under the control of his department. The surveyor employed for the purpose was paid by the person to whom the land, when surveyed, was to be granted, and those surveyors were employed who would contract for the performance of the survey upon the cheapest terms. Many professed surveys, therefore, were made by persons who never had been on the ground. The outlines of the township were run; but the interior plan was filled up entirely either according to the fancy of the surveyor or from the report of the Indians or hunters who were acquainted with the general character of the land included within the limits of the township. And even when the survey was performed under the direction of the surveyor-general, the very inadequate scale upon which his office is maintained rendered it impossible that he should exercise any effectual supervision over his subordinates. It is the more due to Mr. Bouchette to make this statement, because during the 30 years that he has filled the office of surveyor-general, he appears always to have laboured zealously according to his means to advance the interests and to facilitate the settlement of the Province.

UPPER CANADA.

Upper Canada.

The area of the surveyed parts of this Province is stated to be 17,653,544 acres. Out of this there have been reserved for roads 450,000 acres, for the clergy 2,395,687; there have been granted and appropriated 13,660,838 (total, 16,506.525), and there remain to be granted 1,147,019.

Min. of Ev. Q. 799.

No. 14.

In the evidence of the chief clerk in the surveyor-general's office, it is stated that rather more than 1,500,000 acres remain at the disposal of the Crown; and by a return subsequently furnished, this amount is stated at 1,597,019 acres. From a careful examination of the return itself, it, however, appears, that there is not more than the amount stated above. The error in the return has obviously arisen from its not including the reservation for roads in the enumeration of the granted and appropriated lands.

The methods of land-granting pursued in this Province have been as various as those described with reference to Lower Canada. Up to 1791, Upper Canada formed a part of the Province of Quebec, and the disposal of public lands was successively regulated by the instructions of 1763, of 1775, and of 1786, adverted to in the foregoing sketch of the systems of land-granting in Lower Canada.

After the separation of the Province, the public lands in Upper Canada were granted under instructions from the Home Government identical with those described with regard to Lower Canada, the chief object of which was to provide against evils similar to those which had been experienced in the other North American Colonies from excessive grants to individuals

viduals, and which therefore established 200 acres as the ordinary extent of a grant. These instructions continued in force, without any alteration, till 1825.

The grants to officers and privates of the 84th regiment of foot, and to the refugee loyalists from the United States and their sons and daughters (who are termed U. E. loyalists), under the instructions of 1786, were, subsequent to the division of the Province, to be made in Upper Canada, and ever since that period grants have been and continue to be made to these individuals according to the tenor of those instructions. During the continuance of the same instructions, but, it would seem, in direct violation of their spirit, grants of 1,200 acres each were made to individuals of various classes, to magistrates, barristers, &c., &c., as described in the evidence of Mr. Radenhurst. Grants, of 5,000 acres each, were also made to executive and some legislative councillors, and of 1,200 acres each to their children. Attempts appear to have been made, at a very early period, to introduce a system of granting whole townships to individuals who would undertake their settlement, similar, in many respects, to the system of leaders and associates described in reference to Lower Canada. After 10 townships had been granted in this manner, the number of applications was however so great as to determine the Council not merely to abandon the system for the future, but to rescind the grants which had been made. This was accordingly done; but by way of compensation to the persons to whom these townships had been assigned for the trouble and expense they had incurred in attempting to fulfil the conditions of the grant, each grantee was entitled to receive 1,200 acres. This compensation was accepted by all except Mr. Berczy, to whom the township of Markham had been assigned, and who, having applied himself in good faith to fulfil the conditions of the grant, was ruined by the decision of the Council to rescind it.

Min. of Ev. Q. 698.

Min. of Ev. Q. 706. *et seq.*

Min. of Ev. Q. 1051.

From 1791 to 1804 it would appear that grants were altogether gratuitous, and that no fees were payable except to an amount just sufficient to compensate the various officers concerned in passing the grant for their trouble. In the course of the latter year a scale of fees, proportioned to the extent of the grant, was introduced by an order of the Governor in Council, upon the payment of which almost any one was at liberty to obtain a grant.

Min. of Ev. Q. 698.

The introduction of this scale of fees, from which, however, all grants to privileged persons, such as U. E. loyalists, militia, &c., &c., are stated to have been exempt, was the first attempt at system, and continued in force till 1819. In 1818, in addition to the payment of these fees, the performance of settlement duties was also required, as a preliminary condition of all grants, whether subject to the payment of fees or made to privileged persons. Under this scale of fees there were granted, in the 15 years, 388,263 acres.

Min. of Ev. Q. 731.

No. 17.

In 1819 another scale of fees, nearly double in amount, was introduced. Under this scale, scarcely any grants were made, and it was in 1820 superseded by another scale of fees, which upon all grants above 500 acres amounted to 5*s.* per acre upon the grant. The Order in Council fixing this scale authorized the grant of 50 acres to indigent settlers without any fees. Under this authority, gratuitous grants of 50 acres each, to the amount of about 40,000 acres in the whole, were made; and grants were also made of larger quantities, subject to the payment of fees according to the scale, amounting in the whole to 72,228 acres.

Min. of Ev. Q. 738.

In 1825 regulations were issued by the Lords of the Treasury in England directing what was termed the sale of land upon quit-rents, but what was in reality the grant of land, subject to the payment of interest at five per cent. upon its estimated value. Under this system 15,100 acres were granted.

Min. of Ev. Q. 698.

No. 21.

Up to this period all grants of land had been made at the discretion of the Governor in Council, not merely so far as related to the quantity and position of the land granted, but also as to whether the party applying should receive any grant at all. The surveyor-general, under whose general direction the whole land of the Province was placed, was the individual by whom, in most instances, this discretion was exercised, since all applicants were compelled to obtain from him a certificate that the lot for which they applied was vacant and might be granted; and in all cases the adverse opinion of this officer was sufficient to prevent any grant from being made. In 1827 a Commissioner of Crown lands was appointed, who was directed by instructions from the Lords of the Treasury, dated July 1827, to assume the management of the whole of the waste and ungranted lands of the Crown. By the same instructions, all public land was to be sold by auction, and to be paid for by instalments without interest. Under this system, slightly modified in 1833 by requiring the payment of interest upon the unpaid portion of the purchase-money, rather more than 100,000 acres of Crown lands have been sold. In Upper Canada neither the instructions of Lord Goderich in 1831, nor those of Lord Glenelg in 1837, have been complied with.

No. 35.

No. 15.

There have been two cases in this colony in which the Government has delegated to others the disposal of its waste lands. A very extensive tract in the London and Western districts has been placed under the entire superintendence of Colonel Talbot, and the whole of the Crown reserves, and 1,100,000 acres in one block, in the Huron district, have been sold to the Canada Company. In the former case the delegation was more direct than in the latter, which took the form of a sale. The powers of Colonel Talbot, with regard to the whole of the tract he has been allowed to settle, are, however, apparently quite as absolute as those of the Canada Company with regard to the land they have purchased; and although there was not, so far as I could learn, any such stipulation in the arrangement with Colonel Talbot as should have exempted the land which he had not actually settled from the operation of any subsequent regulations framed by Government, yet the whole of the land thus circumstanced has been tacitly excluded from the operation of the Treasury instructions of 1827, and of those subsequently introduced. The sale to the Canada Company, though in form an exceptional method of disposing of public land, was in effect, and was intended to be, a

Appendix (B.)

Upper Canada.

delegation of the powers of Government in this important particular to a private company, prompted, apparently, by the obvious ill success of the proceedings of the Government, and by the hope that persons having a deep pecuniary stake in the result of their measures would be more careful, and therefore more successful in their operations. The result of both these experiments has been so far fortunate, that settlement appears to have proceeded with somewhat more of rapidity and regularity upon the land thus disposed of than upon that which remained under the control of the officers of the Crown.

The quantity of Crown lands disposed of, or appropriated, according to the different plans described above, amounts in the whole, including the sale to the Canada Company, to rather more than 13 ½ millions of acres. Of this amount there have been granted, subject to the regulations from time to time specially introduced by the Executive Council and the Home Government, not quite 600,000 acres, or considerably less than a 20th part of the whole; and with the exception of certainly less than 600,000 acres, all the granted land, or 13,000,000 acres, was disposed of prior to, or in satisfaction of claims which arose before, the year 1825, at which time the population was under 150,000. But the regulations above described, various as they were, do not comprise the whole of the modes by which land was disposed of by the Government of the Province, or by the authorities at home, whether the Lords of the Treasury, or the Secretary of State for the Colonies. The grant of 48,500 acres

Min. of Ev. Q. 699.

to Colonel Talbot, for settling a part of the enormous tract of land placed under his sole control and management, and the grant to the laird of M'Nab, by the Government of the colony, the grant of 12,000 acres to Dr. Mountain, the Bishop of Quebec, of a similar amount to the heirs of General Brock, and of 3,000 acres to Mr. Shireff, are, I am inclined to believe,

Min. of Ev. Q. 1028.

only faint and inadequate specimens of the exceptional dealings in respect of rules, so little defined as apparently scarcely to allow of any proceeding being regarded as exceptional to them; although, from the general carelessness of the system, these were the only instances elicited in the course of my inquiries.

In this Province also reserves have been made for the clergy and the Crown under the same authority, and in the same manner as in Lower Canada. But though here also the same original error in laying out the land to be set apart for the clergy was committed, yet, as the surveyor-general, by whom the specification to be inserted in the patent was prepared, followed the terms of the Act, and described a quantity only equal to a seventh of the land granted, there has been no such complication of errors as I have described in reference to the Lower Province. The land set apart on the map, and treated as clergy reserves, exceeds by one-seventh the amount contemplated by the Legislature, but this excess has never been included in any patent, and it therefore remains public property. A considerable proportion of it has been sold under the name of clergy reserves. This, however, is a mistake, which admits of an easy and satisfactory correction. The provisions of the Act authorizing the sale of these reserves, have, in this colony, been strictly observed. Less than one-fourth has been sold, and the sales have not amounted to 100,000 acres in any one year.

In Upper Canada, however, the reservation and application of these reserves have been the source of a widely-spread and dangerous discontent. The purpose to which they have been applied has very greatly aggravated the dissatisfaction occasioned by the effects produced by their being withheld from settlement; and at the same time the constant experience of their injurious effects upon the settlement of the Province has embittered the polemical strife occasioned by the exclusive character of their destination. It was impossible in a colony where so deep and universal an interest prevailed upon this question, while pursuing an inquiry into the operation of former methods of disposing of the public lands, to refrain from an examination into the nature of the results of this particular appropriation. With a view to the most detailed and satisfactory information upon the subject, the leading clergy of all denominations were examined. All of them, to whatever sect they belonged, confessed and lamented the injuries inflicted upon the peace of the colony by these reserves.

Min. of Ev. Q. 1116, *et seq.*

Min. of Ev. Q. 1147, *et seq.*

Min. of Ev. Q. 1124, *et seq.*; 1129, *et seq.*; 1135, *et seq.*; 1140, *et seq.*; 1143, *et seq.*

The Archdeacon of York, the most zealous, and certainly one of the most able defenders of the right of the Church of England; the Catholic bishop, M'Donnell, eminent for his loyalty; no less than the ministers of the different sects of Presbyterians, of the Methodists, and of the Congregationalists, stated their belief, in which everything that I could learn induces me fully to acquiesce, that it was vain to expect that the colony could be tranquil until this question was settled. It forms no part of the recommendations contained in this Report to suggest any measure by which this object might be accomplished, but I cannot do otherwise than point out the deep and pressing importance of the subject.

In the return of granted lands accompanying this Report (No. 13), are included appropriations made shortly after the termination of the American war, to Indians of the Six Nations, who had abandoned the old seats of their tribe to establish themselves in the Province under the protection of the English Crown, as well as some smaller blocks of land which were reserved for the Indians of other tribes out of the cessions made by them of the land which they had formerly occupied. The land appropriated for the use of the Six Nations' Indians, consisted chiefly of 570,000 acres of fertile and advantageously selected land lying on each side of the Grand River, from its mouth to its source. At the present time, according to the statement of Mr. Jarvis, agent for the Indians, they do not possess, in round numbers, more than about 200,000 acres; I believe the precise amount is 187,000 acres. Of the manner in which the large portion they have alienated was acquired by the

Min. of Ev. Q. 746, *et seq.*

individuals into whose hands, as is stated by Mr. Radenhurst, it passed with the sanction of the Government of the colony, and nearly the whole of whom were connected with that Government, I could not obtain any testimony upon which I could feel myself justified in relying. It is, however, certain that the consideration paid for it was for the most part of merely

merely temporary benefit to them. The Government, under whose guardianship the Indians were settled, and whose duty it should have been to provide efficient securities against any improvident grants, by which a provision, intended to be permanent, might be disposed of for inadequate or temporary returns, would seem, in these instances, to have neglected or violated its implied trust. To the extent of this alienation the objects of the original grant, so far as the advantage of the Indians was concerned, would appear to have been frustrated, by the same authority, and almost by the same individuals that made the grant. I have noticed this subject here for the purpose of showing that the Government of the colony was not more careful in its capacity of trustee of these lands, than it was in its general administration of the lands of the Province.

But taking into consideration this and all the other methods by which, as appears by the evidence of Mr. Radenhurst, lands might be obtained in this Province, it would seem that there is still a large amount for the granting of which no reason appears, and none could be found, without separate inspection of each of the 50,000 grants which have been made. The grants and appropriations in the whole appear by the Return No. 13 to amount, including the clergy reserves, to 16,056,525. Min. of Ev.

The grants and appropriations of which an account has been furnished are as follow:

Clergy reserves	2,395,687
U. E. loyalists	2,911,787
Militia	645,509
Under regulations of 1804	388,263
Ditto of 1820	72,288
Quit-rents	15,100
Discharged soldiers and seamen	449,400
Magistrates and barristers	255,500
Clergymen	36,900
Executive councillors	136,960
Legislative ditto	48,475
Surveyors	264,950
Canada Company	2,484,413
Sold	100,000
Schools	500,000
Grants of officers	92,526
Indian reserves	600,000
	11,397,758

leaving altogether unaccounted for 4,658,767, or considerably more than one-fourth of the whole. A small proportion of this, less probably than a tenth, is included in the land disposed of for the Government by Colonel Talbot, under the authority conferred upon him. But after allowing for this and other possible omissions of a similar character, it is still difficult to understand in what manner the greater part of this excess has been disposed of. It is not, however, impossible that upon a strict inquiry, a large proportion will be found to be still the property of the Crown, and that its supposed appropriation is the result of a practice referred to in the evidence of Dr. Baldwin, of putting fictitious names to favourable locations upon the diagram of a township in the surveyor-general's office, in order that they might be reserved for persons who possessed some particular claims upon the favour of the office. From various statements made to me in the shape of anecdotes that could not be embodied in evidence, I am inclined to believe that this practice prevailed to a very considerable extent. It has, I doubt not, very frequently happened that these fictitious names have been taken for real, and that many of the most favourable lots in the surveyed townships have been thus unconsciously reserved from settlement. To what extent this has been the case it is impossible to determine without a thorough and efficient investigation, for which neither the time nor the means at my disposal afforded an opportunity, and which, in the existing state of the surveyor-general's department, it would be very difficult to accomplish. But whatever may have been the cause of the circumstance, its existence affords a forcible illustration of the careless and irregular practices of the land-granting department. Min. of Ev. Q. 1055.

Perhaps, however, the most striking proof of the early improvidence of the Government in its disposal of the waste lands of the Province is to be found in the fact, that from 1763 to 1825, during which period the population had slowly grown up to 150,000 souls, the quantity granted or engaged to be granted by the Crown was upwards of 13,000,000 acres, while during the 13 subsequent years in which the population increased from 150,000 to 400,000, the quantity disposed of, including the sale of the clergy reserves, is under 600,000 acres. A fact such as this needs no comment.

In the course of the inquiries which I instituted, I heard it frequently asserted that there had been and still were many irregularities in the operation of the land-granting system, of a vexatious and harassing character, from which the poorer classes of settlers especially sustained very great inconvenience. One class of these irregularities, referred to in the evidence of Dr. Baldwin, has been noticed above, and the evidence of the same gentleman evinces the prevalent opinion upon this subject. From the observations I was able to make, I have Min. of Ev. Q. 1055.

Appendix (B.)

Upper Canada.

little doubt that these assertions were well founded; but no specific instance of the sort came before me. Those persons residing at Toronto who had been concerned in obtaining land, possessed facilities of access to the office which freed them from some of the worst results of these irregularities; and as they were not generally persons intending to settle upon their grants, they were less affected by those delays to which they might be subject. The persons who have felt these evils in the greatest degree have been settlers in remote and thinly-peopled districts, who had, under the circumstances, no means of representing their grievances to me. Only one instance, therefore, of actual injury alleged to be sustained from this cause of late years, reached me; and that is described in a letter appended to the minutes of evidence, addressed to me at Toronto, but forwarded to me after I had left that place, and when consequently I had no means of inquiring into the truth of the complaint, or of ascertaining the cause to which it was attributable. From the evidence of Mr. Radenhurst as to the state of the surveys, and from the delay which, in spite of the willingness of that gentleman to afford me every information, I experienced in procuring the returns for which I applied, in consequence of the incomplete organization of the surveyor-general's office, and the apparent absence of all proper records of its transactions, I have little doubt but that this is by no means a solitary or uncommon instance of evils of this nature. In fact they appear to be inseparable from such a system, or rather such a want of system as that which I found to prevail in Upper Canada. With an establishment, inadequate at best, and for the last nine years under no efficient and responsible direction, it is almost a matter of course that these and similar irregularities should prevail.

No. 41.

Min. of Ev. Q. 856.

Min. of Ev. Q. 859.

NOVA SCOTIA.

Nova Scotia.

The area of the land of the Province of Nova Scotia may be estimated at 8,000,000 acres. Of this amount it is assumed that less than 6,000,000 of acres are fit for cultivation. And nearly the whole of this available land is included in the 5,750,000 acres which have been already granted. It is estimated by Mr. Morris, the present surveyor-general, that of the 2¼ millions of acres yet remaining at the disposal of the Crown, not more than one-eighth is suitable for the purpose of settlement.

Min. of Ev. Q. 1225.

My task in relating the proceedings of the Government in reference to the disposal of the waste lands of this Province is necessarily much simplified by the fact, that, at a very early period, the Crown divested itself of nearly all the land in the colony available for the purpose of settlement, and that consequently its subsequent operations have had little effect upon the progress or condition of the Province. The first grants of land to any considerable extent appear to have been made under instructions from the English Government issued in 1760, previously to which period grants of land had been at the discretion of the Governor and Council, and had been made with a great and seemingly judicious reserve. Of these instructions no copy remains of record in the colony, and nothing certain is known of their nature. In less than 13 years, however, after they came into operation, nearly 8,000,000 of acres, including the whole of the island of Prince Edward, then part of the Province of Nova Scotia, were granted in blocks of from 20,000 to 150,000 acres to individuals or companies residing or formed in England. All of these grants contained conditions of improvement; but after some expense had been incurred by the grantees in unsuccessful endeavours to settle the extensive tracts of which they had been made proprietors, the land was abandoned to its few inhabitants or suffered to remain absolutely waste. It still, however, continued in the possession of the grantees, and the whole Province was thus effectually closed against emigration from the mother country or the neighbouring colonies. Efforts were repeatedly made upon representations of the local government in 1773 and in subsequent years, to revest these lands in the Crown by a process of escheat, but were as repeatedly baffled by the influence of the absentee proprietors.

Min. of Ev. Q. 1241.

Since, however, it was felt that a valuable province, such as Nova Scotia, ought not to be left in these circumstances, the Government deemed it expedient to endeavour to attract settlers by throwing open for location, upon advantageous terms, all the land yet remaining at its disposal. A plan was accordingly framed for the purpose by the Lords Commissioners of Trade and Plantations, under which the ungranted lands of the Province in favourable situations were surveyed, and public notice was given of the intentions of Government to dispose of such lands by sale. On the appointed day 83,000 acres were accordingly offered for sale, but not a single purchaser appeared; no person apparently being willing to settle in a province, the prosperity of which had been so notoriously retarded by the early profusion of the Government. The same plan appears to have remained in force till shortly after the breaking out of the American war, at which time the sales were suspended, and orders were given to make gratuitous grants to refugee loyalists. These orders were speedily followed by directions to escheat the old excessive grants in respect of which the conditions of settlement had not been fulfilled. The execution of these directions was resisted by the proprietors of these grants, but very large tracts were nevertheless resumed, and 4,000 families were settled upon new grants. In these new grants, however, were included the whole of the escheated land, and thus a second time the Crown placed nearly the whole available land of the Province out of its own control.

In 1790, for reasons which do not appear, all further grants of land were forbidden, and this prohibition remained in force till 1808. This restriction was, however, frequently evaded by the issue of licenses of occupation to actual settlers; and those who were desirous

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Nova Scotia.

to settle, but could not obtain a licence, squatted upon the land. In 1808 instructions were issued by which a grant of 100 acres might be made to the head of a family, and of 50 acres to each member, not exceeding 500 acres in the whole, subject to the payment of a quit-rent of 2*s.* per 100 acres. This system continued in force till 1827, and the settlement of the country is stated to have proceeded rapidly under its operation. Many disputes and much inconvenience were, however, produced by the grants occasionally made of land upon which squatters had established themselves during the previous prohibition of all grants; and the appointment of local boards, adopted as a remedy for this evil, appears to have had very little influence. The practice of squatting, too, still continued, as might be expected when most of the causes to which it was attributable remained in full force, and when means were adopted to secure to the squatter the benefit of his improvements. All of these grants were made subject to a quit-rent of 2 *s.* per 100 acres, but the payment of this never appears to have been enforced, and the quit-rents were, in 1835, commuted for a yearly sum of 2,000 *l.*, payable by the Assembly towards the salary of the Governor.

In 1827 the system of sale was introduced in this colony, in spite of a report made by the Governor to Lord Bathurst, pointing out what he conceived to be the injurious results of the plan. All persons, however, who were considered to have claims for grants of land, on the ground of actual settlement and improvements, were allowed to receive them upon the former terms, if they applied before the 1st of January 1828. 2,940 persons in the whole availed themselves of this privilege; 1,820 in Nova Scotia, and 1,120 in Cape Breton. Min. of Ev. Q. 1091.

The progress of settlement in this Province has been necessarily slow. The early grants, whether those made prior to 1773, or those to the American loyalists, still remain for the most part uncultivated. Whatever progress the population and agriculture of the colony has made of late years, appears, from the evidence, to be attributable almost entirely to the squatters, who have acquired, from the cultivation of the land itself, the means of paying the amount of fees, or the purchase money necessary to secure a title. It is stated in the evidence of Sir R. George, that a very considerable portion of the available ungranted land of the Province is occupied by squatters, and that one half of the population of Cape Breton may be assumed to consist of persons of this class. Min. of Ev. Q 1257.

The practices which have prevailed in the land-granting department appear to have been not more consistent with the instructions of 1827, and the subsequent instructions of Lord Goderich in 1831, than those which have been described with regard to the other provinces. The practice of free grants has been continued; out of the 5,750,000 acres disposed of by the Crown in the Province, only about 120,000 acres have been disposed of under the system of sale; and Mr. Morris, the Commissioner of Crown lands, states, that the largest portion of this has been acquired not by actual or intending settlers, but by speculators, who have been tempted by the low upset price, and have purchased on account of the timber, or with a view to profit from a future sale. Min. of Ev. Q 1186.

In this colony there are the same defects and irregularities in the surveys which I have described in reference to Lower and Upper Canada, and the same immediate and prospective inconveniences resulting from this circumstance.

NEW BRUNSWICK.

New Brunswick.

The area of the Province of New Brunswick is about 16,500,000 acres. Of this quantity there have been granted 3,000,000 acres, and sold 1,400,000; in all, 4,400,000. Of the quantity still remaining at the disposal of the Crown, it is estimated that about 11,000,000 acres are fit for settlement.

Until the year 1784 this Province formed a part of Nova Scotia, but it does not appear to what extent the lands included within its limits had been granted before the separation took place. After its establishment as a separate province, grants of land were made under the authority of instructions from the Home Government by the Governor in Council, subject to the payment of a quit-rent of 2*s.* per 100 acres. This system continued in force up to the year 1827, when the system of selling was introduced by instructions from the Lords of the Treasury.

The exercise of the power thus vested in the Governor and Council appears to have been characterized by very little more prudence and reserve than in the other colonies, since, although it is estimated that one half of the granted land is in the possession of actual occupants, it appears that at the present time very little more than a twentieth part is under cultivation.

In carrying out the system of sale in New Brunswick, no attention appears to have been shown to the instructions from Lord Goderich in 1831, directing that the purchase-money should be paid by half-yearly instead of annual instalments, and should bear interest. The system introduced by the Treasury instructions of 1827 would seem to have been continued till the receipt of the last instructions of Lord Glenelg in 1837. The low price of land in this

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New Brunswick.

Min. of Ev. Q. 1620, *et seq.*

this Province, 2*s.* per acre, and the easy terms upon which payment is required, have led to an extensive acquisition of land by persons who have done nothing to improve it; and it appears from the evidence of Mr. Baillie, that there are great difficulties and delays in the way of obtaining a title, occasioned by the recent Act of the Provincial Parliament for regulating the disposal of waste lands.

In this Province, also, there are uncertainties and difficulties resulting from the imperfect and incomplete state of the surveys, similar to those which I have described in reference to the other colonies; and owing to the inadequate establishment of the surveyor-general's

Min. of Ev. Q. 1682. office, there is nearly a twelvemonth's business in arrear.

PRINCE EDWARD ISLAND.

Prince Edward Island.

The history of Prince Edward Island, so far as relates to the system of land-granting, is most brief. The whole of the land was granted in one day to absentee proprietors upon terms which have never been fulfilled. To this original profusion may be attributed all the evils under which this island has laboured, and to which, in spite of unremitting exertions on the part of the provincial legislature to enforce upon the Home Government the necessity of applying some remedy, it is still exposed. In every other colony there has been such a degree of laches upon the part of the Government as in equity to preclude it from any enforcement of the original conditions upon which grants were made; but in Prince Edward Island scarcely at any time have five years been suffered to elapse without some appeal to the colonial minister, praying that the Crown would resume the grants it had made, as a measure not merely legally justifiable, but as the only measure that could free the Province from the evils that these excessive grants had inflicted. Upon one occasion the representations of the Assembly temporarily prevailed; process of escheat was adopted, and two townships were resumed by the Crown; but the influence of the absentee proprietors prevailed with the Home Government to stop the measures which had been commenced, and from that time to the present nothing has been done to enforce the settlement of the grants, the greater number of which yet remain chiefly in a wild state.

The repeated efforts of the legislature of the island to compel the forfeiture of these grants, induced the Home Government, at the same time that it refused to accede to the measures proposed for the purpose, to recommend another measure as a substitute. Accordingly, Lord Goderich, when Secretary of State for the Colonies, suggested that a tax should be imposed upon all wild land, and this suggestion was repeated by Lord Stanley, and at a later period by Lord Glenelg. The Assembly, regarding such a measure as inadequate, declined at first to entertain it, but at length, finding that there was no chance of obtaining the sanction of the Imperial Government to any bill for the escheat of the waste lands, they passed an Act imposing a tax of 4*s.* per 100 acres. This Act was reserved for the allowance of the King in Council, and upon the representations of the absentee proprietors, such allowance was refused.

From the preceding brief and general sketch of the history of the system of land-granting pursued in all the Provinces of British North America, it appears that similar general principles have guided the Imperial Government in framing the measures which it has successively introduced and relinquished. But although hitherto the administration of this branch of the public service has been conducted upon similar principles, the actual practice has been and continues to be different in each colony. In no two colonies, in fact, has the same system prevailed at the same time. In Upper Canada, to select a single epoch, after 1804, land was granted upon the payment of fees, to almost every applicant, in lots of from 100 to 1,200 acres, in addition to the free grants to privileged persons, and till 1818 the grants were free from all conditions. In Lower Canada, at the same time, land was being granted in tracts of from 10,000 to 40,000 acres, subject to conditions of settlement. In New Brunswick land was granted, subject to the payment of a quit-rent, while in Nova Scotia, till the year 1808, all grants of land were absolutely forbidden. And even when an uniform system of sale was professedly established, the practices in the different colonies have been as variable as they previously had been. In Upper Canada, payment of the first instalment was never required at the time of sale; the nominal price averaged 10*s.* per acre; and after 1833 interest was required upon unpaid instalments. In Lower Canada, payment of the first instalment was always required; the price of land has been about 3*s.* 6*d.* per acre, and interest has never been demanded. In New Brunswick the price has been about 2*s.* per acre, and the payment of interest has never been required. And in Nova Scotia, the same price, and the same practice of not requiring interest, has prevailed; but nearly all the land occupied for the purpose of settlement

ment has been disposed of by free grant, in spite of the instructions of the Home Government, or has been occupied by squatters. In both Upper and Lower Canada also, large free grants of land have been made even up to the present moment, in fulfilment of previous engagements on the part of the Government, while in New Brunswick no land has been disposed of, excepting by sale, since 1828. In New Brunswick, land required, or supposed to be required, for actual settlement, has been sold at 2 *s.* to 2 *s.* 6 *d.* per acre, while timber land has been sold at as high a price as 10 *s.* In Lower Canada, on the contrary, timber land has been sold at as low, and in many cases at a far lower price, than other land. The purchase in the district of Gaspé, particularly referred to hereafter, which was made entirely for the sake of the timber, was at an average price of about 3 *s.* per acre. In Lower Canada and New Brunswick, all purchases appear to have been made *bonâ fide*, while in Upper Canada the vast majority of purchases appear to have been merely nominal, the bidders having no intention to become purchasers, and bidding only that they might transfer their rights to those whom they had overbid. In fact, there is scarcely a single particular, from the mode in which the land was selected for sale by the Governor, to the manner in which the title was obtained after the completion of the purchase, in which different and even opposite practices did not prevail, under what was intended and assumed to be an uniform system. It is obvious that all of these practices could not be right; but, judging from the results, it is not unfair to conclude that they have all been wrong. Almost every witness examined upon the subject condemned the practice with which he was best acquainted. Not one person could be found in any colony, even among those who might be supposed to possess a motive for looking with a favourable eye upon the system which they were engaged in carrying out, to speak in its praise. Such an unanimity of disapprobation must be allowed to possess considerable weight. In all of the colonies whose history I have previously sketched, in connection with the subject of my inquiry, the various methods of disposing of the public lands have produced results of the most disastrous character upon their progress and prosperity.

The evidence collected upon this subject, and appended to the present Report, discloses the existence of evils in every colony similar in kind and in degree, having a common cause, and involving similar consequences. The settlers, separated from each other by tracts of appropriated but unoccupied land, whether Crown or clergy reserves, or private property, have been placed in circumstances which rendered it impossible that they should create or preserve the instruments of civilization and wealth. Their numbers are too few, and their position too distant, to allow them to support schools, places of worship, markets, or post-offices. They can neither make nor maintain roads. The produce of their farms, owing to the necessarily imperfect methods of cultivation pursued under such circumstances, is small in quantity, and, owing to the difficulty and expense of conveying it to market, of little value. The money that has been expended in the acquisition and improvement of the land they occupy yields them no adequate return; and though the means of subsistence are within their reach, yet these are rude, and not unfrequently scanty, and have to be purchased by severe and oftentimes unremitting toil. The experience of the past warrants no expectation of any improvement. With very few and irregular exceptions, such a state of things has prevailed in every district of every colony, from its establishment to the present time; any increase of population having led rather to an extension of the limits of settlement than to the occupation of the unsettled lands in the midst of the old occupants. To an individual placed in this position there is, consequently, only one means of escape; the total and immediate abandonment of his farm, either selling it for what it will fetch at the moment, or allowing it to remain unoccupied till he can obtain what he considers a fair price. This is no exaggerated description of the difficulties and privations of persons so circumstanced, or of the manner in which those, who have not dissipated all their means, escape from it. The evidence of Mr. Kerr, of Mr. Russell, of Mr. Radenhurst, of Mr. Sullivan, of Mr. Rankin, and of Mr. Hawke, confirm, in the most complete manner, the above representation, as regards Upper and Lower Canada; and, with respect to Nova Scotia and New Brunswick, in addition to the evidence given before the Commission, the statements of Major Head, by whom these colonies were visited in his capacity of Assistant Commissioner, and who is himself a native of Nova Scotia, represent a degree of stagnation and decay, as existing in these colonies, which, on less credible testimony, it would be difficult to believe. The picture of deserted and ruinous dwellings, and of abandoned farms, which he draws, is such as might be expected in a country recently the victim of a hostile invasion, or in which the ungrateful soil barely repaid the labour of the cultivator. The picture, however, is drawn with respect to countries that have not felt the footsteps of an enemy for more than half a century, possessing a soil of abounding, if not of unexampled, fertility, and rich in all the elements of commercial and agricultural wealth.

In the Lower Provinces there has not been that immigration of individuals possessed of capital which took place to so great an extent into Upper Canada, and which was stimulated by the offers of the Provincial Government, and by representations, sanctioned at least, if not made, by the Government at home. The colonies of Nova Scotia and New Brunswick, therefore, afford no such striking instances of ruin to the emigrant capitalist as are furnished by the evidence taken in respect of Upper Canada; but they contain abundant proofs of the existence of those circumstances which repress industry and forbid progress. In Upper Canada the large emigration of capitalists created a temporary activity and a seeming prosperity, in which New Brunswick only partially shared. The money paid by such emigrants, as the price of the land they intended to cultivate, stimulated a speculation in lands for which it supplied the means; and the large sums expended in the clearing and

 cultivation

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cultivation of their farms, although yielding no sufficient return to themselves, gave employment and subsistence to the labouring population, and enabled many of these latter to establish themselves advantageously. But all this was in its nature temporary. The emigration of capitalists well nigh ceased with the year 1834; and a progress, dependent upon this source, continued but a short time after the impulse was withdrawn. It was to no cause but the unprecedented emigration, from 1828 to 1834, that we can attribute the great increase in the price of land, which has been so often referred to as a proof of the prosperity of Upper Canada; and the present nominal prices of wild land in that colony have been maintained entirely by an expectation of a similar degree and character of emigration for the future. Still there, where the apparent prosperity has been greatest, we have at the same time the strongest evidences of the evil and injury by which it has been accompanied. The Lower Provinces, to which no similar emigration has occurred, exhibit the ordinary and inevitable results of the policy which has been pursued in their settlement, unaffected by any disturbing causes.

It is not improbable that attempts will be made to impugn the accuracy of these statements, and that comparisons will be drawn between the advance of these colonies in population, and that of the United States during the last few years, for the purpose of proving that the inferences drawn by different witnesses, and adopted in the present Report, are not warranted by the facts stated. But there are certain general facts which it is impossible to deny or evade. The enormous disproportion between the granted and cultivated land in every Province, and the great re-emigration to the United States, admit of no contradiction. Allowing that during the last few years there has been a very considerable augmentation in the number of the inhabitants, and in the agriculture and commerce of the colonies, and that, compared with their previous condition, their present circumstances exhibit hopeful signs of improvement and activity, this does not affect the truth of the representations I have made. It is still incontestably true, that after the lapse of a period varying from 60 to 10 years, less than a 20th part of the land granted by the Crown has been reclaimed from the wilderness, and that a very large proportion, if not the majority, of the emigrants from the United Kingdom, who have arrived in these colonies, have left them for another land, with no greater natural advantages of soil or position, and where they are surrounded by a people whose habits and institutions are unfamiliar to them. I do not dwell here upon the high official rank and unimpeachable personal character of many of the gentlemen by whom the obnoxious disclosures have been made, because the two circumstances to which I have just referred are notorious and indisputable. They require no weight of evidence to establish their truth, and they sufficiently prove the accuracy of the general conclusions deduced from the whole evidence.

Any comparison, too, between the increase of population in these colonies, and in the United States, is essentially fallacious. In Upper Canada, for instance, the immigration of 10 years, added to the natural increase by births, doubled the number of inhabitants; but the absolute increase was only 200,000, and the immigrants who remained in the colony, did not probably amount to more than 120,000. To have produced a similar effect upon the population of the United States would have required an immigration of nearly four millions. The proper standard of comparison would be one of the new states in the western territory, such as Illinois, where, in less than 15 years, the population has risen to a greater amount than that of Upper Canada at the present time, and in which the general advance, in every matter connected with civilization and material progress, is, beyond all comparison, greater than anything which the most favoured spots in these colonies could exhibit. It came to my knowledge, that in this state there was one town of recent foundation, in which a considerable number of English settlers were established, all of whom had originally attempted to settle themselves in Upper Canada, and had been driven from that Province by the impediments to success which they found everywhere existing; and I am credibly informed that a large portion of the population of this state was composed of persons of the same class. In the face of such facts I cannot acquiesce in any eulogy of the past system, because it has not entirely repelled or driven out all emigrants from the United Kingdom, nor prevented those who have stayed from contributing, in some small measure, to the advance of the Provinces.

The evils above described are of so prominent a character, and affect so materially the progress and wealth of every inhabitant of these Provinces, that it was impossible they should have been suffered to continue without some effort for their cure. Accordingly, it appears that in all of the colonies different measures, having for their object the removal of existing, or the prevention of future, inconveniences of this character, have been from time to time adopted. Whatever may have been the nature of these measures, or the manner in which they were intended to operate, the present condition of every colony testifies most unequivocally to their entire and absolute failure. No detailed evidence is required upon this point. Every where the circumstances against which they were directed exist in full vigour, and no traces are to be found of the existence or operation of a remedy. And upon inquiry, it appears that with scarcely any exception the various proceedings that have been at different times adopted as a remedy, have been either inoperative or injurious; either they have done nothing, or they have done mischief. A brief examination of these measures will show the causes to which their failure is attributable.

The previous history of the old American colonies had made the English statesmen of 1763, in some degree, familiar with the nature and the causes of those evils to which new countries

countries are exposed, from the manner in which the public lands are disposed of. Accordingly, in the instructions addressed to the Governor of the Province of Quebec immediately after the Peace of Paris, which secured to England the undisturbed possession of the Provinces she had conquered, we find a recognition of the existence of these evils employed as introductory to a measure of prevention. "Whereas," say the instructions, "great inconvenience has heretofore arisen in many parts of the colonies in America, from the granting excessive quantities of land to particular persons who have never cultivated the same, and who have thereby prevented others, more industrious, from improving such lands;" and this recital is followed by a declaration limiting all grants to an extent proportioned to the number of the family of the applicant, and in no case beyond such an amount as, with a large family, might be easily cultivated; though in the subsequent clause a power is vested in the Governor of increasing the grant by 1,000 acres, in cases where he might deem such increase expedient. In the instructions of 1791, the quantity to be granted was yet further limited; 200 acres being established as the general extent of a grant This was the first and most natural expedient. The evils referred to in the extract from the instructions which I have just quoted, had been occasioned by excessive grants; what, therefore, could seem a more appropriate remedy than the prohibition of large grants for the future? The effect of the regulation, however, was not answerable to the intention of its framers. It failed partly from the abuses introduced or permitted by those to whom its execution was entrusted, but still more by its own intrinsic insufficiency. In Lower Canada these instructions were evaded by the system of leaders and associates previously referred to, and described in the evidence of Mr. Davidson. And the Home Government, by whom these instructions were framed, and by whom they were repeated from time to time, upon the appointment of each successive Governor, even up to the introduction of the system of sale in 1826, itself not merely afforded an implied sanction to this evasion, by authorizing a grant of 12,000 acres to six of the executive councillors who had formed the land board, under the authority of which these excessive grants had been made, but violated its own instructions by these grants, and by the grants to Sir R. S. Milne and others, referred to in the same part of the evidence. In these cases, and in the cases enumerated with regard to Upper Canada by Mr. Radenhurst, the rule was evaded. But in both Provinces, and in the latter Province especially, it was found to be insufficient, even when fairly carried out. By far the largest portion of the present waste, but appropriated lands, in the Province of Upper Canada, were granted originally in 200 and 100 acre lots to U. E. loyalists and militia claimants (Return No. 16); to the former as a reward for the loyalty which induced them to abandon the United States, in order to maintain unimpaired their connexion with England, and to the latter in consideration of the services rendered during the last war with the United States. In Lower Canada also, including the grants to militia men, nearly 1,000,000 acres were granted in the spirit of these instructions, in 200 and 100 acre lots. In these cases, therefore, it is not to the extent of the individual grants that we can attribute the existence of evils of the very character pointed out in the extract quoted above; and yet such evils were produced by these grants as completely as by the most flagrant evasion or violation of the instructions of the Government. Enormous tracts of land, to the extent, in one case, of 100,000 acres, were acquired by different individuals who would neither cultivate the tracts thus acquired, nor dispose of them upon terms to attract settlers. The first plan, therefore, for preventing these evils by limiting the amount of the land to be granted to individual applicants, was proved to be altogether inadequate.

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Min. of Ev. Q. 18.

Min. of Ev. Q. 699.

Min. of Ev. Q. 781.

But as a further means of preventing the evils referred to in the instructions of 1763, conditions of settlement and cultivation were attached to the greater number of the large grants of land made in Lower Canada, and to nearly all of those in Nova Scotia, New Brunswick, and Prince Edward Island. The grantee was bound to place settlers and to make improvements upon his grant within a certain fixed period, and in certain definite proportions. In default of the performance of these conditions the grant was to be void. These conditions were, however, as unavailing as the previous limitation had been. In only a very inconsiderable number of cases were they performed to any extent, and in none probably were they performed according to the terms of the grant. But though the grants thus became liable to forfeiture, this liability was seldom, in some colonies never, enforced. The land was left unsettled and waste, but it still remained the property of the grantees, only to be resumed by legal process.

The proved inadequacy of these regulations and conditions led to the adoption in 1818, both in Lower and Upper Canada, of a new system. Under this the improvement of the land and the establishment of a settler upon it, instead of being a subsequent, was made a preliminary condition of all grants, and no title to the land was to be obtained until after its fulfilment. This plan, if it had been rigidly enforced, would have greatly checked, if it had not entirely prevented, the acquisition of any land except by those who had actually settled upon it. But it was heedlessly relaxed when comparatively few grants had been made. Although, therefore, a considerable degree of settlement took place under this system, its chief effect was to occasion a certain outlay upon the land in the colourable performance of the conditions, without producing any improvement in the land, or diminishing in any degree the evils occasioned by the unsettled grants.

Min. of Ev. Q. 45.

This result is attributable chiefly to two causes; the one, the nature of a very large portion of the grants to which the conditions were made applicable; and the other, the state of the districts within which, for the most part, these grants were situated. The greater proportion of the grants were made in reward of services to U. E. loyalists and militia. Individuals of these classes were not, in the majority of cases, disposed to settle upon the land

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promised them, and they not unreasonably complained of the annexation of any conditions to what they contended was designed to be a free and unincumbered gift. It was quite fair upon every principle, that when an individual, entering the country in order that he might there find the means of bettering his fortune, applied for a grant of land upon which he could settle, the Crown should require some proof that the application was made *bonâ fide*, and that the applicant really designed to cultivate his grant. But it was alleged that this rule did not apply to the case of persons to whom the land had been promised as a reward for something that had been already performed. It was no favour to such persons to allow them to receive a grant upon the same terms upon which it might be obtained by almost every applicant, and a compliance with which would have destroyed its value, since the cost of performing settlement duties was greater than the selling price of the land. Great numbers of these persons, therefore, obtained location tickets, never intending to perform any conditions, and trusting that no steps would be taken by Government to dispossess them. And those who did perform the conditions, did so in the slightest and least effectual manner, merely in order to enable them to obtain a secure and marketable title. There were some, however, both of the U. E. loyalists and militia who would have been willing to occupy the land granted to them, and these, as well as the intending settlers of other classes who had obtained location tickets, applied themselves in earnest to clear and cultivate the land of which they were put in possession. But there were insurmountable obstacles in their way. The assigned lot was often at a distance from all settlements, and with no roads leading to it. Frequently it was well nigh impossible for the settler even to discover the actual position of a lot; and when he had encountered and overcome these difficulties, a more lengthened trial often convinced him that ultimate success was not to be hoped for, and compelled the abandonment of his improvements. The land granted under these conditions, added therefore to the land retained in a state of wilderness, uncultivated by the proprietor, and withheld from those who might have brought it under cultivation.

Min. of Ev. Q. 648, 649.

The uniform failure of these successive methods, added to complaints of favouritism, led, about the year 1826, to the introduction of the system of sale. In Upper Canada it appears that this system has, to a considerable extent, effected one of the intentions of its framers, by preventing the acquisition of land for any other purpose than that of actual settlement. Still the results of the system have been highly injurious in that Province, as I shall have occasion to show in connexion with another part of the subject. In Lower Canada, except in the case of purchases by squatters, it appears that the greater part of the land was purchased by speculators, and a similar result appears to have been produced in New Brunswick and Nova Scotia. In these latter colonies, therefore, the system of sale has added to whatever evils are produced by the existence of the large tracts of appropriated but unoccupied land.

Min. of Ev. Q. 282.

None of the methods to which I have thus referred had, or were intended to have, any retrospective effect. They were prospective merely. Existing inconveniences were left untouched. All that was attempted was to prevent the occurrence of similar inconveniences in respect of any future grants. The plans successively introduced and abandoned were designed as measures of prevention, not of remedy, and, as has been shown, they failed almost entirely, even in this limited, and it might perhaps be added, unimportant, object. There have, however, been efforts on the part of the Government to remove existing, as well as to provide against anticipated evils. The measures adopted for this purpose have been two: the adoption of proceedings to procure the escheat of grants in respect of which the conditions had not been fulfilled; and the imposition of a tax upon wild lands. The former has been attempted in Nova Scotia, New Brunswick, Prince Edward Island, and Lower Canada; the latter in Upper Canada and Prince Edward Island. In the first-named Province, in which, as has been already stated, nearly the whole of the available land comprised within its limits was granted, as early as 1763, to individuals or companies residing for the most part in England, and where the result might be said to be the virtual annihilation of the colony, the intolerable evils thus occasioned led to early attempts to recover by escheat the lands so lavishly and improvidently alienated. The owners of these grants, however, many of whom had expended considerable sums in ill-directed and abortive efforts to improve them, resisted the attempt; and from their position in England, and the influence they were thus enabled to exert, resisted it with success. It is difficult to say how long this Province, the most rich in mineral wealth, and most accessible from Great Britain of all the British colonial possessions on the continent of North America, might have remained in the entire possession of these persons, had it not been for the necessity imposed upon the English Government of providing an asylum for the refugee loyalists from the United States. The Province of Nova Scotia, with its numerous and capacious harbours, its fisheries, and its mines, appeared as eminently fitted to become the home of those merchants and capitalists of the United States who were desirous of remaining citizens of the British empire, as did Upper Canada, with its fertile soil, for the agricultural class of refugees. In order to afford the means of settlement to persons of the former class, process of escheat was commenced against the proprietors of the unimproved land in Nova Scotia, and large quantities were escheated, upon which these persons were established. Both the refugees and the Government appear to have imagined that the settlements thus formed would maintain a successful rivalry in commercial enterprise with the cities on the sea-board of the United States. These hopes were, however, utterly disappointed. While the American cities advanced with unexampled rapidity, and extended their commerce in every direction, the towns founded by these refugees began to decay almost from the moment of their foundation, and speedily sank into a state of hopeless stagnation. The cause of the mortifying contrast is obvious. The former were supported by the trade of a community rapidly advancing

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in numbers and wealth, whose products they exported to foreign countries, and whose wants they supplied by importation. The latter were isolated establishments, fixed in a country which not merely had but a scanty and impoverished population at the time, but which was closed against settlement by the early improvidence of the Government. The attempt to establish great commercial towns in a Province which, from the want of a population to bring its great natural sources to account, had no exports, and, consequently, no imports, necessarily failed; and all the wealth brought into the country by these refugees was in a very short period entirely wasted. The agricultural settlers experienced a similar fate. The want of roads, and the scattered position of the population, fettered their industry; while the institutions of their new country, from which every vestige of the municipal system of the old colonies was jealously excluded, prevented them from applying those remedies by which the citizens of the United States have freed themselves from similar inconveniences. The progress of the colony, therefore, was slow and languid; and even at the present time, after the lapse of more than half a century, only 1–30th of the granted land is under cultivation. Even in this case, therefore, the most favourable that could be selected, the practice of escheat may be considered to have totally failed as a remedy for the evils produced by excessive grants. In the evidence of Mr. Morris and Sir R. George, with regard to Nova Scotia, of Mr. Baillie with regard to New Brunswick, of Mr. Lelacheur with regard to Prince Edward Island, and of Mr. Davidson with regard to Lower Canada, in all of which colonies escheats have been enforced or attempted, will be found abundant proof of its general inutility. As a measure of punishment merely it has had a small and partial effect; but as a remedy it has been altogether inoperative.

There remains for consideration only the measure of a tax upon wild land. This differs in one respect from all the other devices enumerated above, inasmuch as it has proceeded not from the Home, but from the Provincial Government. There have, however, been only two colonies in which it has been attempted, Upper Canada and Prince Edward Island. In both of these the object with which it was proposed, was not so much to remedy the general evils produced by the existence of the wild land, as to compel the proprietors to contribute, at least in some small degree, towards the general revenue of the colony. The tax, therefore, was not at all in the nature of a fine. Wild land was considered as a property, and, as such, as the legitimate object of a tax, but it was rated at a less amount than land under cultivation. The law imposing such a tax proposed in both colonies, has, in both, received the sanction of the Legislature. Its operation can, however, only be traced in one, since, in Prince Edward Island, the sanction of the Imperial Government was withheld from the Act by which it was imposed. In Upper Canada, where it has existed for nearly 20 years, its operation has been in a very slight degree beneficial; and even the benefits which it has produced have been, to a great extent, counterbalanced by consequences resulting from the manner in which the law has been enforced.

The tax upon wild lands in Upper Canada was first imposed in 1820, or perhaps it should rather be said, that in that year measures were first taken to enforce its payment. A tax of this sort had previously existed; but as it was merely a personal charge upon the owner of the land, it could only be recovered in those cases in which the owner resided within the district where his lands were situated. In 1820 it was made a charge upon the land, and the sheriff was authorized to sell the land in the event of nonpayment of the tax for eight years. By the Act imposing the tax, the assessment upon any species of property cannot exceed 1*d.* in the pound. The power of assessment is vested in the magistrates of the district, who also have the sole control of the funds produced from this source. Wild land is valued at 4*s.* per acre, and land under cultivation at 20*s.*; so that the tax upon the latter is five times greater than that upon the former; and the utmost amount to which the owner of wild land can be subject under this Act, if the tax is regularly paid, is 1*s.* 8*d.* per annum for every 100 acres. There are, however, provisions in the Act for augmenting the amount of the tax if it is unpaid for more than a certain period; and there are also some small additional charges imposed by other Acts, to which wild lands are subject on account of the allowances to members of the Assembly, and the expenses of marking the boundaries of a township. The total amount, however, of all these taxes, supposing them to be unpaid for the whole period of eight years, is very little more than 4*s.* per 100 acres per annum. Of the amount raised from this source under the Act of 1820, only one-third, according to the statement of Mr. Robinson, is applicable to the making of roads; and this, being expended under the superintendence of an irresponsible magistracy, is productive of very little advantage. It appears, too, from the evidence of Mr. Radenhurst, that the tax is levied only upon such wild land as has been actually granted by the Crown by patent, and that there are upwards of 700,000 acres of wild land, private property, the patents for which have not been applied for, and the owners of which, consequently, escape the tax. In addition to this amount, there are upwards of 1,000,000 acres sold to the Canada Company similarly circumstanced, and the whole of the clergy and school and college reserves, amounting to 2,500,000 acres; so that upwards of 4,000,000 acres, or more than a fourth of the appropriated but unoccupied land of the province, escapes all contribution to the tax. It can excite no surprise, therefore, that the produce of this impost should have caused very little perceptible improvement in the country.

Min. of Ev. Q. 1101.

Min. of Ev. Q. 790, *et seq.*

The tax, too, has been of very trifling advantage in stimulating the owners of wild lands to any efforts for the improvement of their property; the amount is too insignificant to give an adequate motive for such an expenditure as might attract settlers, or even to induce a sale at a reasonable price. In fact, supposing the tax to be paid regularly, it would not in five years amount, for 100 acres, to the value of a single acre, at the present average price of public land. In this respect, therefore, it has been totally inoperative. It has, however, had

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one beneficial effect, though this has resulted chiefly from the abuse of the power of sale, and has been small in comparison with what might have been obtained by a different system. In almost every case in which the tax was unpaid, the land was owned by absentee proprietors, many of whom, probably, were hardly aware that they had any such property. Land thus held was absolutely closed against settlement, since there was no possibility of obtaining a title to it. As, however, the practice was to put up for sale the whole of the land in respect of which the tax was due, at just such a price as would defray the tax and the expenses of the sale, all or nearly all of these tracts of land, passed into the hands of residents in the colony, or at least of persons who were known and might be easily found. It

Min. of Ev. Q. 348.

is stated by Mr. Kerr, that there was great collusion among the buyers at these sales; and there is no doubt that they were in effect a measure of confiscation; but it must be allowed that it was more for the advantage of the colony that these lands should be held by persons who would sell them, even at high prices, than that they should be altogether unattainable. Here, however, the advantage of the tax ceased. The quantity of land actually held in a state of wilderness has not been diminished; and the persons who have purchased at these sales are generally disposed to think that, as they have paid so small a sum for the land, they can afford to wait until they obtain their price for it. The estates of some wealthy landowners have been very greatly increased, but the improvement of the country has been in none, or but in a very limited degree, promoted by the operation of this tax.

This concludes the list of the different measures adopted to prevent, or to cure those evils which, in the language of the instructions of 1763, arose from "the granting of excessive quantities of land to particular persons, who have never cultivated the same, and who have thereby prevented others more industrious from improving such lands." All these measures in their turn have failed. Excessive quantities of land have been and are owned by persons who never intended to cultivate them, and who, in spite as it would seem of the plainest dictates even of their own interest, have closed them against those by whom they might have been improved. The consequences of this state of things are detailed in the evidence ap-

Min. of Ev. Q. 281.

pended to this report. To use the words of Mr. Kerr, inconvenience is a very faint term to employ in describing its results. Capital and labour have been wasted; settlement has been prevented, or after a brief trial the attempt has been abandoned; immigration has been checked, and of the immigrants who have reached the colonies, more than half have sought a refuge in the United States; there are not, and there cannot be, any efficient means for the administration of justice, for education, for religious instruction; few public works are undertaken, and those which have been commenced are carried on languidly and wastefully; and there is everywhere a lamentable deficiency of all those circumstances which indicate or advance civilization. It would be perhaps beyond the truth to attribute all of these evils to the manner in which the land has been disposed of. Other causes have no doubt contributed to produce this result. But incontestably the main and primary cause has been the profusion of Government in the disposal of the public lands.

That the colonies should be left in such a position as that which all the evidence concurs in describing, cannot assuredly be contemplated for a moment. Still less can the English Government persevere in encouraging emigration to these Provinces, unless perhaps in the case of those who, having no wealth but their labour, can without loss leave the colonies for the United States, as soon as they discover that in the latter the remuneration for labour, and the prospects of industry, are greater than in the former. If the Imperial Legislature will not devise a remedy for the evils which the Imperial Government has occasioned or sanctioned, at least it is the imperative duty of the Government of the present day to refrain from adding to the numbers of those who, having been tempted by the offer of land, or induced by false or partial representations of the circumstances of the colonies, have been led to emigrate to their ruin. In fact, for the purposes of colonization, all these colonies may be said to be perfectly valueless at the present time. With the single exception of New Brunswick, the quantity of ungranted land remaining at the disposal of the Government, bears but a small proportion to the waste land the property of individuals, and is far less available for the purpose of settlement. And even in New Brunwick, the 11,000,000 acres remaining at the disposal of the Crown cannot be profitably occupied while the four and-a-half millions which have become private property remain uncultivated. Until the granted wastes shall be filled up with population, and intersected by available means of communication, Government is necessarily restrained from the exercise of one of its most important functions, by the risk of injuring those whom it designs to benefit. It will be expedient, doubtless, that some measures should be taken to regulate the future disposal of the waste public lands; but this can be of no immediate advantage. The wisest measures for the future must be nugatory until the evils of the past have been remedied; when this is done, it will be time enough to determine the future proceedings to be adopted in reference to this property.

It may be urged that this is a matter chiefly concerning the colonies; one, too, upon which they have borne impatiently the former interference of Government, and with regard to which, therefore, they would be disposed to resent any legislation by the British Parliament. I have already referred to the general grounds upon which this objection rests; but I may here call attention to the different feeling with which the colonists might be expected to regard a measure of the Imperial Legislature, of which the motive and object were seen to be the removal of the very circumstances that have occasioned their complaints, from that excited by those proceedings of the Imperial Executive to which these circumstances have been

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owing. But the mere anticipation of the possibility of such an objection, can form no ground for refusing to entertain the subject; and the concurrent statements of individuals of almost every class in the colonies, landholders as well as others, show that the necessity of some remedial measure is felt, and its advantages fully appreciated. There may be some interests in the colonies as well as in England opposed to such a measure, but this rather forms a reason for the interference of Great Britain, by whose policy these conflicting interests have been created. The condition of the colonies, too, demands that some effort should be made; and it is neither prudent nor just that the country that has occasioned should shrink from repairing the mischief.

It appears that any plan that can be proposed must partake of the nature of one or the other of the two measures by which this has been already attempted. The one is the process of escheat; the other the imposition of a tax. The effect of the former would be to re-invest in the Crown large tracts, in respect of which the conditions of the grant have not been performed; of the latter, to raise from the land a revenue for the improvement of the country, by means which would at the same time induce the owners of the wild land to make some effort to settle and improve their property, and which would facilitate the success of their endeavours.

It must be confessed that the failure of all the attempts that have been made to carry the former plan into effect, forms no sufficient argument against its employment for the future. The measures adopted for the purpose have been so incomplete and desultory, so partial in their scope, and inadequate in their machinery, and so completely without any guarantees for the wiser disposal of the land which might be thus recovered for the public, that their ill-success proves nothing against the principle of the proceeding. But there are in the circumstances of the colonies, and in the nature of the conditions imposed upon the grants, reasons which appear to render the adoption of any such plan inexpedient for the future. In many cases the fulfilment of the conditions upon which grants were made, has been rendered impossible by the Government. In the two Canadas especially, the Crown and clergy reserves were alone sufficient to render the settlement of the townships, according to the terms of the grant, absolutely impossible; and when the injury inflicted by the manner in which these reserves were laid out, was pointed out by the Provincial Government, their remonstrance was unheeded; and a plan, which their experience of its results led them to condemn, was maintained, in spite of their protest, by the English Minister to whom their complaints were addressed. To compel the forfeiture of grants on account of the non-performance of impracticable conditions, would be ungracious if not unjust, even if they remained in the hands of the original grantees; and when, as is the case in the majority of instances, these grants have passed by sale into the hands of other parties who were emboldened to purchase by the tacit acquiescence of the Government for a period of from 30 to 40 years in the non-performance of the conditions, the hardship of such a step would be greatly enhanced. Although it is true that the present holders can have acquired no rights which were not possessed by those through whom they derived their titles, yet they may fairly be considered as having an equitable claim, which the Government is bound to respect. The same arguments will apply more or less to all the other colonies, with the exception, perhaps, of Prince Edward Island, where the Provincial Government has never desisted from endeavours, which have been unhappily defeated by the exercise of the powers vested in the Home Government, to enforce the performance of the conditions, or, in default, to resume the land. In many cases, also, the conditions have been so far performed as to render it impossible to escheat the grant, although none of the inconveniences which it has produced have been removed. In almost every instance the cultivation of one-fourteenth of the land was the extent of improvement required by the grant; and thus, out of a block of 14,000 acres, 13,000 may be absolutely waste, and the owner yet have an absolute and indefeasible title. From the evidence of Sir R. George it appears that this is the case to a considerable extent in Nova Scotia, and it appears also to be the case in many instances in Lower Canada. In Upper Canada no conditions of any sort were imposed upon the early grants, which comprise by far the larger portion of the granted land; and in those cases in which conditions were imposed, the cultivation of 1-25th part of the grant was all that was required; and this, as it was a preliminary condition, has in most instances been performed. It appears therefore that the process of escheat would, under the circumstances, be one of doubtful justice, and of very imperfect benefit. In many of the cases in which it could be employed, it would punish innocent individuals; and it could not be employed to an extent sufficient to produce any public advantage.

Min. Ev. Q. 508.

Min. Ev. Q. 1261.

A tax upon wild lands, therefore, appears to be the only measure left open to the Government for the accomplishment of this most important object. Every witness who was examined upon this subject, concurred in the opinion that the imposition of such a tax was absolutely necessary. The late Chief Justice of Quebec was the only individual who objected to a general and uniform tax, preferring, with a natural partiality to the institutions of his native country, local assessments for local purposes. As this proposal will come under notice in the consideration of the manner in which such a tax should be levied, I shall not dwell upon it here. I refer to it merely in order to call attention to the fact, that though Mr. Sewell differed from the other witnesses, as to the authorities by whom the tax should be imposed and expended, he agreed in the necessity for its imposition. Every other witness upon this point, including many persons in each colony who had seen most of the working of the present system, many of high official station, and many of the largest landholders, concurred in representing it, not merely as desirable but necessary. I would refer especially to the evidence of Mr. Stayner, deputy Postmaster-general, himself probably the largest landholder in the two Canadas, and whose testimony is the more valuable, because it was not

Min. Ev. Q. 512.

Min. Ev. Q. 400, et seq.

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not delivered *vivâ voce*, in answer to questions then presented to him for the first time, but in writing, after repeated conversations, in which all the principles of the plan embodied in his evidence had been suggested to him, and he had deliberately considered their practicability and value.

The effect of a tax upon wild lands, the whole proceeds of which should be applied in improving the communications an facilitating the settlement of the country, would be to remove some of the worst evils at present produced by the existence of the immense tracts of wilderness between, and in the midst of, the settled districts, and to diminish the quantity of the land retained in a wilderness state. The former, by opening roads in all needful directions for the transport of produce, and the latter by inducing and enabling the present proprietors of the wild land to settle or dispose of their property. The opening of roads is the one thing, without which it is impossible that a new country can thrive; and the obstacles placed in the way of making and maintaining roads by the waste granted land, constitute the most serious injury that the large tracts of such land inflict upon the province. The separation of settlers is undoubtedly under all circumstances a great source of injury. The existence of available roads, however, very greatly mitigates, though it cannot altogether remove this evil. In many parts of the country, settlers within two miles of each other are really more separated than they would be if living ten miles apart upon one of the leading roads. In the evidence of Mr. Hyndman, an instance is given in which, owing to the want of a bridge, settlers within two or three miles of the principal town in the district, have been unable to communicate with it for three days at a time. Where there are no roads, it is vain for the settler to raise any produce beyond what is required for his own consumption; for, when raised, the expense of carrying it to market, would be far greater than the amount for which it could be sold. The evidence taken in every province abounds in testimonies, direct and indirect, to the truth of these representations, which will be abundantly confirmed by the personal knowledge of every one who has had any acquaintance with our colonies, or the new States of the Union. It is the assumed application of a wild land-tax to the making of roads, which reconciles the landed proprietors to its imposition; and it is the same cause which induces the settlers to look to it as a means of relief. The former acquiesce in it as a means of raising, though at first at their own expense, the value of their, at present, almost useless possessions; the latter desire it, in order that the productive industry of the country may no longer be fettered by the mass of unproductive property. But the mere construction of roads is insufficient to remove the evils I have described. So long as an individual can retain his land in a wilderness state without cost, there is always a considerable risk, lest, in his endeavour to secure a large ultimate gain, he should overlook or disregard the inconveniences produced by his refusal to dispose of it upon reasonable terms. There can be no doubt that this is the case at present. Many of the holders of very large tracts are glad to sell whenever they can find a purchaser; but there are many who will not sell except at prices altogether disproportioned to the present value of their land, and who, whenever applied to upon the subject, content themselves with declaring that they can afford to wait; that a few years is of no importance to them; and that they feel assured, before many years have elapsed, the progress of settlement will enable them to obtain the price they now ask. Without wishing to interfere with the right of control, which every individual ought to possess over his own property, it can hardly be doubted that the present is a case in which some measure should be adopted, in order to prevent such an exercise of this right as is inconsistent with the public interest; and the imposition of a tax appears to be the best and most effectual means of accomplishing the object. There may be some to whom such a tax would be unpalatable at first; and there may even be some upon whom it might press unfairly; but no measure could be proposed, having a tendency to remove the evils complained of, at once so popular and so equal in its operation.

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There is one preliminary question to which it is necessary that I should advert. By whom, and in what manner, ought this tax to be raised? Is it to be left to the inhabitants of particular districts to regulate its amount and application, or to be imposed by a central authority? The practice of the United States appears to be in favour of the former plan, which is advocated by the late Chief Justice of Quebec; but I am nevertheless of opinion, that the latter will be found by far the more satisfactory and useful proceeding. The evils, which a wild land-tax is intended to remedy, are neither local nor partial. They are not confined to one colony, nor to separate districts of each. With very few and unimportant exceptions, every part of every colony is affected by them. There is no reason, therefore, founded upon their merely local character, for deriving the means of remedy from local sources, or entrusting their application to local authorities. It is obvious, too, that one central authority might so regulate its operations as to provide for the advantage of each province and district, by a plan which would be for the advantage of the whole; while a number of separate and independent authorities might so conduct their proceedings as to produce no combined and harmonious result. The lines of road, for instance, selected by two neighbouring districts, each having an exclusive reference to the present state, or to what was supposed to be the individual interest of that district, might possibly be such as could not be made to coincide; and they might each be such as, with reference to the prospective interests even of the district by which the lines of road were selected, ought not to be made in the first instance. One of the most injurious features in the legislative proceedings of the North American colonies, is the spirit of local jobbing which prevails to an almost equal extent in all of them. To give to the legislature of each colony, or to the present local authorities, the application of the funds to be raised by this tax, would be to give a fresh stimulus to the practices which at present prevail, and to incur an imminent hazard of having the whole proceeds of the tax employed in useless or purely local purposes, or wasted by the manner

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in which even useful works were accomplished. And even if this consideration might be safely disregarded, or the evil were considered as one for which a practical remedy might be found, it is obvious that in proportion to the magnitude of the operations carried on, is the efficiency of the superintendence that might be secured, and the economy with which the works might be conducted. The making of roads through a township or a small district could not justify the employment of a really qualified engineer to superintend the work; and if made, as such roads have always hitherto been, under no proper control, the work is at once more costly and less durable than it ought to be. These considerations, however, refer solely to the application of the funds. Still more forcible reasons appear to require that the tax should be imposed by a central authority. If the imposition and amount of the tax be left to such local authorities as exist at present, then in very many cases the persons who will have to decide upon the amount of the tax to be levied, would be the very individuals upon whom it would fall; and it is not unfair to presume that their view of what they ought to contribute would rather err on the side of inadequacy than the reverse. Or if the inhabitants of any district were to be the assessors, they might, in a natural impatience under the evils they have sustained, err on the other side, and impose a tax, the amount of which would tend to defeat the object for which it was levied. In one district, a proprietor might be called upon to pay an assessment far below, and in another as far above, what would be required by the real necessities of the case. There would be neither uniformity nor permanence in any of the arrangements; no measures to be provided for out of funds raised in this manner could be undertaken with confidence or carried out with vigour; there would be a certainty that the objects for which a tax was imposed would be imperfectly obtained, and great risk that they might be altogether defeated. On these grounds, and still more perhaps on account of one of the purposes to which it appears expedient that the proceeds of such a tax should be applied—that of being part of the security for a loan to be raised for the general improvement of the country—I think that it ought to be imposed and its continuance guaranteed by a central authority; and, as it must be applicable to all the colonies, that authority appears to be fitly the Imperial Parliament.

The proper amount of the tax is also a topic of great difficulty. There is no recognised standard of comparison by which it can be estimated, and the evidence of opinion on the subject is various and conflicting. Mr. Stayner recommends that the amount should be ½ *d.* currency per acre at first, and that the tax should be doubled upon non-payment, till, in the event of its being unpaid for six years, it would amount to 2 *d.* currency per acre for the whole period. A halfpenny per acre is about the ultimate amount of the tax in Upper Canada, and Mr. Boulton and Mr. Ranken concur in representing that amount as far too low. The only standard of comparison that I can discover is, the amount of the burdens borne by the actual occupiers in Upper Canada, the only colony where a wild land-tax at present exists. These appear to be, on a farm of 100 acres—

Min. Ev. Q. 400.

Min. Ev. Q. 1068.

Min. Ev. Q. 1088.

	£.	*s.*	*d.*
Statute labour, about - - - - - - - -	–	15	–
Tax upon cultivated land, say 30 acres - - - - -	–	2	6
Wild land-tax upon 70 acres - - - - - -	–	1	2
	£.–	18	8

or a fraction more than 2 *d.* per acre. This, I am inclined to imagine, would be a fair amount. It is, perhaps, rather too low, but it is more expedient to err in that direction than to excite a just discontent by making it too high. The tax should be imposed upon all the waste lands in the provinces, the property in which is not at the present time in the public.

But as the land in the different colonies varies very considerably in value, it would be unjust to compel the payment of this tax in money from all proprietors. In order, therefore, to prevent as far as possible any inequality in its operation, it would be expedient that all proprietors of wild land should be allowed to pay this tax in land; such land to be taken by the Government at the rate of 4 *s.* per acre, in lots of not less than 100 acres, and upon the certificate of a Government surveyor, that the land thus given up was of equal value in quality and situation to the average of the land upon which the tax was levied. And in the event of the tax not being paid for two years, the Government should be at liberty to resume the land in respect of which default was made; and the land thus resumed would then be open to purchase upon the same terms as all Government land; paying to the owner of the land, when a sale was effected, 4 *s.* per acre for the amount sold, after deducting the tax due when the land was resumed. It will be seen that this price of 4 *s.* per acre is less than what is proposed as the future price for Government land; but this is the value affixed by the Assembly of Upper Canada, to the claims of the U. E. loyalists and militia, and is greater than the real average value of wild land in any colony at the present time. By such an arrangement the interests of all persons would be consulted. Those who imagined that their land was at the present moment, or shortly would be, of greater value than 4 *s.* per acre, would of course pay the tax; and those whose land, from its situation or the nature of the soil, was less valuable, would of course make the payment in land.

This measure, if fairly carried out, would in all probability remove, in the course of a very brief period, the evils under which the colonies now labour, so far as these have their origin in the mass of wild land in the hands of private individuals; and their result would be as advantageous to the owners of these lands as to the community at large. But there is one objection to the principle of such a tax, to which it is necessary to advert, because it has been urged by the proprietors of Prince Edward Island, in opposition to a bill which, as has been

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been before stated, was recommended to the Assembly of that island by Lord Stanley, when Secretary of State for the Colonies, and which received the sanction of all the branches of the Provincial Legislature; and because the force of the objection appears to have been recognised by Her Majesty's Principal Secretary of State for the Colonies, who, in consequence, advised Her Majesty to refuse or suspend her assent to such bill. The objection is, in effect, that any such tax proceeds upon a wrong principle; that productive property is the only fit subject of a tax, and that this wild land, as unproductive property, ought to be exempt. It is not necessary here to enter into a discussion of the soundness of the principle thus laid down, nor to do more than just notice the fact, that the tax in question was only one-fifth per cent. upon the value which these proprietors put upon their wild land. Nor will I urge, what might fairly be urged, that a tax of this sort might be justified upon the mere ground that it was intended for the abatement of a nuisance; the existence of which, for upwards of half a century, had rendered this island the least prosperous, probably, of all the North American colonies, in spite of its great natural advantages. But the fact is, that any such tax, if properly applied, either to the formation of roads, or towards providing for the general government of the province, accomplishes an object, in which every individual having property in the province has a direct and immediate interest, and in which none are more interested than these very wild-land proprietors, the whole value of whose property depends upon the extent to which such objects are effected. It is, indeed, a singular plea, that those whose industry gives value to a country should be highly taxed, in order that those who have done and determine to do nothing for this purpose should—for that is the necessary result—obtain a more certain market and a higher price for the property which they hold. It may in truth be said, that the wild-land proprietors are even more interested than any other class in the imposition of such a tax. Paying, as they will, and as they ought, at first rather largely in proportion to the present value of their land, they will almost immediately find that the value of their property is increased in a very far greater ratio; while, as the alternative, if no such measure be adopted, they will discover that, though the nominal value of their land may continue the same, there will be every year less opportunity of finding purchasers. It may be well, too, to contrast the opinion formed by landholders who reside upon the spot, and who witness the actual operation of the present system, with that of these gentlemen who judge only from report; and when it is found that the one advocate, as essential to their welfare, a measure which the other deprecate as ruinous, no one can, I imagine, hesitate in preferring the former opinion.

I pass now to the consideration of the measures which should be adopted in reference to the public land which yet remains ungranted, with a view to the prevention for the future of circumstances similar to those that the proposed tax is designed to remedy. Any system adopted in the disposal of the public land should be simple, uniform, and equal; and while it prevents the acquisition of land, except by those who intend to use that which they acquire, should afford every facility of selection and acquisition to such persons. No system hitherto adopted, in any colony, and the present probably in as little a degree as any, appears to possess any of these characteristics. The system now in force is complicated, irregular, and partial; it neither checks the acquisition of land by those who do not intend to improve it, nor facilitates such acquisition by those who do. The evidence of Mr. Davidson, of Mr. Kerr, and of Mr. Christie, with regard to Lower Canada; of Mr. Sullivan, of Mr. Thornhill, of Mr. Hawke and of Mr. Boulton, with regard to Upper Canada; of Mr. Morris and Sir R. George with regard to Nova Scotia; and of Mr. Baillie with regard to New Brunswick; describe with more or less minuteness the general objections to the present system. None of these gentlemen urge any merely theoretical objections to the principles upon which the present plan is founded. They all speak upon a practical experience of the manner in which it operates; and some of them in particular, from their official character, and their long and familiar acquaintance with the details of the system, are entitled to especial weight when they come forward to expose its errors.

Min. Ev. Q. 189, et seq. Q. 286, et seq. 459. 464. et seq. 909. 964, et seq. 1006, et seq. 1066. 1186. 1256. 1620, et seq.

There are three particular defects in that system, to which it appears needful to advert for the purpose of explaining the grounds of the plan which I shall recommend in substitution of that now prevailing. These are, the want of sufficient liberty of selection; the facilities afforded for a premature or excessive acquisition of land; and the difficulties and delays in obtaining a title after the purchase is completed by the payment of the whole purchase-money.

The plan contained in the Treasury instructions, under which the practice of sale was introduced, and continued to the present time, by making the Governor the exclusive judge of the quantity which ought to be put up for sale; and by requiring that all sales should be by auction, has necessarily prevented any freedom of choice on the part of the purchasers. It appears, for instance, that in Upper Canada less than a fifth of the disposable Crown land has ever been open to purchase; and although it may be, and doubtless has been the case, that the lots selected have been those which, in the opinion of the Governor, directed by the Commissioner of Crown lands, it would be most advantageous that settlers should occupy, it may fairly be doubted whether the settler would not be a better judge of the tract of land suited for his own purpose than any other individual: especially when that individual, having probably little local knowledge, could only be guided by vague general rules. It is true, that, as stated by Mr. Radenhurst and Mr. Davidson, an individual desiring a particular lot, might make a special application to have it put up for sale, and that his application might be favourably received by the Governor; but leaving on one side, as not likely to occur, the chance of his application being rejected, he would have to wait for some considerable period, while the lot was advertised for sale. During this period his expenses might far exceed the price to be paid for the lot; and there would be a great risk of his being at last

Min. Ev. Q. 200.

Min. Ev. Q. 964.

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last overbid by some person whose attention had been drawn to the tract he desired to purchase, solely in consequence of his application. Without dwelling on the abuses of the system, such as are described by Mr. Thornhill, (which must nevertheless have been exceedingly injurious), because they result from a violation of the rules by which the Commissioner of the Crown lands ought to have been guided, I select two instances of this result of the plan of sale by auction, at the discretion of the Governor. One is described by Mr. Kerr, in which applicants for a special survey and sale, after obtaining the consent of the Governor, and paying the expenses of survey, did not, in consequence of the system of auction, obtain more than a tenth of the land for which they had applied, the remaining nine-tenths being purchased by speculators. The other is the case of the sale in Gaspé, referred to in the evidence of Mr. Davidson and of Mr. Christie. This case justifies a particular notice, because it exemplifies very forcibly the defects of the system. It appears that in 1836 an application was made for the special survey of 92,000 acres of land in the district of Gaspé, by some gentlemen, who undertook to purchase at least 50,000 acres of the land surveyed. The application was duly transmitted by the agent for the sale of public lands in that district to the Commissioner of Crown land. That gentleman, on the receipt of the application, recommended to the Governor, that 35,000, and not 92,000 acres, should be surveyed and offered for sale. The Governor approved of this recommendation, and gave the authority required. At this point the matter would probably have rested, if the decision of the Governor had been acted upon, since the applicants would not have thought it worth while to incur the expenses contemplated for an amount of land inadequate to the purpose for which they desired to purchase it. In this case it would have been an instance in which the discretion vested in the Governor would have been exercised in a manner to prevent the disposal of the public lands. But the Commissioner of Crown lands, upon receiving the authority for this limited sale, immediately directed the agent to survey and sell the whole amount of 92,000 acres. This was accordingly done. At the sale the original applicants purchased less than two-thirds of the land put up to auction; the remainder being bought by rival speculators. Cases of this nature, and especially such as the former, must necessarily tend to deter intending purchasers, and to retard the settlement of the country. And these cases, in both of which the object of the special applicants was to a very considerable extent defeated, appear to have been the only two instances of special applications for the purchase of lands not included in the regular Government sales.

Min. Ev. Q. 893, et seq.

Min. Ev. Q. 307.

Min. Ev. Q. 190 & 217.

Min. Ev. Q. 459 et seq.

I shall advert hereafter to the operation of the system of sale by auction, and to the grounds upon which it has been defended, for the purpose of explaining the reasons which induce me to recommend that it should be abandoned for the future. I have referred to it at present only for the purpose of pointing out this particular injurious consequence of the system.

The practice of accepting payment by instalments for the land sold by the Crown, appears, from the concurrent testimony of those who have had the most extensive opportunities of witnessing its effects, to have operated very injuriously. It has induced many people to become holders and cultivators of land prematurely, before they had either the capital or the experience to fit them for this new position. Mr. Sullivan, Mr. Thornhill and Mr. Hawke, especially the last named gentleman, whose office as chief agent for emigrants in Upper Canada has given him peculiar facilities for witnessing the working of this practice, describe forcibly its evil results. To use the words of Mr. Hawke, "it has the effect of converting a number of useful labourers into indigent and useless farmers." The position of such persons appears to be in every respect inferior to that which they had previously occupied as labourers; and while they suffer from the want of the requisite knowledge and capital necessary for the due cultivation of their land, the colony is injured by the loss of valuable labourers. A very few years would have sufficed to place them in a condition to have gone upon their farm in comfort, and with the means of cultivating it profitably; and they would have waited until those means were at their disposal had they not been tempted by the small sum which sufficed to give them a temporary and insecure possession of 100 acres of Government land. In Lower Canada the low price at which Government land has been sold (a great part at less than 3*s.* 6 *d.* per acre), has led to the acquisition of very large tracts by individuals who hold them merely in the hope of being able at some future day to sell them at a profit, without any intention of improving them in the mean time; and in New Brunswick and Nova Scotia a similar result appears to have been produced.

Min. Ev. Q. 964.

Min. Ev. Q. 895, et seq.

Min. Ev. Q. 1011. et seq.

The difficulties in the way of obtaining a title in Lower Canada are described with great force by Mr. Kerr. It appears from the testimony of the same gentleman, that fifteen months is the average time occupied in obtaining a title; and as the settlers who purchase land generally reside at a considerable distance from Quebec, where alone a title can be procured, it is absolutely necessary that they should employ an agent; and this necessity must very greatly enhance, to purchasers of a single lot, the cost of their land. In all the colonies the same central system prevails, and in all similar inconveniences are experienced; though the singularly useless complication of process which prevails in Lower Canada, and the inadequate scale upon which the land granting offices in that Colony are constructed, especially in the inferior departments, have made the actual time occupied in obtaining a title far greater than in any other province. In Upper Canada this evil has been palliated by a recent Act of the Provincial Legislature, which makes it imperative upon the Commissioner of Crown Lands to transmit free of expense to the agent of every district, the title for all land which may have been sold within the district.

Min. Ev. Q. 327.

In recommending a plan for the future disposal of public lands in all the colonies, the main feature of which is that they shall be sold at a fixed, and not at an upset price, it may be thought necessary that some reason should be given for such a departure from the practice which has been so long established in each colony, and which apparently prevails in the United States.

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I say apparently prevails; for in truth the system of auction in those States is even more nominal than in the British provinces. It is true that all the public land in the Union is in the first instance offered for sale by auction; but the right of pre-emption allowed to actual occupants takes from under the operation of this system nearly all those lots which would be likely to excite competition. And whenever the land has been offered for sale, it is open at the upset price to every applicant. I am not aware that any accurate information exists upon this subject, but from what I could learn from individuals who had resided for a considerable period in those new States of the Union where land speculation was most rife, the proportion sold above the upset price was so small as to make the system practically a sale at an uniform fixed price.

But whatever may be the practice established by precedent or sanctioned by usage in the colonies or elsewhere, the proper object of inquiry appears to be, whether the assumed or real advantages of that system are sufficient to outweigh the inconveniences it produces? It is by this test alone that any system can fairly be tried; and if this test is applied, it will, I think, appear that the present system is one that it would be wise to abandon. Even prior to any practical experience of its working, I believe that it might have been concluded that the system of auction was one which was not applicable to the circumstances of a new country; and experience has supplied the proof that such a conclusion was well founded. It is probable, indeed, that the practice was adopted partly with a view to guard against favouritism, but chiefly because of the very irregular practices which it superseded, and which had left at the disposal of the Crown, lands of such very unequal value; and not from any opinion of the general utility of the method.

Even if the object of the Crown in the disposal of the public lands had been, which it would seem it ought not to be, the raising of the largest possible amount of revenue from this source, the very nature of the property to be disposed of would make the system of sale by auction inadequate to this end, unless indeed there had been coupled with it such a limitation of the quantity of land brought into the market as would have occasioned a high degree of competition amongst the buyers. But in the way of such a result there were two insurmountable obstacles; the one, the existence in the colonies of tracts of land the property of private individuals; and the other, the facilities of acquiring land in the neighbouring States. Both of these rendered it impossible that Crown lands should be sold above a certain price; and the price for which they might fairly be sold would have been with the utmost certainty secured by the adoption of a fixed price. But there was in none of the colonies any such limit of the quantity exposed for sale as would have been required to produce competition. The consequence has been, to use the words of the Commissioner of Crown Lands for Upper Canada, "that the system of sale *by auction* is a cumbrous dead letter, from which the public receives no advantage, while the settlers are seriously delayed in their locations." In all the colonies the system appears to have been attended with similar results. Mr. Davidson, the Commissioner of Crown Lands for Lower Canada, says, that the number of lots for which a higher price than the upset price has been obtained, do not amount to more than 1-39th of the whole; so that if the system of selling by auction were adopted for the purpose of raising a revenue, it must be considered to have failed in that respect.

Min. Ev. Q. 964.

Min. Ev. Q. 90.

But allowing for a few unimportant exceptions, and they would be exceedingly few at the present time, the very object for which the plan of selling by auction in certain cases is now defended, is one which Government ought not to pursue. The opportunity of obtaining a favourable lot at the fixed price of all Government land, is the proper reward of the trouble and sagacity of the individual who has discovered it, and the appropriate stimulus to well-directed incursions upon the wilderness. But the practice of selling by auction tends to deprive such persons of the natural fruits of their skill and enterprise, in order that some insignificant pecuniary advantage may be reaped by the public. It is true that a mill seat, or a favourable situation for a town, may, under the present system, sell for ten or twenty dollars an acre, instead of one or two; but the chance of being outbid at auction must deter persons from attempting to discover such locations, and check in a degree which it is not easy to appreciate the general enterprise of the colony. Gaining some inconsiderable fraction upon the aggregate amount of sales, Government still further represses that spirit of adventurous effort which there are already too many circumstances in the present position of the colonies to check. The profit may be counted in dollars; the loss it would be difficult to estimate. It would, in fact, appear, that all the land in the colonies might be sold by auction with less public and personal injury, than those lots which, singularly enough, have always been selected as the portions of the province which were to be alienated with the greatest reserve. Agreeing in the opinion pronounced by all witnesses as to the inutility of the system of auction in those cases in which it has been proved to be inoperative, I regard it as especially injurious in those cases in which it has produced its intended result.

While for the reasons thus stated, it appears expedient that the price of public land should be a fixed, instead of an upset price; there are other reasons which seem to lead to the conclusion, that it should be uniform instead of variable. It is undoubtably true, that the present value of public lands is variable in the highest degree. Twenty pounds an acre might be more advantageously paid for some, than a shilling per acre for other lots. Depending for its value, as land must in all, but more obviously in new countries, upon its vicinity to a market, and the means of transport available for its produce, such a difference necessarily exists. It may, therefore, appear impolitic, and even unjust, to affix the same price to lands so different in value. But the land which is of little value to a settler, because of its remoteness from settlement, is land which for his interest, no less than for that of the community, it is desirable he should not occupy. The opposite system appears curiously contrived

contrived, in order to tempt individuals of the poorer class to settle themselves in situations in which their industry must be wasted in protracted and unaided struggles against obstacles which no industry can suffice to overcome. The results that must be produced by such a practice are described by Mr. Sullivan, in a passage referred to above, where he is speaking of the effect of the system of selling by instalment, and by Mr. Hawke, where he describes the case of a settler who had got 13 bushels of corn ground, at an expense in time and labour, in carrying it to and from the nearest mill, of 5 *l.*, being far more than the selling price of wheat in the district. It is obvious that land thus situated, whatever might be its natural fertility, could have no real value for the purpose of settlement; and that the interest of individuals, as well as that of the community, would be consulted by the adoption of measures which would prevent its acquisition, until population and markets had so increased in the neighbourhood as to render its occupation desirable.

Min. Ev. Q. 968.
Min. Ev. Q. 1014.

It has indeed been argued with some plausibility, that although an uniformity of price for all public lands may be advisable as a general rule, there are nevertheless circumstances in the actual state of the North American colonies, produced by the past conduct of Government, which would render the immediate application of any such rule highly unjust. The argument assumes, that the owners and occupiers of land, both in those districts where the value of land is at present greatest, and in those where it is least, would be injured by the adoption of any uniform price. The former, because it would diminish the value of their land by enabling settlers to obtain Government land at a lower price than the actual selling price of wild land in the district. The latter, because settlement would be checked by the removal of the inducement to settlement now furnished by the comparatively low price of land in their neighbourhood. It is not perhaps necessary to go into any examination of the principles upon which this argument rests, because it appears to proceed upon an entire misapprehension of the facts of the case. In Upper Canada especially, where the difference in the value of land is most striking, the quantity of land remaining at the disposal of the Crown is so small as to render the operation of a fixed and uniform Government price upon the selling value of wild land, the property of individuals, almost inappreciable. It has been already stated, that out of 17,000,000 of acres, comprised in the surveyed townships, of which probably nearly 15,000,000 are still unoccupied, very little more than 1,000,000 acres remain at the present moment in the hands of the Government; and these are the refuse lands of the colony, for which no person entitled to a grant has hitherto thought it worth his while to apply. The settlement of the colony and the price of land in any district, can therefore scarcely be influenced by the operations of Government in the disposal of its waste lands. They depend far more upon the price demanded by private holders. It is very probable that all or nearly all of this remaining public land is of such a quality as to render its present occupation unadvisable. A seventeenth part of the land of a new country is even a small proportion for refuse and unavailable land. Whatever price might be put upon this land by the Crown, even if it were all of a fair average quality, would affect in a very slight degree the general value of land in any district; and assuming its quality to be, as is stated by Mr. Radenhurst, very inferior, its price would have no immediate operation of any sort. Unless, indeed, that by fixing a price proportioned to the present value of such land, settlers might be induced to acquire such land rather than other land, more highly priced but more fertile, and thus the productive industry of the country be directed precisely to those portions of its soil which would yield the smallest and most niggardly returns. A period may be expected to arrive when the growth of population, the vicinity of markets, the facilities of obtaining manure, and the diminished cost of transport, will render the occupation of these less fertile lands more profitable to the individual, and therefore to the community, than that of lands more fertile, but of a less advantageous position. When this period arrives, the price affixed to them will form no obstacle to their cultivation; but until this is the case, it would be a clear violation of the duty of Government to hold out any peculiar inducement to settlers to establish themselves upon such lots.

Min. of Ev. Q. 801.

Nor must it be forgotten, in any consideration of the probable effects of the plan suggested for the adoption of Government with regard to the future disposal of the public lands, that the proposed measures do not stand alone. They form part of a large and comprehensive measure, one main object of which is to produce a great degree of equality in the value of all wild land, whether the property of individuals or of the Crown, by giving equal facilities of communication to every part of the country. Those districts in which the price of land is lowest, are those in which there is the most striking deficiency in all the circumstances upon which the value of land depends. To remove this deficiency will have a far greater effect in attracting, than any rise of price could have in deterring settlement. And even if the immediate result of any uniformity of price should be to attract new settlers to the more thickly-peopled districts, the present inhabitants of the less populous parts of the country would gain much more from the making of roads in their neighbourhood, not merely on account of its removing one of the chief obstacles to their progress, but also because of the market which would be thus brought home to their door, by the expenditure of the Government, in these public works, than they could lose in the temporary check to settlement assumed by the argument to be the result of the plan.

With respect to the other aspect of the question, the supposed tendency of an uniform price to lower the value of land in those districts where at present it is highest, it may be doubted whether any such price as would be fixed by the Government could have that effect. Population is one of the chief elements in the value of land. Where population is most dense, there invariably the price of land is highest. Any addition to the population of

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a district must therefore, it would appear, have an influence in raising the value of land; and this to a much greater extent than the lower price of Government land could have in depressing it. In proportion too as population is dense at present, the quantity of public land yet remaining undisposed of must be inconsiderable; and thus where the assumed injury would be greatest, the power of inflicting it would be least. The argument which has been urged against the adoption of an uniform price appears therefore not merely to be founded upon a misconception of the real facts of the case, but to be erroneous, even upon the assumption that the facts are such as it presupposes.

For, further, the price to be fixed as that at which all public land is to be sold, ought not be a mere arbitrary amount. It should be just that price which, having reference to all the circumstances of the country, appears most calculated to facilitate settlement, and at the same time to check both an excessive and a premature acquisition of land by settlers. It ought to be so low as that no one who possesses the means of improving the land, should be deterred from purchasing it, and so high that no one should be tempted to acquire it before he possesses these means, or in greater quantities than his means will enable him to occupy with profit. In the North American colonies also there is a further consideration which must be kept in view in fixing the price, which it is to be feared will in some degree interfere with the latter object. The price of land must not be so high as to drive purchasers into the United States, in order that they may avail themselves of the low price at which public land can be procured there. But having in view the objects above described, it may fairly be doubted whether any consideration of circumstances, necessarily both partial and temporary, ought to prevent the adoption of such a price. Government ought not, it would appear, to affix upon any portion of the public land a price unduly restrictive of appropriation, in order to keep up the price of land held as private property; nor ought it, on account of any supposed check to settlement, to fix a price which would encourage the appropriation of excessive quantities of land, or tempt individuals to settle themselves upon land, which they had not the means of cultivating. The dearly-bought experience of past years would indeed be fruitless if now, from any such motives, these worst errors of former proceedings were to be renewed in any new plan.

Upon every ground, therefore, it appears expedient that the price of public lands should for the future not only be fixed but uniform.

The price required for public lands, also, should be payable at the time of sale. The practice of accepting payment by instalments, which has been continued in Upper Canada, in violation of the instructions of Lord Glenelg, besides inducing a premature acquisition of land, has the further effect of rendering altogether nugatory whatever price may be fixed upon public lands, at least with respect to that land which is purchased by the poorer class of settlers. It is stated by Mr. Sullivan that no measures can be attempted safely to enforce the payment of the arrears now due from persons of this class; and Mr. Hawke gives an instance in which Government has actually abandoned claims of this nature to the amount of 30,000 *l.* The system of sale by instalments had been tried and abandoned in the United States long previously to its adoption in the North American Colonies. It was abandoned, not merely because of the impossibility of obtaining payment of the arrears, but also because of the danger to be apprehended from the existence of a large body of settlers in all of the new States, who were supposed to be favourable to any proceedings which, by weakening the authority of the Government, might diminish its power of enforcing payment from them. Without inquiring how far any of the settlers in Upper Canada are under the influence of any such feeling, I may venture to state my opinion, that it is unwise to give to any class so powerful an inducement to assist or acquiesce in any change of Government, as is afforded by the prospect of escaping from a heavy debt, and of acquiring an absolute instead of a qualified and insecure title to the land they occupy. I therefore recommend, that the whole purchase-money of public lands should be paid at the time of purchase.

Min. of Ev. Q. 970.
Min. of Ev. Q. 1006.

At this uniform price, all public land should be open to purchase by everybody in unlimited quantities. The attempt to fix a limit to the amount which an individual may acquire, must indeed be always practically unavailing, because it is impossible to prevent any one who desires to become a purchaser of a quantity beyond the assigned limit, from acquiring such larger quantity in the name and through the instrumentality of others. But if it could be successful, it could have no other result than that of checking enterprise and retarding settlement. The adoption of any measure of this kind, too, is a tacit confession of the inadequacy and incompleteness of the system which requires such an adjunct. It amounts to an acknowledgment that the price of land is so low as to tempt individuals to acquire land which they do not intend, or are unable to improve. If the price be sufficient, then the larger the amount of land purchased, the more effectually will the purposes of Government be accomplished. The limitation of the quantity to be disposed of, is a cumbrous device for effecting in an indirect way an object which Government confesses itself unwilling or unable to effect directly; and like all such devices, it fails in the very cases against which it was specially intended to provide.

The ground commonly assigned for the adoption of some limit, is the necessity of guarding against the acquisition of land by speculators. In all our North American colonies, the feeling in which this practice has originated, prevails most extensively. Everywhere complaints are heard against speculators; and most of thewitnesses examined in reference to this subject, attributed the evils endured by the country to the extent to which speculation in wild lands had been carried. It is difficult to suppose that an opinion so deep rooted, and so widely diffused, could be altogether unfounded in fact; but that it should have any substantial foundation, marks most forcibly the extent to which the lavish proceedings of former Governments have affected the prosperity of the colonies. In the United States of America, much

much of the prosperity of the new States is attributable and is attributed to the operations of speculators and land-jobbers. More money has been invested, and with greater profit to the individuals and the community, in this, than probably in any other way. But the American speculator is actively employed in endeavouring to give value to his land; while the Colonial speculator is content to wait passively until the gradual increase of population and the progress of settlement have effected this object for him. The former desires, and takes the means to obtain, a large immediate gain to himself; the latter consoles himself with the reflection that he has acquired a property which will be valuable to his grandchildren. The one immediately occupies himself in making roads, laying out the sites of towns, building mills, taverns and churches, and thus attracts a population, which enables him at once to secure a large profit upon his investment. The other allows the land he has purchased to lie waste, and thus not merely to remain as unattractive to settlers as when it was purchased, but to impede the course of settlement around. In proportion to the extent to which speculation is carried in the States of the Union, the growth and prosperity of the district are stimulated; while in the colonies the extent of speculation is at once the indication and the cause of stagnation and decay. But little money is invested in the purchase of land in the former country without yielding a large profit, but in the latter, large sums have been invested at a loss. It is impossible to ascribe so striking a difference in the nature and results of the courses pursued in the two countries to any difference of character in the people by whom they are adopted. This may have some effect; but the real cause of the difference is to be found in the different circumstances of the two countries, produced by the opposite practices of the Government. A colonist who should purchase land in the States would be impelled to improve it by the certainty of obtaining a large profit upon the capital thus invested, as well as by the contagious influence of the general spirit of enterprize and progress; while a native of the United States who should purchase land in the colonies, would be checked in any expenditure intended to increase its value, by the certainty of incurring a heavy loss. But the remedy for the evils now produced in our colonies by speculation in land, is not to be found in any necessarily unavailing attempts to deter or check speculators, but in removing the causes which give to speculation its present stagnant and repressive character. So soon as the holder of land finds that money invested in its improvement will quicken and augment the returns which he expects eventually to obtain from it, we may be assured that the work of improvement will begin; but until this is the case, it is of course fruitless to anticipate any change in the present practice. As, however, the measures already proposed for the imposition and application of a tax upon wild lands may be expected to effect this object, with regard to lands already disposed of, and as the same measures will have a tendency to prevent for the future any similar consequences to those which they are intended to remedy, it appears that facilities should be given to speculation, rather than obstacles be thrown in its way. In fact, it may almost be said that one of the objects which Government should propose to itself in any plan for the disposal of the waste public lands, ought to be to encourage the investment of capital in the purchase and improvement of land with a view to its resale.

Not merely, however, ought there to be no limitation in the amount which any individual may purchase; still less should there be any limit as respects the position or character of the land. There should not be, under any pretence, or for any purpose, a portion of the colony closed against purchase or settlement. Every reserve, of whatever nature, or to whatever object it may be destined, should at once be thrown open to acquisition, upon the same terms as the waste public lands still unappropriated. School and college, and clergy reserves, must, in justice to the public, be brought at once into the market. To permit of the continuance of the present, or the formation of any fresh reserves for public purposes, would be, I will not say to peril, but to prevent the success of any plan. It would indeed be an act of palpable injustice, while imposing a tax upon the proprietors of land held in a wild state, on account of the injury which their property inflicts upon the public, to keep two millions of acres in one colony still a desert. The persons upon whom the proposed wild land tax would fall, appear to be reconciled to its imposition, because, as they conceive, it is to be part of a complete and effectual measure for the removal of all the obstacles to settlement presented by the present position of the colonies. If, however, the measure be so incomplete as the permitted continuance of the existing reserves supposes, it would be vain to hope that these individuals would acquiesce in that part of it which presses particularly upon them. Nor can it be denied that, under such circumstances, the proposed tax would wear in some degree an appearance of injustice, nor that it would be vain to hope for any marked success for the plan of which it forms a part.

It is obvious, indeed, as has been confessed by every person who has made inquiries upon the subject, that such reserves are most wasteful in their operation. The object contemplated by Parliament in establishing the system of clergy reserves, could not have been obtained in a more injurious manner. In order that there might be a wealthy church in the Canadas, free from the odium which it was supposed must attach to it if supported by any direct impost, it was endowed with land which, valueless in itself, could only become valuable by the labours of the settlers in its neighbourhood. But these reserves, had more influence in retarding the progress of settlement, than the labours of the settlers had in increasing their value. The prosperity of the colony was greatly retarded, but the value of the lands appropriated for the clergy was but little augmented. The average price per acre at which the clergy reserves in Lower Canada have been sold, is less than 5 *s.*; and though there have been apparently well-founded complaints against the late commissioner for the sale of clergy reserves in that Province, on account of the wasteful nature of the sales which he made, these complaints refer but to a small portion of the property, and the

 average

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average price would probably have been raised in only a very trifling degree if no such waste had occurred. In Upper Canada, the small proportion which has been sold, has, under the system of sale by auction, and of accepting payment by 10 annual instalments, produced the nominal amount of 15*s.* per acre. Yet this can by no means be taken as a fair test of the value of these reserves in general, and has only been obtained in respect of the sixth which has been sold, after their injurious effects upon the community had been experienced for nearly half a century. It would be difficult to find many instances of so small a gain purchased by so large an injury.

I have in a previous part of this Report adverted to the dissensions produced by the nature of the purpose to which these reserves have been destined. And I may suggest, that whatever may be the determination of Government with regard to the appropriation of the funds produced by the sale of these reserves, the difficulties in the way of the adjustment of that question, cannot but be greatly diminished by the removal of those injuries which the actual reservation of land has inflicted upon the colony. When the obstructions to progress, occasioned by these vast tracts of appropriated wilderness no longer exist, it may be expected that, as one great cause of irritation is destroyed, parties will discuss with more calmness the claims of those who now demand to engross or to divide the funds which they produce.

In expressing thus decidedly the opinion which I have been compelled to adopt with reference to these reserves, I may mention that my remarks apply only to the actual reservation of land from settlement. Whatever purpose the reserves were originally, or may hereafter be, designed to fulfil, would be as certainly accomplished by setting apart a corresponding portion of the proceeds of future sales of public lands; and the sum produced by the sale of the existing reserves will of course be disposed of in the manner determined upon with respect to that which has been already received from this source.

Title to Lands.

It would be obviously necessary that any plan for the future disposal of public lands should contain a sufficient provision for giving to the purchaser a complete and satisfactory title for the land purchased. Any unnecessary delay or expense in obtaining a title, not merely operates as an useless and injurious addition to the cost of the land, but has a tendency to deter purchasers, and thus to retard settlement. The complication of every system hitherto adopted in the different colonies, has been a natural result of the want of all real responsibility in the land-granting department. But like almost all similar contrivances, this multiplication of checks has not only failed to effect its purpose, but has produced fresh evils in addition to those it was intended to prevent or remove. The evidence which has been given on this subject by Mr. Kerr, Dr. Baldwin, and others, exhibits the evils of delay and uncertainty in obtaining titles; and the present state of the Crown lands in all the North American Provinces sufficiently proves how utterly unavailing the reference to different offices has been, as a means of preventing excessive or improper grants. The system which I should recommend for the future, is one similar to that practised in the United States; partially introduced into Upper Canada by the recent Act of the Provincial Legislature for regulating the disposal of public lands; and most successfully pursued under the authority of an Act of the Imperial Parliament in the new colony of South Australia. Forms of deeds should be prepared, requiring only to be filled up with the name of the purchaser, and the description of the lot purchased; and the signature of the chief agent for the sale of lands in the district should be required to give them validity. In the meantime, until this signature is obtained, a certificate of payment of the purchase money, in respect of a particular lot, should be given to the purchaser; to be exchanged for the deed at a certain fixed period; and in the meantime to be transferrable by assignment. In this manner every purchaser would at once possess a marketable title; and the necessary time could be allowed for any system of issuing and registering titles which it might be thought expedient to adopt.

Minutes of Evidence.

Surveys.

There is one essential preliminary to any plan for the disposal of the public lands, without which it is impossible that there should be certainty or regularity for the future—the survey of the whole land of the province, whether granted or ungranted. It is not easy to exaggerate the confusion and errors which prevail in all the colonies with respect to the existing surveys. With very few exceptions, no man can be said to possess a secure title to his land, or even to know whether the spot upon which he is settled, belongs to himself or to his neighbour, or the Crown. Lots which, according to the diagram in the surveyor-general's office, appear to be of regular figure and of equal dimensions, are in reality of the most varied form and unequal size. A grant from the Crown which professes to convey 200 acres, has in reality conveyed a quantity varying from 120 to 280 acres. In many cases, too, lots have been granted which have been found to have no existence, except upon the map. Even at the present moment, these errors are productive of much inconvenience, and of considerable litigation. But their present effects form no measure of the injuries which may be anticipated from them. Land is not now of sufficient value, in the greater part of every province, to induce its owners to adopt measures to ascertain or enforce their rights. In many cases, too, the occupier of a lot has no neighbour who could dispute his claims to the boundaries assigned or assumed to his property. But in proportion as the increase of population gives value to land, and fills up the intervening vacancies between settlers, it is obvious that questions of boundary and title must arise, which under the existing state of the surveys can only be settled by legal proceedings, and which must form an abundant and interminable source of litigation. The circumstances that have hitherto prevented these consequences from occuring in any great degree, place it still in the power of the Government to adopt measures of prevention. A fresh and accurate survey would define the

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the boundaries of all lots; and if this were accompanied by an enactment, securing to actual settlers, land upon which improvements had been made upon the faith of existing surveys, or which was obviously necessary to enable them to enjoy the benefit of such improvements, all substantial injustice would be avoided. This could not, it is true, be effected without considerable expense; but that would surely be a false economy which should perpetuate evils so great as those which must arise from this cause, on account of the expense to be incurred in their removal. Moreover, this reform is but part of a general measure, which will itself provide the funds for carrying it into execution.

Squatters.

There is another subject upon which it is I believe absolutely necessary to legislate. Throughout all of the North American provinces a very considerable portion of the population consists of squatters; persons, that is, who have settled upon land the property of the Crown, or of private individuals, without a title. The causes of this irregularity are various. In Upper and Lower Canada it has arisen chiefly, if not entirely, from the difficulties, often amounting to impossibility, in the way of obtaining land by persons of no influence who desired it for actual settlement. The profusion of the Government in granting land has, in fact, placed serious, and, in many cases, insurmountable obstacles to its acquisition, by those who had but little property, and no influence. While the utmost facilities were afforded to those whose only object in obtaining a grant, was to profit by a future sale of the land, there has been in effect, if not in intention, an equal niggardliness with respect to those who would have improved their grant. In many cases, also, it was impossible, without the expense of a journey to the capital of the province, to ascertain whether or not the land upon which a person was desirous of locating himself, belonged to the Government; and even when this point was ascertained, there was no certainty of being able to acquire it. In Upper Canada, in addition to these difficulties, the Alien Law, which was passed shortly after the last war with the United States, has rendered it impossible for an American citizen to obtain land from the Government upon any terms. The result of these circumstances has been, that no small portion of the actual settlers are persons who have no title to the soil which they cultivate. This is not merely injurious, by rendering their mode of husbandry slovenly and exhausting, but it has also rendered them lukewarm in their loyalty to a Government under which they have no security for the enjoyment of the fruits of their labour. It may, perhaps, be argued, that they are not entitled to this advantage, and that they ought to bear the consequences of their illegal and unauthorized occupation; but without entering into the question of the absolute right of these persons to the enjoyment of the property which they have created, it cannot, I think, be deemed that, under all the circumstances of these colonies, it is expedient to add this great practical grievance to those causes of dissatisfaction which already exist. The habits of the whole population of North America, and the laws of the United States, have given a sanction to the practice of squatting, which has been confirmed in this case by the negligence of the Government, or of the non-resident proprietor.

In the Lower Provinces, the practice is attributable in part to similar causes, but chiefly, apparently, to the absence of all other means of obtaining a livelihood. In Nova Scotia and New Brunswick, but especially in the former, emigrants on their arrival can find no employment for wages. The profusion of the government in granting its land has checked to so great an extent the prosperity of these provinces, that the actual settlers are too few or too poor to be enabled to employ labourers; and an emigrant, therefore, must either proceed at once to the United States, or, in order to support himself, must occupy the first vacant lot, from the cultivation of which he can alone procure a livelihood. To disturb a possession occasioned by such causes would be unjust as well as inexpedient. There may be particular cases which do not merit any indulgence, but it would be impossible to separate such from the mass; and, therefore, there should be some provision by which all persons occupying land to which they have no title, should be, if not secured in the possession of the land they occupy, at least guaranteed the full benefit of their improvements. With respect to those who have settled upon government land, this may be easily effected by allowing them to become purchasers at the uniform price of public lands, as has been already done in Lower Canada, by a proclamation of your Excellency; and, if needful, even allowing a certain period within which the purchase money may be paid. With respect to those who occupy land, the property of private individuals, it would be necessary to pass a law entitling them to compensation for their improvements by valuation. Such a measure would not only give a great immediate stimulus to the industry of the country, but it would have a most useful effect in confirming the loyalty of many who are at present described as looking with hope rather than reluctance to the subversion of the existing government.

It also appears expedient that public land in all the North American colonies should be open to purchase by all persons, to whatever country they may belong; requiring, if necessary, that the subject of a foreign power should at the time of purchase take the oath of allegiance. Such a measure appears especially desirable with regard to citizens of the United States. No people are so adapted to encounter the fatigues and privations of the wilderness; none form such efficient pioneers of civilization. In both the Canadas almost every settlement which has reached any degree of prosperity has been commenced by persons of this class; and it is impossible to conceive a more striking contrast than is furnished by the present state of settlements thus formed by persons who had no property when they entered the bush, as it is termed, but an axe and a camp kettle; and that of settlements formed by British emigrants possessed of considerable capital.

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The Americans have almost uniformly prospered; the European emigrants have always been slow in their progress, and have not unfrequently been ruined. Indeed there appears to be in this, as in almost every other pursuit, a natural division of employments; and this is practically understood in all parts of the United States. One class of persons attach themselves almost entirely to the occupation of breaking up new land. They go into the wilderness, select a favourable location, erect a small hut, and commence the task of clearing. In a few years the progress of settlement brings other settlers into their neigh bourhood, and they then sell their improvements, and again move off several miles in advance of the tide of population, repeating the same process as often as they are overtaken by it. By their labours the difficulties of a first settlement are, to a great extent, obviated; those who succeed them are spared the worst and most disheartening part of the toils of a settler; and the work of settlement proceeds more rapidly and prosperously than would be the case if those who eventually occupy the land, had been also the persons by whom it had been first reclaimed. In the Canadas, on account of the previous habits of emigrants, which have given them no experience of the peculiar difficulties of settlement in the wilderness, and even unfitted them for a successful struggle with its hardships, such a class as the American pioneers would have been eminently useful; but there, owing partly to direct legislation founded upon political grounds, and partly to the proceedings of the government by whom all the lands which such persons could occupy, have been alienated, this class has had no existence. If, however, it be intended that these colonies should be the home of any considerable portion of the people of the United Kingdom, it can hardly be doubted that encouragement should be given to persons of this class, or, at least, that all direct impediments to their exertions should be removed. If, however, from any grounds similar to those which induced the legislature of Upper Canada to pass the Alien Bill, to which I have referred, the British North American colonies should be closed against citizens of the United States, it is to be feared that, in spite of all that may be done to remove existing obstacles to their progress, or to encourage emigration, they must continue to exhibit the same mortifying inferiority to the neighbouring states which is at present everywhere apparent; while, should this restriction be removed, it may be fairly anticipated that the practical skill of the Americans in this respect, aided by British capital, and stimulated by the constant influx of emigrants desirous of purchasing the improved land, would enable the Colonies to rival, if not to surpass, the progress of the most flourishing states of the Union.

Price of Land.

The price which it would be expedient to affix to the public land is not easily determined. Nor shall I discuss the principles which would determine the proper price in a colony for which we might legislate without regard to the proceedings of adjoining countries. In the immediate neighbourhood of the United States, where the government has never sought any higher object in putting a price on new land, than that of preventing appropriation without cultivation, it would be idle to seek, by means of a price for new land, the more important end of securing an ample and constant supply of labour for hire. In respect to the price of public land, legislation for the North American Colonies must necessarily be governed by the course of the United States. In their immediate neighbourhood it would be impossible to adopt the leading principle on which the colony of South Australia has been founded, and which was recommended by a Select Committee of The House of Commons in 1836. One might as well attempt to maintain in the British Colonies a totally different currency from that which prevails in the American Union.

Satisfied, however, that the price of new land required by the American government is too low, even for the objects which it has in view, and also that a somewhat higher price would not induce British emigrants to prefer a foreign country for settlement, I would adopt the highest price which would not have that effect. That in every colony the price is too low, appears evident from the fact that it has encouraged rather than deterred the acquisition of land by persons who do not intend to settle or improve it, and that it has induced numbers to become purchasers with very inadequate means. In Upper Canada, where the price has been apparently highest, the latter result has been produced very extensively. But there, though the nominal price has averaged 10*s.* per acre, yet the sum which has actually been obtained in the great majority of cases in which persons of the labouring class have become purchasers, is in reality very little more than a fourth of this amount, because, in such cases, only the first instalment has generally been paid. In every colony, therefore, the real price can scarcely be said to have been more than from 2*s.* to 4*s.* per acre, while in the United States the uniform price is a dollar and a quarter, or 6*s.* 3*d.* per acre. I am inclined to think, that 10*s.* per acre would not exceed a safe limit. But this is, perhaps, a point which would be more properly left to the determination of that special and responsible authority to which I propose that the whole administration of the public lands in the colonies should be confided. Some further remarks upon the subject, however, may not be misplaced here.

That at such a price the sales of public land would for some time be very inconsiderable, is highly probable; but this appears to be a recommendation instead of an objection to the measure. It is not for the interest of the colonies that any very large amount of the land yet remaining at the disposal of the Crown should be occupied for the present. That part of every colony which ought first to be settled, is in the possession of private persons. Until the tracts already appropriated are fully settled, it would be wasteful and injurious to encourage settlement upon the remaining public lands. And when these tracts are covered with inhabitants, the general value of land in the colonies, will be so far advanced as to make this price really lower than that which is required at present; and therefore to give greater encouragement to purchase than is now afforded. This view is strikingly supported by

by the results of the different prices at present demanded in the different colonies. In Nova Scotia, 2 *s.* per acre, payable in four annual instalments, is found to be too high a price, having reference to the circumstances of the country and to the means of the settlers; while in Upper Canada there has been no deficiency of purchasers from the Government and the Canada Company, at a price more than five times this amount. This difference is easily explained by a consideration of the condition of each colony, and the fact that there has been a large introduction of both capital and labour into the latter colony, while no capitalists have been attracted into the former; and consequently no employment has existed for the few labourers who have arrived there. In neither colony has the mere price of government land had any effect upon the ability of individuals to become purchasers. In both, this has depended upon circumstances altogether independent of that price.

It is obviously in the power of government to create in all the colonies such a state of things as may make the purchase of wild land at the higher price proposed, more advantageous than now at the lower. The only question, consequently, is whether, having regard to the object for which any price is required, and to the manner in which it is to be applied, 10 *s.* per acre is higher than ought to be required, or than purchasers will generally be found willing to give.

In the United States, the money derived from the sale of public land, is applied in aid of the general revenue. The purchasers derive no special or peculiar advantages from its application. It is expended in the promotion of objects, in which the inhabitants of the older States, that contribute nothing to this source of revenue, are as much interested as the new States, in which it is exclusively raised. Under the plan that I am about to propose, the whole amount of the purchase money of public land in the North American colonies would be expended partly in the execution of works, from which the purchasers would derive a direct and immediate benefit, and the funds for which are raised in the United States by taxation; and partly in providing for a greatly increased emigration. These works, too, or at least the greater portion of them, would be performed before the land was sold, and the purchasers, therefore, would be in the same position as those who, in the United States, purchase land from speculators who have given an increased value to their land, by the improvements which they have effected upon it. Assuming, therefore, that the measures suggested will be carried into effect, a higher price may be properly demanded for the land in the colonies than that which is at present the upset price in the United States; and the result of this price, coupled with the other measures with which it is connected, would be, with respect to the colonies, similar to that which has been produced with respect to the United States by the general system pursued in that country, of which the present higher price forms a part. Instead of deterring, it would attract purchasers; and we might confidently rely upon seeing American citizens leaving their own country to enjoy the greater economical advantages of the British colonies, in the same manner as British emigrants are now drawn to the United States by the superior attractions which they offer.

With regard to Upper, and even to Lower Canada, there would probably be no objection urged to such a price, and no apprehensions entertained as to its effects. But with regard to the other provinces, where, just because no sufficient price has ever been required, the very low price at present demanded is considered an obstacle to settlement, it may possibly be feared that the price proposed might be found inapplicable to the circumstances in which they are placed; and this might possibly, by reason of the great quantity and cheapness of wild land in private hands, be the case if such a measure were to stand alone. The imposition of any such price—it might indeed be said of any price—presupposes the existence of such a state of things as would place it within the power of persons of the labouring class to earn and to accumulate money. In Nova Scotia, the labouring emigrant has no means of employment. He cannot become a purchaser, because he cannot earn money by his labour. It is from the land alone that he can obtain the means of subsistence; and to require any price for land, under such circumstances, is to place an impassable barrier in the way of its acquisition by persons of that class, and to drive them into the United States. But if, by measures such as have been proposed, the proprietors of the wild land are induced and enabled to improve and settle their grants; and if, at the same time, works of the nature contemplated are undertaken, labouring emigrants will be enabled to obtain employment for wages, and out of their savings to purchase land at the proposed price, either from the government or from private proprietors.

It must be remembered, also, that in every colony the operation of the proposed price will be slow and gradual; government land will in only a very few instances be purchased at first; and it may rather be feared that the tax on wild lands will have the effect of lowering too much the general price of land, and thus of perpetuating for a longer period some of the evils at present experienced, than that the impossibility of obtaining government land on the present low terms will check its acquisition, under any circumstances which would render such acquisition desirable. In every colony the selling price of land must, for some time at least, depend far more upon private holders than upon the government; and the government, therefore, is freed from the necessity of regarding the immediate and temporary results of its determination in deciding upon the price which it would be expedient to adopt. The only end which it has at present to secure by a price is, to prevent any more of that undue appropriation which now discourages the hope that much land would soon be purchased at any price.

The proposed price of 10 *s.* per acre, regarded in connexion with some of the objects it is intended to accomplish, is, in fact, much lower than it would be desirable to fix. Even at that price, there is great reason to fear that labouring emigrants may be induced to become purchasers bofore they have either the requisite capital or knowledge to qualify them for

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Price of Land.

the position they will thus assume. The produce of the fund, also, will be scarcely adequate to the objects to which it ought to be applied, the construction of public works and the promotion of emigration. But it has been selected as the price which will most nearly provide for the accomplishment of these purposes, and, at the same time, the highest which probably it would be in the power of government to obtain, having reference to the price fixed upon public land in the United States. It is not impossible that the measures proposed, if fully carried into effect, might enable government to obtain even a higher price; but it would hardly be safe to venture upon the experiment. In proposing this price, however, I wish to be regarded as doing so merely as a compromise; not because I think it best in itself, but because I think it the best which can be obtained under the circumstances.

Timber.

The disposal of the timber upon the public lands of the Provinces was included within the inquiries that I instituted. It is only of late years that any attempt has been made in the Canadas to derive a revenue from this property. Originally the right to cut timber upon the public lands was a monopoly in the hands of the contractors for the supply of the navy with timber; and they were in the practice of selling licences to merchants and lumbermen in the Colonies, by whom, consequently, the whole legal trade in this article was engrossed. But as the commerce of the Colonies increased, it was found impracticable to prevent unlicensed adventurers from engaging in the lumber business; and there appeared every prospect, in spite of the exertions of the law officers of the Crown in Upper Canada, that the unlicensed trade in this article would become greater than that conducted under the authority of the Government. At length, in the year 1824, it appears to have been discovered that it would be a wiser course to sanction and regulate the cutting of timber by any person, with a view to making it a fixed source of revenue, than to persist in useless but harassing attempts to check or punish practices which, from the nature of the country, it was impossible to prevent. With this view, the whole management of the timber was placed under the control of an officer, entitled the Surveyor-general of Woods and Forests, whose business it was to offer for sale, licences to cut timber upon public lands at an uniform upset price; to collect the revenue arising from this source; and to protect the Crown timber from waste or depredation. In all of the Provinces this office has in effect merged in the office of Commissioner of Crown Lands, and the timber is therefore under the same general superintendence as the public lands of the Colonies.

Min. of Ev. Q. 356. Min. of Ev. Q. 691, *et seq.*

I was unable to obtain any accurate information as to the probable value of this property. From the evidence, however, of Mr. Kerr, and of Mr. Shirreff, it appears, that the quantity of timber upon the waste lands of the Province is practically unlimited, and that, independently of the consumption of this article in England, there exists at present a demand for pine timber in the Northern and Western States of the Union which may be expected to experience a very rapid increase, and which can only be supplied from the British North American Colonies.

Min. of Ev. Q. 357.

From the evidence of Mr. Kerr and Mr. Davidson, and others, it appears that the revenue which, under a wise and careful system of management, might have been derived from this property, has been needlessly sacrificed by the practices adopted in the disposal of public lands. The value of the timber upon an acre of land at the price of Government licences is frequently more than ten times greater than the amount required to be paid, in order to obtain possession of the land upon which the timber is growing. Payment of the first instalment of the purchase-money is alone necessary for this purpose, and before the second instalment is due, or any measures are adopted to enforce payment, the timber may be cut down, and the land abandoned. To what extent this has been the case it is difficult to determine; but there is no doubt that very large tracts have been purchased for the sake of the timber merely; because the whole purchase-money, if paid, has been very far less than the price of timber licences, and because the land would remain in the possession of the purchaser after the timber had been cut. Besides this cause of defalcation in the revenue that might have been derived from this source, there has been no proper inspection on the spot, so that the quantity of timber cut has been very far greater than that for which a licence has been obtained.

The plan which I have proposed of selling land at a fixed uniform price, and requiring the payment of the whole purchase money at the time of sale, will prevent, to a very considerable extent, the purchase of land for the mere sake of the timber. As the land upon which the most valuable timber grows, is generally of an inferior quality of soil, and of no value for agricultural purposes, it may be expected that but little of it will be purchased, and that the whole timber fund will be derived from the sale of licences. It will therefore be expedient to establish an efficient system of supervision in all the timber districts; and by comparing the returns made by the district inspectors, of the quantity of timber cut, with the entries at the custom house of the quantity of timber shipped, some security may be obtained against the frauds which are now practised in respect of this property.

Min. of Ev. Q. 350.

It is suggested by Mr. Kerr, that the present price of timber licences is too low, having regard not merely to the value of timber in the English market, but also to its price in the United States. Although disposed to concur in this opinion, I do not feel myself warranted in recommending any advance in that price at present upon the only information I now possess, and especially considering the uncertainty which is felt to be attached to the continuance of the present timber duties in England. This is one of the matters that must be left to the special authority which I shall subsequently recommend, to determine, from further and more accurate inquiries.

The

Appendix (B.)

Timber.

The present average annual amount produced by the sale of timber licences in all the Colonies, appears to be about 24,000*l.*; but there seems no reason to doubt that under an improved system of inspection and management, this amount might be greatly increased.

Application of Funds.

The funds to be produced from all these sources, from the tax upon wild lands, from the sale of the public lands, and from the disposal of timber licences, should be specifically appropriated to such works as would improve the value of land and facilitate the progress of settlement. Of such works I may mention the construction of leading lines of road, the removal of obstructions in the navigation of rivers, and the formation of railroads and canals. In some of these works, the whole of the cost will be defrayed out of these funds; in others, it will only be necessary to afford a limited amount of assistance, in aid of works in which private capital may be invested, though not to a sufficient amount to complete the undertaking. Of the class in which only a partial assistance would be required, are the railroads and canals, which have been projected to connect the different Colonies with each other; or to improve existing or create new means of transport for passengers and merchandize to the Western States of the Union; and to which the resources of the Colonies are as yet unequal. Of these, I may mention the projected canal between the Bay of Fundy and the Bay Verte. referred to in the evidence of Mr. Mackay; the canal connecting the River Ottawa and Lake Huron, by means of Lake Nipissing and French River, referred to in the evidence of Mr. Shirreff; a projected railroad connecting Lake Ontario with Lake Huron; and the railroad from Halifax to Quebec. Nor can it be doubted that as population advanced and the resources of the Colonies were developed, numerous similar undertakings would arise in which a portion of these funds might be advantageously employed, and in which also, British capital might be invested with as much security, and might command as large a profit, as that which is now to so great an extent invested in similar undertakings in the United States.

Min. of Ev. Q. 1550, *et seq.* Min. of Ev. Q. 1046.

It is not needful that I should attempt to describe in detail the consequences which may be anticipated from such an application of the revenues which will be produced by the measures I have suggested; they have been already described by implication, in the picture which I have drawn of the state of the North American colonies under their present deplorable deficiency in all those matters for which the proposed expenditure would provide. It may fairly be assumed, that taken in connexion with the other measures, previously and subsequently suggested, they will introduce into the colonies a state of things as gratifying to every one friendly to British institutions, and interested in the welfare of the Colonies, as the present condition of these provinces is now the reverse.

Emigration.

But any plan which may be proposed for the improvement of these extensive and important provinces, must of necessity be incomplete, unless it provides for a large and constant immigration. It is only by means of such immigration that the execution of the great public works referred to above can be accomplished, and the vast tracts of appropriated desert filled up with settlers. It is indeed an essential condition of any scheme of emigration to which the Government of the United Kingdom is a party, that measures having a like object, if not identical in character, with those above suggested, should be adopted; and that their permanence should be secured by a legislative guarantee. But it is no less a necessary condition of any such measures, that the Government should provide for the direction of a constant stream of emigration to these colonies. Without the performance of the former condition, emigrants must still be exposed to many of the evils they have hitherto experienced; if capitalists, to the waste of their pecuniary means in an unavailing contest with the difficulties which unwise methods of granting public lands have placed in their way; if labourers, to a precarious and limited employment, cheered by no sure prospect of ultimate independence. And both will then, as now, be driven to avail themselves of the superior advantages offered by the neighbouring States of the Union. Without systematic emigration, too, there can be no security for the profitable expenditure of the sums it is proposed to raise in the colonies, and no opportunities for the proprietors of the wild land to bring their possessions under speedy cultivation. If there is no tax upon wild lands, and no improvement of the communications of the colonies, emigration would be unprofitable to the colony and injurious to the individual; and if there is no emigration, the proposed tax could hardly fail to press unfairly. Assuming, however, that the Government and the Legislature will not hesitate to apply the appropriate remedy to the evils I have described, and that the colonists will joyfully accept a measure so fraught with advantage to themselves, I proceed to the subject of emigration, a topic more immediately affecting the people of the United Kingdom than any of those to which I have hitherto referred. But before entering upon any detail of the measures which appear to me to be requisite in order that the emigration which I recommend shall be safe and advantageous to the emigrant, it appears needful that I should advert to its past and present condition.

Upon this subject very great misconceptions appear to prevail in England. It seems that all those who have made inquiries into the subject of emigration from the United Kingdom, have imagined that no interference was required with respect to that to the North American provinces; and that although some trifling matters of detail might require correction, the general character of that emigration was such as to forbid any intermeddling. This misconception is undoubtedly attributable, in a great degree, to the circumstance, that all the evidence obtained on the subject, was collected in the country from which the emigrants departed, instead of that at which they arrived. Had the position of the inquirers been reversed, they must have arrived at very different conclusions, and have discovered that no emigration so imperatively demanded the regulating interposition of the Legislature as that for which they specially refused to provide.

Appendix (B.)

Emigration.

The evidence which has been collected upon this subject is almost entirely confined to the case of those who arrive at the port of Quebec. The number of those who land in New Brunswick and Halifax is so small as to have attracted comparatively little attention. The want, I will not say of any adequate provision, but of any provision whatever, for the reception and employment of those latter emigrants has, indeed, been sensibly felt. But the manner of their arrival, and the arrangement for their transport, have been altogether overlooked.

Min. of Ev. Q. 568, *et seq.*, 613 *et seq.*

From the evidence of Dr. Skey and Dr. Morrin, it appears that, up to the year 1832, the condition of the emigrants, on their arrival in the port of Quebec, was miserable in the extreme; that numbers perished during the passage; that those who landed were the victims of contagious diseases, occasioned by filth and privation during their voyage; that many were landed in a state of utter destitution, without even the means of shelter; and that they introduced pestilence into the city, and formed a heavy burthen upon the charity of the inhabitants.

Min. of Ev. Q. 163.

It is stated, that on one occasion upwards of 400 patients with contagious diseases were admitted into the hospital at one time. Those, too, who escaped these evils were ignorant of the true circumstances of the country; without the means of ascertaining where, and in what manner, they could find employment, and too frequently, if employed during the summer, left without any means of subsistence during the winter. In fact the emigration of that period was fraught with evil to the emigrant and to the colony, and the ultimate advantage to either was purchased at the cost of great and needless suffering.

Ordered by the House of Com- to be printed, 14 May 1838.

It appears, however, from the Report of the chief agent for emigrants in the United Kingdom, an officer recently appointed in the Colonial department, that at the time when these evils were at their height, the Government Commission, formed in 1831, for the purpose of inquiring into the subject of emigration, were led by the evidence brought before them to imagine that the vast numbers proceeding to the North American Colonies, and especially to the Province of Lower Canada, had emigrated and established themselves in the colonies without any serious or lasting inconvenience. The evidence laid before them appeared to warrant such a conclusion; and the practical inference which this Commission drew from its inquiries appears to have been, that the system throve too well spontaneously to require, or even admit of, their interference. Unfortunately, however, the conclusions of this Commission did not rest at the point of non-interference. They conceived that they should be only fulfilling the object of their appointment, by diffusing among all those classes, who might be disposed to emigrate, correct information as to the rate of wages and the prices of provisions in the colonies; and they accordingly circulated as widely as possible, lists of wages and prices, and such other statements as might place the advantages of emigration in the most striking point of view. The result of these proceedings on their part was, that the emigration to all the North American Colonies, which had been 58,067 in 1831, amounted, in 1832, to 66,339. In the latter year, however, in addition to the ordinary diseases to which emigrants were exposed, the cholera made its appearance in the two Canadas. Vast numbers of the emigrants perished from this disease, in the most miserable manner, the inhabitants of the towns, under the belief that the disease was contagious, refusing to admit any strangers into their houses; and those who were attacked by it being literally left to perish in the streets. In the year 1832 a quarantine station was established at Grosse Isle, an island about 30 miles below Quebec, which, except in the two years of cholera, 1832 and 1834, has accomplished the object of saving the city from the contagious diseases by which it was formerly visited every year. The amended Passengers' Act also, and the appointment of agents at many of the ports of the United Kingdom from which the largest numbers of emigrants depart, have effected some improvements in the condition of the emigrants on board of many of the vessels.

Min. of Ev. 588,

It appears, however, from the evidence of Mr. Jessopp and Dr. Poole, that the provisions of that Act are evaded in very numerous instances; and that cases still occur, in which from 70 to 80 passengers on board of a single

Min. of Ev. Q. 628.

vessel are attacked by contagious fevers. It appears, too, from the evidence of Mr. Forsyth, that the want of any effectual provision for the reception of emigrants, and for forwarding them to those places where they would find immediate and permanent employment, have been remedied in no appreciable degree by the appointment of emigrant agents in the colonies.

It is not necessary that I should attempt to prove, that it is the duty of Government to regulate the emigration that it continues to encourage, and to establish an efficient system of control over emigrant vessels; because this is admitted in principle at least, by the appointment of an agent-general for emigrants, and of subordinate agents at some of the ports of embarkation. But the measures adopted have been partial and incomplete; and though in some cases they have prevented, in many they have permitted the continuance of all the evils against which they were intended to guard. If looked at by an individual residing in England, it is probable that they may appear adequate and effectual, because in that country attention is directed exclusively to the evils they prevent. In the colonies their deficiency is apparent, since there, attention is naturally fixed upon those evils which they leave untouched. The evidence given upon this subject by gentlemen whose position necessarily makes them acquainted with the real character of emigration at the present time, and who can have no motive but the desire of remedying the evils they describe, leaves no doubt that this admitted duty of Government is still to a considerable extent unperformed, and suggests reasons for doubting whether the manner in which its performance has been attempted, is not faulty in principle as well as insufficient in detail.

There is not indeed any obvious reason why the Government should take less effectual measures to regulate emigration to the American than to the Australian Colonies. There may be a difference in the character and circumstances of emigration to the two regions, but none so great as to free the former from all interference, while the latter is in several cases, to a grea extent, and in one, entirely, regulated by Government.

The

The great amount of voluntary emigration to the North American Colonies, which has been assigned as a reason for the non-interference of Government, even if it be admitted as an argument against the offer of a free passage to any class, lest this offer should operate practically to deter many who emigrate upon their own resources, forms at the same time one of the most powerful arguments for the adoption of an effectual system of control over this voluntary emigration. Of the tens of thousands who emigrated every year, it must have been known that the vast majority were ignorant of the existence of any law to which they could appeal for protection against extortion or ill treatment. All of them were proceeding to a place where employment could be furnished to but a very small portion ; and to these only for a limited period. The place of ultimate destination of nearly all the emigrants, was several hundred miles from the port of debarkation; and there existed no means of forwarding them to the spot where their labour would be in demand, upon the adequacy or permanency of which it would be safe for the Government to rely. Private societies, indeed, existed at Quebec and Montreal, to whom was entrusted the expenditure of some public funds for the relief of the sick and the destitute; but these funds were insufficient in amount, and the societies entrusted with their distribution were under no legal control. So incomplete and defective were the arrangements, that in the year 1834, when from the prevalence of the cholera the necessities of the emigrants were greatest, the societies in question had absolutely no public money at their disposal, on account of the expiration of the Provincial Act under which the fund had, till then, been raised. If, however, the Imperial Government refused to take upon itself the entire direction of emigration, in the fear that they might lessen its amount, they were the more bound to take such measures as were obviously within their power to protect or to assist the emigrants.

The measures which Government have adopted are however deplorably defective. They have left untouched some of the chief evils of emigration, and have very incompletely remedied those even against which they were especially directed. Although the safeguards for the emigrant during the passage are increased, and in many places enforced, yet there is still no check of any sort whatever over a large proportion of the emigrant vessels. The provisions for the reception of the emigrants at Quebec, so far as the Government is concerned, are of the most inefficient and unsatisfactory character ; and the poorer class would have to find their way as they best might to the Upper Province, or to the United States, were it not for the operation of societies, whose main object is not the advantage of the emigrants, but to free the cities of Quebec and Montreal from the intolerable nuisance of a crowd of unemployed, miserable, and too often diseased persons. The government agent at Quebec has no power; he has not even any rules for his guidance ; and no monies are placed at his disposal. At Montreal there has not been any agent for the two last years. The whole extent therefore of the interference of the Government, has been to establish in England agents to superintend the enforcement of the provisions of the Passengers' Act in respect of the emigrants from some ports, and to maintain an agent in the Province of Lower Canada, to observe, rather than to regulate, the emigration into that province.

It may be doubted too, whether the source from which alone all the funds applicable to the relief of emigrants in Lower Canada are derived, is in reality one which ought to have been selected for that purpose. To tax the whole body of emigrants for the purpose of providing a remedy for evils which no adequate means have been adopted to prevent, and thus to compel the most prudent of that class to bear the burden of imprudence or negligence in others, is surely a measure of very doubtful justice. The practice has, I am aware, been defended by reference to the example of the United States, in some of the chief cities of which a similar tax is imposed. But this is a case which bears no analogy to the present. The United States have and can have no control over the arrangements for the transport of emigrants from the United Kingdom. The tax which they have imposed is therefore the only measure within their power, in order to prevent the whole burden of maintaining diseased or infirm emigrants from being cast upon them. They also have taken no part in encouraging emigration. If emigrants from the United Kingdom imagine that there are any peculiar advantages to be derived from emigration to the States, they cannot reasonably object to the payment of the small sum levied upon them for the protection of the community of which they are about to become members. With regard to the British Government, and the British North American Colonies, the case is different. The former have stimulated emigration, on the avowed ground that it is beneficial to the United Kingdom ; and, except in the case of the Legislative Assembly of Lower Canada, the latter have welcomed it, on account of the capital and labour thus introduced among them. In this case too, the Government of Great Britain possesses the means of establishing an efficient control ; and it therefore not merely compels emigrants to provide almost alone against the inconveniences incident to the attainment of a great national object, but to pay for the inadequacy of the measures which Government has adopted, or the remissness of the officers it has appointed. I do not mean to assert, that the imposition of this tax has been attended by no advantages to the emigrants ; but these advantages have been confined to a few, and might have been with more certainty and with more justice secured by other means.

There has not indeed been any greater degree of uniformity in the proceedings of Government in reference to this than to the other subjects comprised in my inquiry. In Lower Canada there has been a tax imposed upon all emigrants from the United Kingdom arriving at the port of Quebec. In Upper Canada a sum not exceeding 5,000 *l.* in the whole, out of the casual and territorial revenues, has been appropriated by Government to purposes connected with immigration. The funds received in Lower Canada are placed under the control of private societies, or devoted to objects only indi-

 rectly

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Emigration.

rectly under the superintendence of the Government. They are applied too in such a manner as to lead to the presumption, that the only object of the legislature in imposing the tax upon emigrants, was to rid the province of them as speedily and as completely as possible. In Upper Canada the funds are placed at the disposal of an officer of the Government, and are so applied as to afford to emigrants an inducement to remain in the province. There has been no subordination of offices, and even no proper connexion between the agent in Lower and the agents in Upper Canada. It has consequently been impossible that any connected and uniform measures should be adopted. The result of this want of regularity or method, in conjunction with the circumstances of the colonies produced by the manner in which the public lands have been disposed of, has been that, of the emigrants arriving at Quebec, three-fifths according to Mr. Forsyth, and about half according Mr. Hawke, have, either immediately, or after a very short period, proceeded to the United States.

Min. of Ev. Q. 483.
Min. of Ev. Q. 1003.

I cannot doubt but that the facts disclosed in the evidence appended to this report, and referred to above, will induce Her Majesty's Government to adopt some more effectual means than have hitherto been pursued, to regulate the voluntary emigration to these Colonies. But their efforts ought not, I conceive, to end there. Numbers who would form most valuable labourers in the colonies are prevented from emigrating, because they have not even the small sum at present requisite to defray the cost of their passage. Numbers too, it cannot be doubted, are deterred by what they have learned of the sufferings of those who have emigrated. If any proof was required of the truth of the latter opinion, it is to be found in the fact, that the emigration to the Canadas, which in the year 1832 amounted to 52,000, and which had been regularly increasing up to that period, fell off to 21,000 in 1833, on account of the miseries endured by the emigrants of the former year. Nor has it ever recovered from this check. In only one subsequent year has the emigration to Quebec exceeded 30,000, or about three-fifths of its former amount. At the same time there has been no general disinclination evinced by the people of the United Kingdom to emigrate either to the United States or to other British colonies. So far as appears, a difficulty has been rather experienced in selecting out of the numerous candidates for emigration at the public expense, not such as in the opinion of the agents of Government were fit objects of the Government bounty, but such as without injustice to the rejected applicants, might be chosen as best suited to the peculiar circumstances of the colonies to which they were sent. From all I have been able to learn as to the proceedings of the South Australian Land and Emigration Commissioners, as well as of the chief agent for emigrants in England, the number of those who were willing to emigrate very far exceeded that for which the means at their disposal could enable them to provide.

In the North American colonies, however, under an improved system, such as I have above suggested, hundreds of thousands might find the means of employment and subsistence, most advantageously for the colonies and for themselves. It is assuredly not too much to say, that these provinces would support a merely agricultural population at least tenfold greater than that by which they are now inhabited; and this agricultural population would require, and would furnish employment, for a large amount of mechanics and artisans. Those whom the inevitable fluctuations of employment in a country like Great Britain, no less than those whom the improved methods of agriculture demanded by the circumstances of Ireland, would deprive of their accustomed means of subsistence, if enabled to emigrate to these provinces, not only would themselves benefit by the change, but would develop the resources and augment the wealth of the colonies to an incalculable degree. The unprecedented prosperity of the New States of the Union, which have within a few years sprung up in the wilderness, is owing entirely to the extent of the emigration which has been directed to them, no small portion of which has consisted of emigrants from the United Kingdom. The British Government has it in its power to direct to these colonies an emigration yet more extensive, and to provide for its permanent establishment there; and this without any cost to the United Kingdom. The funds which, under the system I have recommended, would be furnished by the colonies themselves, could not be expended in any manner so advantageous to the countries from which they are derived, as in providing for this emigration; and one great advantage to be anticipated from the execution of the public works, to which a portion of these funds is destined, is that such works would remove the principal difficulties now experienced by emigrants in obtaining employment or in establishng themselves as settlers.

I would, therefore, recommend, that a specified portion of the produce of the wild-land tax, and of the future sales of land and timber, should be applied in providing for emigration; a part in furnishing free passage to emigrants of the most desirable age, as far as may be of both sexes in equal numbers; and a part in defraying any expenses occasioned by the superintendence of the emigration of those to whom, in conformity with this rule, or from other circumstances, a free passage cannot be offered.

The whole emigration from the United Kingdom should be so far placed under the superintendence of Government, that emigrants conveyed at the public expense should necessarily proceed in vessels chartered and regulated by the Government, and that all persons willing to pay for their own passage, should be entitled to proceed in vessels so chartered and regulated, at a cost for the passage not exceeding the charge in private vessels.

Proper means of shelter and of transport should be provided at the different ports in the colonies to which emigrants proceed; and they should be forwarded to the place where they can obtain employment, under the direction of responsible agents, acting under a central authority.

Those who could not at once obtain employment as farm labourers or mechanics, should be

be employed upon Government works, at the usual price of labour upon such works, which, as it is generally rather lower, having regard to the nature of the employment, than can be obtained in other occupations, will have no tendency to withdraw labour from any more useful direction.

I cannot recommend that any measures should be adopted to settle these emigrants upon land of their own. The previous habits of English labourers are not such as to fit them for the severe and painful labours to which they would thus be exposed, or to give them the forethought and prudence which such a position especially requires. Habituated to provide for the subsistence of the week by the labour of the week, they are too often found to shrink from a toil cheered by no prospect of an immediate return; and having exhausted all the means furnished for their temporary support, to leave the land upon which they were placed, in order to obtain subsistence as labourers for hire. The exceptions to this result are few and unimportant. They rather confirm than invalidate the rule, and have been procured at a cost utterly disproportionate to the object attained. It is rather to be feared, that in spite of any measures that can prudently be adopted, the majority of the labouring emigrants will be tempted, by the desire of becoming independent landholders, to settle themselves upon farms of their own at too early a period for their own comfort and prosperity. It cannot, however, be the duty of Government to precipitate this period, nor in any way to interfere with the natural and profitable order of things—that the possession of capital, and an acquaintance with the modes of husbandry practised in the colonies, should precede settlement.

It would be impossible at the present moment to decide upon the amount of emigration for which it would be prudent to provide. This can only be ascertained by inquiries made upon the spot, under the direction of an authority created for the purpose. It is most essential, however, that it should not be too limited. The works proposed to be carried on will afford abundant means of employment for an amount of emigration very far beyond the present apparent demand for labour in the colonies; and by facilitating settlement, and increasing the opportunities for a profitable investment of capital, will create numerous sources of employment which do not now exist. A copious stream of emigration will supply the means for its own maintenance, but any deficiency in this respect cannot fail to be injurious; and must either lead to the withdrawal of labour from agricultural pursuits, to the construction of public works, or must leave these latter without the necessary means for their completion. The details of this subject may, however, safely be trusted to the authorities by whom the general plan is to be carried out.

The measures recommended above, although I believe quite adequate to the ultimate and complete cure of the evils I have described, must, however, be necessarily slow in their operation; while the evils against which they are directed stand in need of an early remedy. A considerable immediate outlay is required for the execution of the greater and lesser works of communication through all parts of the colonies, in an effectual and permanent manner, after which they may be kept in repair at a comparatively trifling expense. A small portion of the funds raised would suffice to maintain roads when once made; but the whole fund raised in the colony for several years would be required for the original construction of roads, and the produce of the future sales of wild lands and timber which would be applicable to the same purpose, will for some time be probably very trifling. As however, until these roads are made, it will be well nigh impossible that the country should be settled, the proprietors of the wild land would be compelled to pay the tax for many years before they could reap any great advantage from its application. The emigration, also, which I have recommended, ought to be comparatively greater in the first instance than it would require to be at any future period; and would constitute, therefore, an additional demand upon this inadequate fund. But the tax, and the produce of land and timber sales, though insufficient as capital, would furnish an available security as interest; and if the permanence of the system were guaranteed by an Imperial enactment, there would, I believe be no difficulty in raising, in the English money-market, a loan to any required amount, to be employed for the purposes to which it is intended that these funds should be devoted. The yearly produce of the tax would be, for all the colonies, speaking in round numbers, and allowing for all possible costs of collection, about 150,000*l.*; and though it may be expected that a very considerable portion of the tax will be paid in land, yet, as such land would be taken at less than half of the proposed future price of wild land, this would greatly increase the ultimate value of the security. The public lands, too, in the different colonies, making a similar allowance for the cost of management, would produce eventually upwards of 7,500,000*l.* And, without including the produce of timber licences, which would, nevertheless, amount to a considerable sum, the two together would form a very ample security for any advance which might be required. I should, therefore, further propose, that loans should be raised upon the security of these two funds, and be employed partly in all such public works as may be required, and partly in promoting the emigration of labourers. It will be seen at once that the proposed security would be the more certain exactly in proportion to the funds raised upon it, and devoted to purposes directly tending to augment the demand for the land and timber, by the sale of which the loans would ultimately be paid off, and interest provided in the meanwhile. The amount of the money which should be raised in this manner cannot be determined beforehand. It must depend upon circumstances, and must be left to the judgment of those to whom the execution of the plan is to be entrusted. By anticipating, in this manner, the revenue to be created by the system, a stimulus would be at once given to the prosperity of the colonies, of which it is impossible to exaggerate the beneficial results.

Appendix (B.)

Commission.

In order that the plan thus suggested may be carried out with uniformity and effect, it will be necessary that some special authority should be created, charged with the execution of the whole measure, and rendered thoroughly responsible to Parliament. It is obvious, indeed, that no sufficient machinery for this purpose exists at present, either in the Colonies or in the United Kingdom. To fulfil adequately the duties thus imposed would occupy the whole time, and demand the undivided attention, of those to whom the task is confided. The general principles of the measure must be embodied in an Act of Parliament; but there will necessarily be many details for which no enactment could provide by anticipation, and which, in fact, can only be appropriately arranged as the practical working of the measure shows their necessity. I should suggest, therefore, that a central commission should be appointed in the United Kingdom, with subordinate general and assistant commissioners in the Colonies. To these should be entrusted the whole execution of the plan; and the central commission in England should have power to frame such rules, orders, and regulations, having the force of law, as would be necessary to give effect to the principles laid down in the Act of Parliament. The duty of the English Commission would be to regulate the disposal of the public lands and timber, to regulate the imposition and application of the proposed tax, to provide for the selection and transport of emigrants, and to raise by way of loan the monies required for all these purposes. The Colonial Commission would see that the regulations of the English Board were carried into effect; would superintend the execution of all public works; would receive and forward emigrants; would provide employment for such as were not employed by the inhabitants of the colonies, and would exercise a supervision and guardianship over them for a specified period. It would be necessary that in each colony there should be a commissioner subordinate to the general Board; and that agents should be appointed, for districts of convenient dimensions, charged with the actual sale of land, with the collection of the tax, with the perfecting and registry of titles, and with all matters connected with the business of the general Board, which related to the superintendance of the public works.

As a further guarantee for the responsibility of the proposed commissions, frequent reports of all the correspondence between the English and Colonial Boards, and frequent reports of their proceedings, should be laid before both Houses of Parliament, and before the Legislature of the Colonies. Without provisions for entire publicity in the proceedings of these commissioners, I should despair of any very beneficial results from their appointment. The evils which I have had to describe could not have so long existed without any adequate attempt to remedy them, if the administration under which they have taken place had not been conducted in secrecy.

Without such a special authority, it would be idle to expect that any measure, however admirable in principle or perfect in detail, can be satisfactory in practice. The experience of all the Colonies, up to the present moment, has sufficiently shown, that no care in framing general regulations, can be effectual without some more constant and peculiar control than it has hitherto been practicable to exercise. These rules have been uniformly evaded or neglected; and as it has frequently happened that those only knew their real character, who were charged with their execution, it was well nigh impossible that the fact of their violation should be made known to the Imperial functionaries by whom they were framed. Often, too, it has been the case, that, when their existence and nature were public, those who were made acquainted with their violation profited by the transaction in which they were violated; and if others also knew of the occurrence, they had no immediate interest in its exposure, or could not obtain attention from the distant authority to whom reference must be made, occupied as it was with far weightier matters than what it might deem a solitary infraction of rules supposed to be generally obeyed. It is in this way only that we can account for the fact, that the systematic neglect of the regulations, successively framed for the disposal of the public lands by various Secretaries of State, should have remained unknown; and that it should have been believed, even up to the time when the instructions of Lord Glenelg were issued in 1837, that the previous instructions of Lord Goderich were observed, when in fact there was not a single colony in which they obtained any degree of observance. That the Secretary of State for the Colonies should still have the supreme control of this, as of other matters of administration connected with the colonies, appears undoubtedly advisable; and this will be secured by a provision, that all regulations framed by the Board of Commissioners should receive his sanction; but the enforcement of these regulations, if it is intended that they should be enforced, ought to be entrusted to some special and peculiar authority, and subjected in every possible way to the public inspection. I suppose that the costs of the proposed commission would be defrayed by the revenue which this system of colonization would call into existence.

In concluding this Report, I have only to repeat, that the Imperial Government has but the alternative of adopting the measures which I have recommended, or others similar in their character and tendency, or of abandoning absolutely all control over the public lands, and discouraging, instead of encouraging, emigration to the colonies. In the event of the former course being pursued, we may, I think, confidently rely upon seeing these colonies enter upon an unparalleled career of prosperity, and upon cementing indissolubly the ties which now connect them with the United Kingdom. In the latter, there appears no other prospect than that of continued stagnation, languor, and consequent discontent.

I have the honour to be,
My Lord,
Your Excellency's most obedient, humble Servant,
Charles Buller,
Commissioner of Crown Lands and Emigration.

Quebec,
2 November 1838.

MINUTES OF EVIDENCE taken before Assistant Commissioners of Crown Lands and Emigration.

Lower Canada.

John Davidson, Esq., one of the Commissioners of Crown Lands in Lower Canada; 14 July 1838.

Evidence.

J. Davidson, Esq.

1. WHEN were you appointed to your present office?—In October 1837.

2. What were your opportunities, before that appointment, of acquiring information as to the state of the Crown property in this Province?—I was appointed Surveyor-general of Woods and Forests in 1827; in 1830 that office was abolished, and the duties were to be performed by Mr. Felton, the Commissioner of Crown lands. The Government offered me a retiring allowance till I could be provided for: not wishing to receive this without an equivalent, I offered my services to assist Mr. Felton. That offer was accepted, and I remained as such assistant till his suspension in August 1836, when I was put in charge of the department.

3. You have therefore been constantly engaged in the department of Crown lands during the last eight years?—I have.

4. Of what does the landed property of the Crown in this Province consist?—All the estates which were held by the King of France at the time of the conquest, which may be arranged as follows: 1st. Certain fiefs in the city of Quebec and town of Three Rivers, whereof the censitaires held immediately under the Crown. 2d. The forges of St. Maurice, which were established by the old French government, and have been let for different terms to private persons. 3d. The King's trading posts, which signifies that portion of the Province of Lower Canada between the settled lands on the north bank of the St. Lawrence, and the land held under the charter of the Hudson's Bay Company, and which tract is held by that Company under a lease that secures to them the sole right of hunting, fishing, and trading on that territory. The lease expires in 1842. 4th. The King's wharves in Quebec, which were originally formed by the old French government, and have been improved by the British Government, and are now let upon lease to individuals. 5th. The estates held at the time of the conquest by the late order of Jesuits, which, upon the extinction of that order in the Province, were reserved by the Crown, and which consist of extensive seigniories and of other property, including buildings in the city of Quebec and town of Three Rivers. 6th. All the beaches and water lots upon all navigable rivers. The beaches consist of the land on both sides of the rivers between the highest and lowest water-mark, and the water lots extend from the lowest water-mark into deep water. 7th. The whole of the waste and unappropriated land within the Province. In addition to this the Crown is entitled to a mutation fine upon the sale of seigniories, varying from the maille d'or, which is a nominal acknowledgment, to one-fifth part of the purchase, which is the more common fine, and payable in either case before the seignior is admitted to perform fealty and homage.

5. What part of this property is under the control of your department?—Under instructions from the Treasury, dated November 1826, by which the office of Commissioner of Crown lands was created, the property placed under his control consisted of the waste lands which have not been surveyed or laid out; waste lands which have been surveyed and laid out, but of which no part has been granted; ungranted lands and Crown reserves in districts where grants have been made; lands which have been granted in perpetuity upon payment of quit-rents or other rents; leases, and reserves which have been granted upon leases, for series of years upon reserved rents or otherwise. Practically the Commissioner of Crown lands has not had any superintendence of any land which has been granted in perpetuity upon the payment of quit-rents, or other rents.

6. Under whose management then is the land so granted in perpetuity upon the payment of quit-rents or otherwise?—The inspector of the King's domain.

7. Then, in respect to the property in question, the Treasury order of November 1826 has not been observed?—The local government have not considered the order to apply to that property.

8. But the property is specifically named, is it not, in the Treasury order?—It appears so.

9. Under whose superintendence are those portions of the Crown property which are not contained in the Treasury order of November 1827?—The Jesuits' estates, which have been placed

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at the disposal of the Provincial Legislature for purposes of education, are under the superintendence of a commissioner called the Commissioner of Jesuits' Estates. The fiefs in the city of Quebec, and the Town of Three Rivers, as well as the fines upon the alienation of seigniories, are under the superintendence of the Greffier du papier terrier.

9*. What is the name of the gentleman holding that appointment?—The Honourable F. W. Primrose.

10. Is he not also inspector of King's domain?—Yes; neither the forges of St. Maurice, the King's trading posts, the King's wharves, nor beaches, are to my knowledge under any special superintendence, but the administration of this property rests with the Governor and Council, who relet the forges and wharves whenever a lease expires, and determine applications for beach and water lots.

11. Has any particular office the charge of preventing encroachments upon the beaches and water lots?—Not that I am aware of.

12. In what way can such an encroachment be removed?—I believe by indictment for a nuisance.

13. At whose expense?—Generally at the expense of the private prosecutor.

14. Are you aware of the mode in which the lands of the Crown were originally disposed of by the French Government?—I understand that they were granted in fief and seigniory. The most intelligible way of expressing it would be, that manors were created, containing from nine to 36 square leagues, and were granted to individuals, to be by them surveyed, subdivided, and conceded to whoever might apply for the same, upon certain conditions of settlement and service, and the payment of a small fixed quit-rent, and a fine upon alienation, amounting to one-twelfth of the purchase money; with a further privilege of *bannalité* or the right of compelling all the censitaires or copyholders to grind their corn at his mill, paying one-fourteenth for grinding. The seignior had also the right of reserving to himself such a portion of land as he might choose to cultivate in the immediate neighbourhood of his dwelling house, as domain land, but was bound to concede all the rest upon application. The service to be performed by the copyholders were *corvées* or labours for the benefit of the seignior on his domain or at his mill, for which, whenever it was exacted, an allowance was made in abatement of the rent.

15. What has been the amount of land granted upon this tenure?—Eleven million arpents, or about 9,429,000 acres.

16. What proportion of these seigniorial grants have been conceded by the seigniors?—Rather more than 5,000,000 arpents, or 4,300,000 acres.

17. Then there remains unconceded nearly 6,000,000 arpents?—Yes; but this includes the barren island of Anticosti, which contains 1,800,000 arpents, and the mountainous land at the back of the settled parts of the seigniories to the north of the St. Lawrence.

18. Can you give an account of the different modes in which, since the conquest, waste lands, the property of the Crown, have become the property of individuals?—There have been at least seven different modes pursued at different times. From the acquisition of the province in 1763 up to about 1775, land was granted, under instructions from the Crown, framed in England, under location tickets, in free and common socage. These location tickets were of a military character, confined principally to the district of Quebec. Some are on record for the district of Gaspé; but, generally speaking, they contain provisoes authorizing the Crown to resume for military purposes. I have no means of ascertaining how much land was disposed of under these regulations, since a considerable portion of the land so granted was subsequently included in the Province of Upper Canada. In 1775, these instructions appear to have been superseded by instructions from the Home Government, which directed that all lands then or thereafter to be subject to the disposal of the Crown, should be granted in fief and seigniory, in like manner as was practised antecedent to the conquest, but omitting any reservation of judicial powers. Under these instructions three seigniories appear to have been granted. These instructions appear to have been modified in 1786, by instructions to Lord Dorchester, whereby it was ordered that grants should be made to emigrant U. E. loyalists and to disbanded soldiers; and further that grants should be made to the officers and privates of the 84th regiment of foot, in the following proportion:

To field officers - - - - - -	5,000 acres.
To captains - - - - - - -	3,000 —
To subalterns - - - - - - -	2,000 —
To non-commissioned officers - - - -	200 —
To privates - - - - - - - -	50 —

These grants to be held under the Crown as seigniories, and subject to all the seigniorial duties. I believe that very little, if anything, was done under these instructions to Lord Dorchester; for the emigrant loyalists and soldiers objected to the feudal tenure, and, accordingly, the local government appear to have reverted to the system of location tickets, established under the instructions of 1763, and which had been suspended by those of 1775. After the passing of the Constitutional Act of 1791, lands were granted by patent to leaders of township and their associates. Under this system 1,200 acres were granted to the leader and 1,200 acres to each of his associates, it being quite notorious that in many cases the whole, and in none less than 1,000 acres were immediately reconveyed by each associate to the leader. This system was pursued till about the year 1806, when a greater degree of vigilance was observed. Partial grants, to the extent of 200 acres, were made to individuals between that year and 1812, when the American war commenced. Between 1814 and 1818 little land was granted, and, in the latter year, a system was introduced of granting lots under location tickets, containing specific duties of settlement. This system was superseded by instructions

instructions from the Treasury, dated November 1826, which instructions established a system of sale, but permitted exceptional grants. That part of these instructions which established the mode of payment for land sold, and permitted exceptional grants, was superseded by instructions from Lord Goderich in 1831, which instructions however were not acted upon, the former mode of selling having been continued, with the sanction of the local government. In 1837, instructions were received from Lord Glenelg, requiring payment of the full amount of the purchase money at the time of sale, by which instructions my office is now regulated. Besides these different systems, the Home Government has retained an authority to make exceptional grants, and has frequently exercised it, as in the case of certain executive councillors, members of the land boards, to each of whom the Duke of Portland ordered a grant of a quarter of a township, or nearly 12,000 acres; the grant of nearly 50,000 acres to Sir R. S. Milnes, formerly governor of the Province; a grant to Mr. Felton, an emigrant from England, who brought the order with him, of 5,000 acres positively, and 5,000 more conditionally; unconditional grants to some other persons who accompanied him; the instructions to the Duke of Richmond (of which no copy is extant in the colony) by which grants of land were directed to be made to such persons as had served in the embodied militia; the free grants of land to officers and privates who had served in the British army, and the remission of purchase money to an equivalent amount, which was afterwards substituted for the grant of land; and lastly, the order of Lord Goderich in 1832, directing a free grant of land to military pensioners, who had commuted their pensions. The Canada Tenures Act formed another exception, as the commutation of a seigniory was equivalent to a free grant to the seignior of all the unconceded lands within its limits. There was also an exceptional sale of a very considerable tract of land to the British North American Land Company.

19. Be so good as to describe the system of granting land on location tickets which prevailed from 1763 to 1775?—These grants were, as I have mentioned, of a military character. I do not find that they were subject to any other condition than that of a right of resumption by the Crown, if the land was required for military purposes. They were granted chiefly under the authority of land boards, who decided upon applications.

20. What was the system of leaders and associates?—The leader of a township having collected as many signatures to a petition as would make up the quantity that he required (being for a whole township, or 48,000 acres, 39 signatures of associates, and for any smaller quantity, in a like proportion; no less than a quarter of a township having been applied for under this system), lodged his application at the Governor's office. It was then referred to the Executive Council. The application being recommended by the Council and approved by the Governor, an order issued to the Surveyor-general to survey the tract applied for. The return to that order being made, the Attorney-general was instructed to prepare the draft of the letters patent, which were engrossed by the provincial secretary, and, after being audited by the auditor of land patents, passed the great seal. The grant was of 1,200 acres to each one of the body of applicants.

21. How did the applicants divide the land granted?—I doubt whether any division ever took place.

22. Did they then hold the property in common?—No; but each associate conveyed his 1,200 acres to the leader.

23. What was the consideration for these conveyances?—It might almost be said that there was, in fact, no consideration. The whole was a plan devised for the purpose of eluding the instructions from the Home Government, under which no person could obtain a grant of more than 1,200 acres. The associates were persuaded to sign their names to the petition, not with any expectation of obtaining land, but on a promise of some small sum for their trouble. At the time of signing the petition, an agreement was signed by the parties (the original draft of which it is said was prepared by the then Attorney-general), by which each associate bound himself to convey to the leader from 1,000 to 1,100 acres, in consideration of the trouble and expense of procuring the survey and grant. The conveyance was accordingly made, and afterwards the remaining 100 to 200 acres were conveyed by the associates for one or two guineas, as the case might be, which was the real consideration for their share in the transaction.

24. Do you imagine that the Executive Council, by whom those grants were recommended, were generally aware of the agreement between the leader and his associates?—Certainly so; it was quite notorious. Forms of the agreement were printed, and publicly sold at the law stationers in Quebec.

25. Did it ever happen that a member of the Executive Council was a leader of a township under this system?—It appears, from the list of leaders, that several of them were.

26. Do you imagine that any applications of this kind were ever refused by the Executive Council?—I do not imagine that there were.

27. Probably, however, no application was ever made without a previous assurance that it would be granted?—I should apprehend that such must have been the case. As the matter involved some expense, no one would have gone into it without a previous communication.

28. The system in question is referred to, in the following terms, in the Report of a Committee of the House of Assembly on the Settlement of Crown Lands, dated the 23d February 1821: "Your Committee, unwilling to believe that the above-mentioned evasions of His Majesty's gracious instructions had been practised with the knowledge, privity, or consent of His Majesty's servants, bound by their oaths, their honour, and their duty, to obey them, instituted a long and patient investigation into the origin of these abuses. They have been painfully, but irresistibly, led to the conclusion that they were fully within the knowledge of individuals in this colony, who possessed and abused His Majesty's confidence. The

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instruments by which this evasion was to be carried into effect were devised by His Majesty's Attorney-general for the time being, printed and publicly sold in the capital of this Province; and the principal and intermediate agent was His Majesty's late assistant surveyor-general." Do you imagine that description to be substantially correct?—From the care with which that report was drawn up, and the high character of the gentleman who drew it, I can have no doubt of its being substantially correct.

29. Have the lands, granted under this system of leaders and associates, been generally settled?—No.

30. What proportion, do you suppose, have been settled?—I cannot exactly say; but I believe the settlement of these lands to be confined to the townships on the frontier line of the United States.

31. But in what proportion to the whole?—I cannot tell.

32. Do you suppose as much as half?—No.

33. A quarter?—I think not.

34. Would you be able to ascertain by a further inquiry?—I will endeavour to do so.

35. All that portion of these grants which have not been settled remain, therefore, in a perfectly wild state?—Yes, with the exception of occasional clearances made by squatters, who have gone to make potash.

36. Were any conditions attached to the grants under this system?—The conditions were, within one year, to settle a family for every 1,200 acres; within two years, to plant and cultivate two acres for every 100; and within seven years, to plant and cultivate seven acres for every 100.

37. Were these conditions generally fulfilled?—Not as a system.

38. What do you mean by that?—I mean that the instances will be found to be very rare, where the grantees set to work in good faith to perform the conditions of the grant. In the townships bordering upon the American frontier they will, in many instances, be found to have been fulfilled, but not in the centre townships, or in those bordering upon the seigniories.

39. To what do you attribute this difference?—That many of the parties applying for land on the frontier were *bonâ fide* applicants, desiring the land for the purpose of settlement. I believe they were chiefly Americans.

40. But, in the cases where the whole grant became the property of the leader, in the manner which you have already described, the conditions were not fulfilled by the grantee?—I should say certainly not.

41. Was there any machinery for securing the performance of these conditions?—Not that I am aware of; nor do I know that any steps were taken until the evil became so great as to induce the Imperial Government to establish a court of escheats, to enforce the forfeiture of lands in respect of which the conditions had not been performed.

42. I find, by article 59 of the Royal Instructions, dated December 1763, that the surveyor-general, or such other person as should be appointed by the Governor, was directed, "once in every year, or oftener as occasion should require, to inspect the state of grants of land made by the Governor, and make report thereof to the Governor in writing, specifying whether the conditions contained therein have or have not been complied with, and what progress has been made towards fulfilling the same." Are you aware if anything has been done in compliance with this direction?—I do not believe that the Instructions were ever acted upon, according to their tenor; but, as far as my recollection serves me, Lord Dalhousie did once direct Mr. Bouchette, the surveyor-general, to make a tour of inspection through the country, and report the state of the grants; but I do not know if any report was made on the subject.

43. Then, in fact, this article of the Instructions has not been considered binding?—I imagine they were not regarded as part of the code to be acted upon in granting land.

44. Will you now describe the proceedings under the system of location tickets, which superseded the practice of grants to leaders and associates?—The object of this system was to put an end to grants of land in all cases, except of actual settlement; in fact, under this system the grant was not to be obtained until after conditions had been performed. The first part of the system was to appoint an agent for each township, to act as superintendent of settlements therein. The quantity of land granted to any settler, under location tickets, was, generally speaking, limited to 200 acres. The conditions required were, that either the applicant or his family should remain on the land for the space of three years from the date of his location ticket; that four acres, at least, of the land should be cleared and cultivated, and a dwelling-house erected; and, on a certificate by the township agent of the performance of these duties, the applicant became entitled to his patent.

45. Were these conditions generally performed?—Very soon after the system was established a very important alteration was made, relieving the locatee or his family from the necessity of personal residence, and establishing that this condition might be performed by any person the locatee might place upon the land. This has produced a practice to refer the locatee for patent, on the production of certificates that four acres of land have been cleared, and a dwelling-house erected, leaving it to be presumed that there is a resident.

46. The conditions then, except as to actual residence, have been generally performed?—Yes, and more harm done to the land than if it had been let alone.

47. Please to explain that?—The requisite clearance was made, and the dwelling-house erected merely for the purpose of observing the letter of the conditions, but without any view to settlement. The four acres of timber were burnt off, and a hut raised, but no cultivation took place, and the whole effect was to cause the growth of a bad scrub wood in the place of the useful timber which had been removed.

48. Was

48. Was much land granted in this manner?—Yes, a good deal.

49. About what amount should you think?—563,159 acres.

50. What is the present state of this land, or the greater part of it?—The greater part of it is uncultivated.

51. Do you suppose that the greater part of it remains in the hands of the original grantees?—A very considerable proportion will be found in the hands of the original grantees, or their heirs.

52. The new system of location tickets, therefore, which appears to have been intended to check such an alienation of Crown lands as had taken place under the leader and associate system, and also to provide against land, the property of individuals, being left in a wild state, did not accomplish its object?—Not to the extent intended.

53. That object appears to have been defeated by the abandonment of the condition of personal residence?—It was so.

54. By whose authority was that condition abandoned?—By that of the Executive Council.

55. The militia grants, which you have before mentioned as being exceptional from the general systems from time to time in force, were made, were they not, upon the plan of the location tickets?—The first land grant in reward of militia services was that made to the officers and privates of the British and Canadian militia, who served during the siege of Quebec in 1775-6. Those parties received letters patent for their grants, subject to the same conditions as I have previously described as being contained in the grants to leaders and associates. The grants to the embodied militia who served in the last American war were subject to conditions of settlement according to the location ticket system.

56. As to the first set of militia grants, were the conditions generally fulfilled?—No.

57. As to the second set?—They have not been fulfilled.

58. How are the conditions evaded in both cases?—In the first case, the parties being in possession of their letters patent, sold their right, generally for a trifle, to parties who have held them in a wild state ever since, trusting that in time they might become valuable. In the second case, I believe that settlements would have been formed if there had been proper arrangements made to enable the grantees to reach their lands, with some superintendence immediately after they had got to it, to which the Canadians have been accustomed.

59. But, in point of fact, very little settlement has taken place under these grants?—Very little indeed.

60. Have the original grantees generally retained the property?—I have every reason to believe not to any great extent.

61. In what way have they generally disposed of it?—For very trifling considerations.

62. Have you any idea of the average amount of the consideration?—I should think that four or five dollars would be a very fair average.

63. So that, in many cases, the grant was disposed of for next to nothing?—Yes.

64. And in no case for a sum sufficient to be of permanent service to the grantee?—In no case, except, perhaps, where there happened to be water-power upon the grant.

65. Such cases would be very few?—Very few in proportion to the whole.

66. The whole object of the Government, therefore, in making these grants, both as respects the advantage of the militiamen and the cultivation of the land, seems to have been defeated?—To a great extent. The improvident manner in which the militiamen of 1775 disposed of their grants was to be expected from their character as townsmen. I have heard that one of these grants was sold for a bottle of rum. And it is to be lamented that the want of a proper arrangement prevented the object of the grant from being accomplished with respect to the grants to those who served in the last American war.

67. What has been the amount of land granted to militia claimants?—Under the claims of those who served in 1775-6, 232,821 acres; and under the claims of those who served during the last American war, 217,840 acres.

68. Are all the militia claims satisfied?—No; claims to the amount of from 500,000 to 800,000 acres are yet pending.

69. By what authority have militia claims been decided?—By that of the Executive Council.

70. Do you suppose that the claims now pending are generally made *bonâ fide*, *i. e.* that the claimant desires the grant for himself, or that the beneficial interest in such claims has been to any extent transferred to other parties?—My impression is, that the beneficial interest has generally speaking been transferred.

71. For what consideration generally?—For a trifling consideration, on account of their being subject to duties of settlement in the first instance, and the generality of the claimants not being aware, even to this moment, that they are relieved from them.

72. Have the claims of many individuals, do you suppose, been transferred to a single person?—Yes.

73. The purchase of these claims then has been a speculation in lands?—Yes.

74. How has it happened that so many of these militia claims have remained unsettled for so long a period?—The difficulty experienced by the militiaman when he was first discharged, in finding the land assigned to him, induced him either to give up the grant as useless, or to dispose of it for a trifle. The expense of the duties of settlement has operated in preventing the parties who may have purchased militia claims from urging the claim so acquired. Many of them would probably never have been pursued, if the new system of selling had not led to an expectation that wild lands will soon become more valuable.

75. So that the plan of selling, in substitution of all plans of free grants, which was intended to limit the alienation of Crown lands, has tended to bring forward claims, by the granting of which a very great alienation, on the free-grant system, would take place?—I think so, and this is a remarkable example of the manner in which two different modes of disposing of Crown lands may counteract each other.

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76. And besides the counteraction of the plan of selling now established, the object of the Government in admitting militia claims, so far as respects the advantage of the militiaman, would not generally be accomplished, if all the claims now pending were admitted?—Such is my persuasion.

77. The only persons who would benefit by the admission of these claims are, generally speaking, such as have made a trade of purchasing militia claims for a mere trifle upon speculation?—That is my view of the subject.

78. What was the exceptional case of the grant to pensioners which you mentioned just now?—An order for the free grant of 100 acres of land to the privates, 200 to serjeants, and 300 to serjeant-majors; army pensioners who had commuted their pensions for a sum of money.

79. Were there many cases of this description?—Yes; about 1,267 presented their credentials at this office and obtained orders of reference to the agents; of that number, 771 actually proceeded to their lands, and have since received licences of occupation, and of the latter number, 205 having performed the settlement duties required of them, have obtained letters patent. Of the first class, a great number disposed of their orders of reference at Quebec and Montreal for a mere trifle, and those who had purchased the orders forwarded them to the land-office here for licences of occupation, which were refused. Of the second class, many have since abandoned their different locations.

80. These grants appear to have been of but little advantage to the parties?—Of very little. Assuming these men to have been of a class fit for settlers, which very few of them were, the want of instruction to prepare or select the proper location, and of the necessary arrangement for their settlement, rendered the whole plan nugatory. It was even understood at the time that the pensioners arrived here in numbers, claiming the sums due to them for commutation of their pensions, before authority had been received from the commissariat to pay them. Many of them, too, were cripples or infirm, and the majority of them, when they obtained their commutation money, squandered it as fast as they could, and became miserable paupers about the place. Many of them died of the cholera, and they have at length nearly disappeared.

81. There remains the exceptional case of seignioral lands virtually converted into free grants by means of the Canada Tenures Act; what was that practice?—By the Tenures Act, passed in 1825, seigniors were allowed to convert their holding in fief into a title by free and common socage, giving to their censitaires a right to compel a commutation from them, upon similar terms to those upon which they had commuted with the Crown. Some seigniors, holders of extensive tracts, availed themselves of this law, and the result has been that they now hold their land as an absolute property, discharged from the condition of conceding it upon the old terms to whoever might apply for it.

82. As to this unconceded property, therefore, commuted from the seigniorial to the socage tenure, the effect has been the same as if so much land had been disposed of by free grant?—It has.

83. Have not these seigniors chiefly confined the commutation to the wild portion of their domains?—With the exception of the seigniory of Beauharnois, I conceive that to have been the case.

84. The virtual free grants, therefore, have been chiefly of wild land?—Yes.

85. And the quantity of wild land held upon the socage tenure has been proportionably augmented?—It has.

86. Proceeding to the Treasury instructions of November 1826, be so good as to state what have been the proceedings under the system which they established?—Those Treasury instructions required that all land should be disposed of by sale, the purchase-money to be payable in four equal annual instalments; with a provision that sales be made to poor settlers upon what is termed a quit-rent, but which was, in fact, interest at 5*l.* per cent. upon the estimated value of the land, redeemable at any time upon payment of that value. The land was to be disposed of by public auction, at an upset price; and the quantity to be put up for sale, as well as the price at which it was to be offered, were to be determined by the Governor, upon the recommendation of the Commissioner of Crown Lands, who was directed to make an annual report to the Governor for that purpose. Due notice was to be given of the time and place of sale, and of the quantity, situation, and upset price of the land offered; and any land not sold at that time was to be reserved for future sale in a similar manner by auction.

87. Were these regulations strictly observed?—As far as respects the annual report to the Governor, and there being an annual sale, they were; but a practice prevailed of disposing of what remained over from the annual sale by private contract, at the upset price.

88. Of course, the degree of competition at the annual auction sales depended upon the quantity of land which the Government brought forward for sale?—Yes, naturally.

89. Was the competition generally such as that the price obtained exceeded the upset price?—Very seldom, indeed. There are a few instances where the price obtained exceeded the upset price.

90. To what proportion of the lands disposed of under the auction system does this remark apply?—To a very trifling per centage of the whole; not exceeding 2 ½ per cent., or one thirty-ninth part of the whole.

91. The object of selling by auction, therefore, was scarcely ever accomplished?—Scarcely ever. Nearly the same result would have been produced by a fixed price, without auction.

92. What do you suppose to have been the inducement for introducing the plan of sale by private contract, notwithstanding the direction that sales should be by auction?—The public advertisements led parties to suppose that there would be but one sale in the year; and the lands

lands having been once offered, and not bid for, it was conceived to be no disadvantage to the Government, but that it would meet the convenience of purchasers, to make private sales in the intervening period between the annual public sales.

93. Might it not have happened that a private sale was resorted to in some cases, in order to avoid the competition of an auction?—It might have so happened; but I have no knowledge of the fact.

94. You are acquainted with the sale by private contract, at the upset price, of 55,486 acre to Mr. Tyler Harvey Moore?—I am.

95. That land was resold at an advance to the British American Land Company?—I understand so.

96. Then it is probable that if the same land had been put up to auction, the Company, or others, might have been ready to pay more for it than the upset price?—In the instance of that purchase, or of a part of it, I believe so.

97. Was much land disposed of under the Treasury instructions of 1826?—The whole amount of land disposed of, being virtually under these instructions, (those of Lord Goderich of 1831 never having been acted upon), was 450,469 acres of Crown land, and 299,811 of clergy reserves; in the whole, 750,280 acres.

98. What proportion of this extent of land do you suppose has been settled?—The purchases of 200 acres and under, amounting to 186,853 Crown, and 91,029 clergy, in the whole, 277,882 acres, have I presume been all settled. The major part of the remainder I believe to be still in a state of nature, with the exception of what may have been purchased by the British American Land Company.

99. Was the upset price during this period uniform or variable?—It varied very considerably, from 1*s.* 3*d.* to 10*s.* per acre.

100. Was the upset price the same throughout the Province during any one year, or were there different upset prices in different parts of the Province?—Always different upset prices in different parts of the Province.

101. Was the variation of upset price confined to the difference in different places; *i. e.* was the same upset price required during the whole period in each place?—Yes; the same upset price for each place was preserved during the whole period.

102. By whom was the upset price for each place determined?—The upset price was always determined by the Governor, upon the recommendation of the Commissioner of Crown lands.

103. Are you aware of any rule by which the Commissioner of Crown lands was guided in recommending different prices for different parts of the Province?—Remoteness from or proximity to a settlement formed one basis, and the quality of the soil another. He fixed that upset price which he thought in each case the persons desirous to obtain land would be best able to pay.

104. In point of fact, as the auction was almost nugatory, it was a fixed price?—Yes.

105. Supposing the object of the price to have been to prevent the acquisition of land by persons not intending to reclaim it, the price fixed by the Commissioner seems to have been too low?—That would seem to be the case.

106. If the price was intended as a check upon the alienation of Crown property, it was not sufficiently high to operate effectually?—Certainly not.

107. Was not this plan of selling all the while counteracted by other modes of disposing of Crown land being in operation at the same time?—It was; by the free grants to militiamen; by free grants to discharged soldiers of the British army; by free grants to officers (for the remission of the purchase-money to them is tantamount to a free grant); by some free grants made in England; and by the sale, in England, to the British North American Land Company, of a great extent of the best land in the country at a price very much below the highest upset price required under the general system.

108. Land disposed of under these exceptions may, perhaps, have amounted to as much as the land disposed of under the rule. Have you mentioned all the exceptions?—In addition to these there have been free grants, in fulfilment of promises or engagements by the Provincial Government, entered into before the plan of selling was adopted; and to this day parties are urging such claims, some of them to very considerable tracts.

109. What has been the whole amount of land sold under the Treasury instructions of November 1826, since the plan of selling was adopted?—750,280 acres.

[*Note.*—This includes the 299,811 acres of clergy reserve which are disposed of under the authority of an Act of the Imperial Parliament.]

110. And during the same period, what has been the extent of land alienated, in exception to those instructions, by free grant or otherwise?—641,039 acres, not including the sale to the British North American Land Company, which may be stated at 800,000 acres.

111. So that the quantity disposed of under the exceptions exceeds by more than 100 per cent. the quantity disposed of under the rule laid down by the Treasury order of 1826?—Yes, it does.

112. During the continuance of the pretended system of sale, as determined by the instructions of 1826, has it ever happened that land acquired by free grant during the same period could be purchased for less than the upset price required for Crown land in the same neighbourhood?—Yes, I believe there have been many instances of that being the case.

113. Can you specify any?—Yes; for instance, land under the militia claims has been constantly on sale at much less than the upset price of Crown lands; lands granted to officers, with a remission of the purchase-money, such as I have already described as free grants in reality, have been sold for much less than the upset price of these lands would have been if they had been brought to sale; free grants to discharged soldiers have been under sale in the

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same way; and besides this, lands obtained under free grants before the plan of selling was adopted, such, for example, as the grant of 48,000 acres to Sir R. S. Milnes, have been continually on sale for less than the upset price required for Crown lands in their neighbourhood.

114. You mentioned that Lord Goderich's instructions of 1831, in so far as they differed from the Treasury instructions of 1826, have not been carried into effect. What is the difference in question?—The instructions of 1826 directed that the purchase-money should be paid in four equal annual instalments, without interest. Those of Lord Goderich required the payments to be made by four instalments at intervals of six months, and to bear interest; the difference being between three years without interest, and 18 months with interest.

115. Lord Goderich's price, in point of fact, was higher than the other, or at least more restrictive of alienation?—It would have been if it had been acted upon; at least that would appear to have been his Lordship's intention.

116. How did it happen that this instruction was not acted upon?—In consequence of a representation from Mr. Felton, the Commissioner of Crown lands, to Lord Aylmer, the Governor of the Province, stating that the terms imposed were too severe, and amounted, in fact, to exacting the whole purchase-money down. Lord Aylmer upon this authorized Mr. Felton to continue the former practice, and, it is understood, reported the circumstance to the Home Government. This was in the year 1832; and the system of longer credit without interest continued to be acted upon until the receipt of Lord Glenelg's despatch of 1837, which required payment in ready money at the time of sale.

117. Have any sales taken place under that order of Lord Glenelg?—No; some applications have been made for liberty to purchase, but of very trifling amount. This is accounted for partly by the fact, that requiring payment in ready money naturally operates as a check to purchasers for speculation or jobbing purposes, and partly by the political state of the Province during the last year.

118. Have you mentioned all the methods by which Crown lands have been disposed of in the Province since the conquest?—With the exception of leases of Crown and clergy reserves, and some partial sales about the year 1810 for a special purpose, I think that I have.

119. What are the Crown and clergy reserves?—The clergy reserves, according to the Act of 1791, establishing the constitution of the Province, were to consist of a reservation in respect of each grant of waste land, "as nearly as the same can be estimated at the time of making such grant, equal in value to the seventh part of the land so granted." Crown reserves consisted of a seventh part of each newly erected township, set apart, upon the recommendation of the Executive Council, for the support of the civil government. These reserves were made in all the townships until the establishment of the system of sale in 1827; since which time the Crown reserves, though they do appear upon the diagram, yet, being open to purchase by individuals, have really been discontinued. Since that time also, the clergy reserves have been put up to sale in the same manner as the Crown property, under the authority of an Act of the Imperial Parliament, but the reserves are still made, and the money received upon their sale is carried to a separate account.

120. The Constitutional Act directs, that land equal in value to a seventh of the land granted, as nearly as the same could be estimated, shall be reserved for the support of the clergy; how has that direction been carried into effect?—It has been left to the discretion of the Surveyor-general, who, in the absence of means to estimate the value, has substituted a proportion of quantity.

121. What then has been the proportion reserved for the clergy?—A portion equal to one-fifth of the land granted.

122. But the Act says equal to one-seventh of the land granted?—Yes; I can only say that the practice has been such as I have described. The practice has arisen from the fact, that one-fifth of the granted land in a township was equal to one-seventh of the township; only five-sevenths being grantable, because one-seventh was reserved for the clergy, and one-seventh for the Crown.

123. The proportion of one-seventh, then, was reserved for the clergy, not only upon the land granted to individuals according to the terms of the Act of 1791, but also upon the reserve for the Crown, and also upon the reserve for the clergy; the effect being to reserve for the clergy one-seventh of the whole land of the province, instead of a portion equal to one-seventh of the land actually granted, or one-eighth of all the land of the Province, as directed by the Act of 1791?—Yes, such has been the case.

124. Has not the plan of selling Crown and clergy reserves altered the proportion of land reserved for the clergy?—Yes; because reservations are made for the clergy upon every sale of Crown and clergy reserves, in addition to the original reservation.

125. In what proportion is the new reservation made?—One-fifth of the land sold.

126. Then, under the operation of the present system, the reserves for the clergy are equal to one-fifth of the whole land of the Province, instead of an eighth, as directed by the Act of 1791?—Yes.

127. What are the exact words of the Act of 1791?—"That whenever any grant of lands within either of the said Provinces shall hereafter be made by or under the authority of his Majesty, his heirs or successors, there shall at the same time be made, in respect of the same, a proportionate allotment and appropriation of lands for the above-mentioned purpose" (the support of a Protestant clergy) "within the township or parish to which such lands so to be granted shall appertain or be annexed, or as nearly adjacent thereto as circumstances will admit, and that no such grant shall be valid or effectual, unless the same shall contain a specification of the lands so allotted and appropriated in respect of the lands to be thereby granted, and that such lands so allotted and appropriated shall be, as nearly as the circumstances

stances and the nature of the case will admit, of the like quality as the lands in respect of which the same are so allotted and appropriated, and shall be, as nearly as the same can be estimated, at the time of making such grant, equal in value to the seventh part of the land so granted." So that, supposing 700 acres to have been granted, the clergy reserve in addition would have been 100 acres; that is, a portion equal to a seventh of the grant, and equal to an eighth of the whole land disposed of?—Yes.

128. Whereas at present, supposing 700 acres to be sold on behalf of the Crown, there is in the first instance a reservation of 140 acres in respect of such sale, and then upon the sale of such 140 acres a further reservation of 28 acres, and so on, reserving one-fifth upon every sale, till the process could be continued no longer; which would make the whole land disposed of 875 acres, and the reserve to the clergy 175 acres, or one-fifth of the whole land disposed of?—Yes, such is the case.

129. What has been the whole amount of land granted, in respect of which clergy reserves have been made?—Rather more, including the sale to the British American Land Company, than 3,500,000 acres.

130. The reserve, then, for the clergy upon this quantity, according to the proportion fixed by the Act of Parliament, would be about 500,000 acres, while, according to the practice now in force, it would amount to 880,000 acres, being an excess of 380,000 acres, making a clear excess of 75 per cent?—Yes.

131. Can you give an account of the actual excess of clergy reserve at the present time over the eighth directed by the Act of 1791?—227,759 acres, not including the reserve, when the sale to the British North American Land Company is completed.

132. No actual reserves of land are now made, either for the Crown or the clergy?—No; what were called the Crown reserves have merged in the general Crown property since the system of sale was adopted, and though the clergy reserves are still laid out and separately accounted for, they are open to purchase by individuals in the same manner as waste land, the property of the Crown.

133. You mean like Crown property laid open for sale, because it is only as clergy reserve that so much more land is brought into the market?—I do.

134. Can you state why the system of actually reserving lands for the Crown and the clergy, so as to keep such lands out of the market, has been abandoned?—The crying injustice of requiring settlers to open roads over lands which might remain waste until it suited the convenience of the Crown and the clergy to settle them was the principal reason. The people in the townships generally not being disposed to take lands on lease, a difficulty of communication constantly presented itself from the manner in which the lots were distributed. In addition to which, the lots afforded a harbour to the beasts of the forest, to the great annoyance of adjoining settlers.

135. These reserves were a serious obstacle to the settlement of the country?—They were.

136. And have often been described as a public nuisance. Do you think that term applicable?—I do.

137. The system of Crown reserves having been entirely abandoned, does the new system of clergy reserves, that is, the system of laying out land for the clergy in addition to other land laid out for sale, still operate in any degree as a hindrance to the settlement of the country?—I think not, under the arrangement of its being open to purchasers.

138. But does it always happen, when such land is laid open to purchasers, that purchasers come forward to obtain it?—Not universally.

139. Generally?—As far as it applies to the old surveyed townships where grants have been made, the proprietors of those grants wishing to obtain the lots which had been reserved.

140. But little clergy reserve, therefore, now remains unsold?—But little in the townships that I have already alluded to, but considerable portions remain in other townships.

141. What proportion of clergy reserves has been actually sold?—About 310,000 out of 673,000, or rather more than three sevenths.

142. Of the amount which has thus been sold, what proportion was sold immediately after the introduction of the system of sale?—The system of selling the clergy reserves was introduced in 1829, and the amount of clergy reserve at that time was about 600,000 acres. In the first year afterwards 1,100 acres only were sold; in the second year about 9,000 acres; in the third year 11,000 acres; in the fourth year 7,000 acres; in the fifth year 37,000 acres; in the sixth year 77,000 acres; seventh year 111,000, and since then about 40,000 acres.

143. So that after nine years have elapsed, considerably more than half still remain unsold?—Yes.

144. May it not be said, therefore, that the plan of selling the clergy reserves has not obviated the objection to such a provision for the clergy, founded on the impediment to settlement?—Not altogether; but much good has been produced by the plan of selling.

145. You think, therefore, that in future the clergy reserves will not present any serious obstacle to the settlement of the country?—By no means. The very block of land to which the clergy are entitled, in respect of the sale to the British American Land Company, amounting to nearly 80,000 acres, may be so situated as to become a source of great annoyance to both the company and the public.

146. Besides which, considerably more than half of the clergy reserves existing in 1829 still remain unsold and unsettled, without roads, and operating as an impediment to communication between the settled parts of the country which adjoin them?—Yes.

147. You have already stated that the excess upon the clergy reserves, under the system which has been hitherto pursued, in addition to the seventh mentioned in the Act, amounts to

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upwards of 227,000 acres; supposing that this were united to the Crown domain, what would be the amount of clergy reserves yet remaining?—Not quite 140,000 acres.

148. And of this, how much may be sold annually under the Act authorizing the sale of the clergy reserves?—100,000.

149. In this case, then, the evils still occasioned by the existence of the clergy reserves might be removed to a considerable extent, even under the present law?—Yes, they might.

150. Has it ever occurred to you that provision might be made for the clergy, with equal advantage to that body, and without such injury to the public as you have just alluded to, by appropriating to the clergy a proportion of the receipts for all sales of Crown land, instead of reserving a proportion of land for future sale on their account?—It never has; but I think that system would be a far better one.

151. What has been the total amount produced by the sale of clergy reserves in this Province?—£.72,203 17*s.* 4*d.*

152. Of this amount, how much has been actually received?—£. 50,425 10*s.* 6½*d.*

153. To what deductions have these receipts been subject?—To 10 per cent. on interest received, and five per cent. on instalments to the out-agents by whom they were collected; and five per cent. upon the whole receipts to the late Commissioner, allowed to him by way of compensation for the trouble of management.

154. Is this latter payment still continued to the Commissioner?—No.

155. At what period did it cease?—On the 1st of October last.

156. Then this commission has not been paid upon the whole of the money actually received?—No, only upon 50,425*l.* 10*s.* 6*d.*, the amount received up to the 1st of October, at which time the present arrangement came into force; the out-agents only receiving their commission for collecting.

157. You have said that this five per cent. was allowed to the Commissioner of Crown lands as a compensation for the trouble of management of the clergy property; was it then in addition to his salary and the ordinary fees of office?—It was; that duty forming no part of the duties imposed upon him by his commission.

158. In what manner then was he invested with the management of this property, since it was not included within the range of his duties as Commissioner of Crown lands?—By virtue of an Order in Council, made after the receipt of the Act of the Imperial Parliament, authorizing the sale of the clergy reserves.

159. What was the amount of salary and fees to which Mr. Felton was entitled as Commissioner of Crown lands?—The emoluments of his office could not be less than 600*l.* sterling, nor exceed 1,200*l.* sterling. The 600*l.* was to be paid out of the produce of the sales, and he was further entitled to a commission of five per cent. upon the amount sold beyond the 600*l.* necessary to pay his salary, such five per cent. not to amount to more than 600*l.*

160. Was there any similar limitation as to the amount of per centage to be received upon sales of clergy reserves?—No, there was not.

161. Then might not this mode of payment operate as an inducement to the Commissioner of Crown lands to force upon the market a greater quantity of land than that for which there was a legitimate demand?—I do not think that Mr. Felton was actuated by any such motive; but I know that his opinion was always strongly expressed on the vital importance to the well-being and advancement of the townships that the whole of the clergy reserves should be disposed of, in order to prevent the chance of their coming under the management of a clergy corporation. Having thus qualified my answer, it is very possible that such might have been the operation, and that they may have been put upon the market a year or two earlier than there was any necessity for.

162. Is it not the fact that the conduct of Mr. Felton was attributed to such a motive?—Such motives were, I believe, attributed to Mr. Felton by the agents of the clergy corporation.

163. Were the clergy reserves thus sold, in general, purchased in small quantities for the purpose of settlement, or in large blocks, by speculators, who have done nothing since to improve them?—Since the year 1833, almost entirely by speculators, who, I believe, have since allowed them to remain waste.

164. Then supposing that Mr. Felton's objection to the existence of clergy reserves was the impediment which they offered to settlement, the course which he pursued has done nothing to remedy that objection?—No; but he might fairly assume that it would, upon the principle of parties not feeling disposed to let so large a capital lay dormant after the whole instalments have been paid up.

165. And is not the land thus sold, by being transferred from a public body to private individuals, more withdrawn from public control for the furtherance of public purposes than it was previous to the sale?—Undoubtedly so.

166. The great objection to clergy reserves upon the old plan, and even upon the present plan, is that the system opposes obstacles to communication and settlement, by leaving great masses of wild land between spots that have been settled; but this objection is not confined to the clergy-reserve system?—No; the objection applies generally, and most particularly to the large free grants which have been made in exception to existing regulations. Those grants have been suffered to remain without any other roads than those which may have been cut through them at the public expense; no pains have been taken, even after such roads have been made, to afford sufficient facilities to settlers to keep them open; and the consequence has been, that after a few years the roads have in many instances become impracticable, and the object for which they were intended has been defeated. The circumstances which led to the opening of roads at the public expense, viz., the desire of settlers at a distance

a distance to have an easy communication with the large towns, produced a series of complaints, which induced the Assembly of the Province to investigate the matter, and the Government, through its representations, to adopt a measure with a view to the correction of the evil.

167. What was that measure?—The establishment of the Court of Escheats, which took place in 1826 or 1827. This court was established to inquire into the fulfilment of the conditions attached to grants of land, and, upon inquest and finding that the conditions had not been fulfilled, to declare the land forfeited to the Crown. Some inquests were held in the district of Quebec, which, owing to the non-observance of some technical proceeding, are still in abeyance. Others took place relating to land in the district of St. Francis. The findings under these latter inquests, and the whole proceedings, were quashed on some point of form.

168. Has any wild land, private property, been escheated to the Crown under the proceedings of this court?—None, finally.

169. Does the court still exist?—I understand not.

170. How long did it exist?—About nine years.

171. And was totally inoperative?—With the exception I have mentioned, it was.

172. I mean inoperative, so far as diminishing the evil which the court was intended to remedy?—In that view, it has been quite inoperative.

173. Did the establishment of this court occasion any expense?—But little beyond the expense of the salary of the judge and clerk.

174. By whom were the proceedings of this court set aside?—By the Court of King's Bench at Sherbrooke, as related to the inquests respecting land in the district of St. Francis; and the proceedings at Quebec are suspended.

175. Was this court popular?—By no means.

176. Not with any class of persons?—With none.

177. Upon what ground was it unpopular?—It was considered unnecessary by the lawyers, who said that the existing laws of the country were sufficient, and that many of its provisions could not be legally carried into effect.

178. Could it have been unpopular with those who had so loudly complained of the nuisance which it was intended to abate?—This is a question I cannot fairly answer till I have conversed with those people on the subject. But it may be inferred that the opinions entertained by the members of the bar may have had some effect upon them likewise.

179. When this court was established, did not many persons of influence in the Province, including persons high in office, hold grants of land as to which the conditions had not been performed?—That I believe to have been the case.

180. And if the object of the Supreme Government, in establishing this court, had been accomplished, such persons must have forfeited their grants?—Yes.

181. I conclude that, excepting land which has been sold of late years, conditions of one sort or another have been attached to all grants, not excepting the grants of seigniories, to which the obligation of concession was attached?—So I understand.

182. Except by establishing the Court of Escheats, has any attempt been made by the Crown to resume land held upon conditions not fulfilled, and liable to forfeiture for non-fulfilment of the conditions?—There have been some instances of summary resumption in the case of small tracts of land held under location tickets; but no attempt of the sort has been made with respect to land held under patent.

183. Is there not at this moment a large quantity of land held in the Province under letters patent, in respect of which the conditions have not been fulfilled?—Very large tracts.

184. And which, therefore, legally speaking, the Crown is entitled to resume?—Yes.

185. What would be the objection to the resumption of these lands by the Crown?—Interfering with the rights of second and third parties, who may have purchased from the original grantees.

186. But the second and third parties could not have purchased rights which the original grantees did not possess?—True; but when the conditions have been allowed to remain unfulfilled for a period of from 20 to 40 years without any interference on the part of the Crown, equitable considerations may arise which would forbid a rigid enforcement of the legal rights of the Crown.

187. You think that, equitably speaking, there has been a tacit abandonment of the rights of the Crown?—To a certain extent; but it seems quite fair that the Crown should now adopt some mode of calling upon the parties to fulfil the original conditions within some specified time, or to forfeit the land.

188. That, I suppose, is just what would have been effected by the Court of Escheats, if it had been allowed to operate?—Such, I believe, would have been the result.

189. You stated, in answer to a former question, that the plan of selling had been strictly enforced, with the exception of private sales between the annual public sales; have the regulations as to advertisement, and the time and manner of payment, been always strictly observed?—They have, with the exception of the district of Gaspé, where the regulation of advertising the sale in the newspapers does not appear to have been attended to.

190. Has the direction as to the time and mode of payment been always strictly observed?—As respects the first payment it has, except in the district of Gaspé, where, in 1836, the agent sold 90,000 acres, taking payment in bills at 30 or 60 days' date instead of ready money, which bills were protested.

191. Have all the instalments besides the first been paid in all cases?—Not in all.

192. Are the cases many in which the subsequent instalments remain unpaid?—I do not consider the proportion of persons in arrear to be very great, but will make out an exact statement on the subject.

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193. In those cases has the land been resumed?—Not in any instance.

194. Nor assigned to the grantee?—No.

195. It remains, therefore, neither the property of the Crown, nor the property of the grantee; not appropriated, nor open to appropriation; in a wild state; tabooed, as it were, against settlement?—It remains so far the property of the Crown, that it may proceed by ejectment against the purchaser, leaving to him to prove the sale. Its remaining wild will depend, in a great measure, on the extent of the purchase made; large purchasers generally have not been much in arrear.

196. Has any proceeding of ejectment been commenced?—Not any.

197. Or attempted?—No.

198. Or contemplated?—I caused a list of all persons in arrear to be published about 18 months since, with a view of soliciting the permission of the Governor to proceed against those who might be greatly in arrear; but the state of the country since has been such as to prevent my following it up.

199. You have said already that the auction is little more than a form, the upset price being, in almost all cases, the selling price; is the auction, as a form, in any way inconvenient? No.

200. Suppose a person just arrived from England with his family, and desirous to purchase a tract of land for immediate settlement, would not the auction compel him to wait a considerable time before he could obtain the land?—In case such a person applied for a special sale, and his application were favourably entertained by the Governor, he would only have to wait two months for the advertisement of the sale.

201. And if his application were not favourably entertained by the Governor, he would have to wait until the next annual sale, unless he chose to purchase land which had been already put up for sale, but not sold, at a previous anction?—Yes.

202. And the possibility of his being over-bid, either at the special sale or at the annual sale, would leave him all the while in a state of uncertainty as to whether he should finally obtain the land selected by him?—Certainly.

203. It appears, therefore, that if there were a brisk demand for Crown land, the plan of auction would occasion considerable inconvenience?—It would occasion inconvenience, certainly; but it must necessarily be replaced in the out-agencies by some system of publicity, to prevent acts of favouritism. I know of no other advantage in selling by auction at an upset price rather than at a fixed price, except the publicity which it secures.

204. Then, provided the publicity were the same, you think that a fixed price would be preferable to auction at an upset price?—I do.

205. In what way is the Crown property in timber disposed of?—The practice is annually to obtain an authority from the Governor to offer for sale licences to cut timber upon waste lands, the property of the Crown, for the ensuing year at an upset price.

206. Under what authority are these sales made?—Under the Treasury instructions of November 1826.

207. By whom is the upset price determined?—It was originally by the Treasury in England, subject to alteration at the discretion of the Governor. Last year an advance of 25 per cent. was made by the Governor in respect of saw-logs.

208. What are the terms upon which licences are granted?—One-fourth part of the purchase-money is to be paid at the time of sale, and the parties enter into a bond for the payment of the remainder on the 1st of October in the following year.

209. In what manner is the sale conducted?—In the public notice of sale, parties desirous of purchasing are directed to state the district and the quantity for which they wish to obtain a licence. These statements or tenders are published, and, if there is no advance, the licence issues for the party applying for it.

210. Do cases often happen in which an advance is made upon the upset price?—There has been but one case that I am aware of in which any advance has been offered, and in that case, the party not being prepared to pay the first instalment, no sale was made.

211. Then the auction is really nominal?—Yes; the only advantage attending it being, that the publicity given to the sale affords an opportunity to all the lumber merchants to know the timber berths that each has selected.

212. Have the Treasury instructions been uniformly pursued in regard to these licences?—No. During the administration of Sir James Kempt some of the lumber merchants represented that the rivers down which they wished to float timber were so obstructed as to require a considerable expense in making slides and improving the navigation, and requesting a grant of money for that purpose. This request was refused, but the Governor promised the exclusive right of cutting timber for seven years upon any such river to any person who would undertake to open it, upon payment for the timber cut at the rate fixed by the Treasury instructions. Under this promise exclusive rights have been acquired by Mr. Hamilton on the River Rouge, Mr. Price on the River Du Sud, Messrs. Knight and others on the Gatineau, and by the Hudson's Bay Company within the King's Posts.

213. What security have you that a larger amount of timber than that for which the licence is obtained should not be cut under the authority of the licence?—Upon the Ottawa there is a tolerably effectual check, under an arrangement between the Executive Governments of this Province and Upper Canada, In Gaspé the agent visits the berths personally, and, by comparing the quantity shipped at the Custom-house with what he has observed, perfects his checks. In the other parts of the Province, where saw-logs are principally cut, the returns of the merchants have been generally accepted as sufficient; the character of these gentlemen is considered as a sufficient guarantee. Upon the whole, the checks are imperfect, but

but I believe that the real cause of their imperfection has been the uncertainty of the continuance of the present system of timber duties in England.

214. According to the price required for timber licences under the Treasury instructions, may it not be cheaper to purchase land for the sake of the timber merely, than to pay for a licence?—It may be so; and an instance came to my knowledge of an attempt of the kind in the newly surveyed township of Wakefield, which I however defeated, by directing the agent not to accept bids, except from persons that he believed to be intended settlers.

215. Have you then the power of rejecting an offer to purchase land made at a public auction?—Under the conditions of sale, publicly read by the agent, no sale is valid until confirmed by the Commissioner of Crown Lands.

216. Do you imagine that any land has been purchased with this intention?—I could not say in that no land has been purchased with this view; but as no sales have been made except in surveyed townships, I cannot bring myself to believe that they have been made to any great extent.

217. Have you not reason to suppose that the large purchase of 90,000 acres, to which you have referred, in Gaspé, was made with that view?—It was avowedly so; I was myself informed so by the purchasers.

218. What was the price per acre at which this land was sold?—Varying from 1*s.* 8*d.* to 4*s.* per acre.

219. Is there much land, the property of the Crown, upon which people have settled unlawfully, or, as it is commonly called, squatted?—There are squatters upon the Crown property to some extent, but not in sufficient numbers to occasion any great difficulty in arranging with them; for, from what I can understand on the subject, they all expect to pay for their land, but to have the benefit of pre-emption.

220. What do you imagine are the grounds upon which they have formed this expectation?—Not, certainly, from anything that has ever been held out to them; but there is a general feeling amongst people of that class that, when they have reclaimed wild land, they are entitled in equity to that degree of consideration on the part of the Government.

221. They have then no other grounds for the expectation than their own opinion that it would be but equitable in the Government to depart from the present regulations in their favour?—None, most certainly, that I am aware of.

222. You spoke just now of arranging with them without any great difficulty; to what sort of an arrangement do you allude?—That they would willingly conform to any terms of purchase that the Government might propose.

223. Has an arrangement been made with any of them?—I should rather think that some of them must have come in among persons who have been considered as tenants and occupiers of lots, and who have been allowed by the Governor to purchase without being exposed to the competition and publicity of an auction.

224. Has that been a common practice?—It is a matter of right in the former class, under the Treasury instructions of February 1826.

225. But directly contrary to Lord Goderich's instructions of 1831, which require that no land should be disposed of except at public auction?—The reading given to those instructions here has been as applying only to waste and unoccupied lands.

226. But, whether or not contrary to Lord Goderich's instructions, this mode of disposing of Crown land is another method exceptional from the general rule of public sale by auction, in addition to the numerous exceptions which you have already mentioned?—It is; and I should have enumerated it amongst the others, had it not formed part of what have here been considered the existing regulations.

227. Returning to the squatters, are the cases many in which the Crown has forced such persons to purchase the lands occupied by them?—In no instance, that I am aware of, has the Crown forced them.

228. Has the Crown ever attempted to eject any of them?—I believe not.

229. You said that many of the squatters might have been considered as tenants and occupiers, and might have purchased their land in that character, without being subject to auction; but if they are considered tenants and occupiers under the Crown, how could they be considered as squatters, when the essential characteristic of a squatter is, that he occupies without a title?—My answer must be understood as not applying to tenants; but that I find in the lists, approved by the Governor, of persons allowed to purchase without being subject to auction, the term occupier as well as that of tenant; and I therefore suppose, but without any positive knowledge on the subject, that it may have been used to cover cases of squatters who had really improved their farms to a considerable extent.

230. But if so, it must have been directly in breach of the Treasury instructions of 1826, and Lord Goderich's instructions of 1831?—I give the practice as it has obtained.

231. Do you imagine that any large proportion of persons, occupying without any title at all, have been treated as though they were occupying under a perfectly legal title?—My impression is, certainly not.

232. What sort of an arrangement would you propose to come to with squatters upon Crown lands?—By allowing them to purchase at a fixed rate; but I allude only to those who have really improved their land, and may be considered as *bonâ fide* settlers.

233. But if they should be disposed to hold their lands as at present, without payment rather than to pay for them, what course would you propose to adopt?—I should proceed against them by ejectment.

234. Would the process of ejectment against settlers on Crown lands be easy of execution?—I see no difficulty in it.

235. Are the Crown lands upon which squatters have established themselves well ascer

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tained under the surveys of the Crown Lands' Department?—To say that they are would be to admit that the surveys of townships could in every instance be depended upon. As far as my experience goes, the contrary is unfortunately the case.

236. Would there be, generally speaking, much difficulty in proving, to the satisfaction of a court, what was Crown land upon which squatters had established themselves?—I should apprehend no difficulty there, because the burthen of the proof would lay with the squatters, unless the validity of the surveys produced could be called in question.

237. Generally speaking, do you suppose the surveys to be correct?—I apprehend that they are not.

238. But the alleged squatter's proof must necessarily, must it not, be drawn from the surveys?—I should imagine so.

239. Could he have any other means of identifying the land claimed by him?—I presume not; but I must qualify my answer by saying that the question borders on points of law upon which I am not competent to offer an opinion.

240. Supposing that the *onus probandi* as to title rested with the Crown, how would the Crown show that the land in question had not been granted?—By a technical description of the lot or tract taken from the survey as made.

241. That is, supposing the surveys to be accurate; are they, do you believe, inaccurate to any great extent?—I can instance two townships, Shefford and Orford, (and how many more may prove inaccurate, as questions of boundary arise, it is impossible to say) which are very inaccurate in their subdivision.

242. Inaccurate in what respect, and to what extent?—On actual recent survey it has been found that no one lot agrees with the diagram on record.

243. Was the diagram made from actual survey?—It purports to be made from actual survey.

244. By whom was the recent survey made?—That of Shefford by Mr. Wells, and that of Orford by Mr. Wyss, both of them deputy provincial surveyors, and considered persons who stand high in their profession.

245. To what extent do the lots differ from the diagram on record?—The lines dividing the lots, instead of running perpendicularly according to the diagram, actually run diagonally. The effect of which is necessarily to displace the whole of the lots, upwards of 300 in number, from their true position. The lines dividing the ranges are so irregular as to give to some lots two-and-a-half times the contents of others, though they are all laid down in the diagram as of equal extent. There are lakes also, which occupy nearly the whole of some lots, that are entirely omitted.

246. From which it would appear that the diagram was prepared without any actual survey at all?—I have heard it repeatedly stated, and it was generally believed, that, in many instances during the early surveys, if the surveyor did run the outlines of the township he was commissioned to survey, it was as much as was ever done, and the whole of the field-notes and subdivision was mere fiction.

247. You have spoken of Shefford and Orford; are there any other townships as to which means of comparison exist between the diagram existing in your department and the actual subdivision of the township?—I have not seen any, but have heard complaints of a similar nature respecting the township of Grenville, but they have not come before me in an official shape.

248. What reason have you for supposing that the surveys of other townships may have been more accurate than those of Shefford and Orford?—I have no reason for believing that they are, other than that, in some parts of the country, the same causes of error may not have existed, whether physical causes, such as that of magnetic attraction, where there really was a survey, or, in cases where there was no actual survey, the negligence of the surveyor.

249. Are the old French surveys of the seignories considered to be accurate?—I have never heard them complained of, and I believe that their accuracy is undoubted.

250. The inaccuracy, therefore, of which you have spoken, is confined to that part of the Province which has been divided into townships. About what extent of country is comprised in that description?—There are 109 townships, of about 100 square miles each.

251. Including all the land which has been disposed of by the British Government, except the seignories which were erected by that Government shortly after the conquest?—Yes.

252. It appears that similar difficulties to those which might arise in settling a question of title between the Crown and an alleged squatter, arising from the inaccuracy of the township surveys, would extend to all grants and sales by the Crown?—They would.

253. And also to all questions of title between persons claiming to have a grant, or to have purchased from the Crown, and alleged squatters upon the land asserted to be theirs?—Undoubtedly.

254. And also to all cases in which different persons should claim to have received or purchased the same piece of land from the Crown?—Yes, more or less.

255. Is it not considered that this state of the Crown surveys must prove a source of interminable litigation hereafter?—It is a general observation.

256. Considering the state of the surveying department, may it not have happened that the same land has been granted or sold to more than one person?—The granting the same land to more than one person is an error in which the Surveyor-general has his full part; but other officers of the land-granting department, under the system which obtained till last October, and whose business it was to audit the patents, for the purpose of preventing such occurrences, are equally to blame.

257. You are alluding now to double grants, wherein the error is plain upon the face of the patents; that is, where the same lot *nominatim* has been granted to different persons?—I am.

258. But

258. But I alluded to double grants of the same land, under different designations, arising from the defective state of the surveys?—How many of these cases may arise it is impossible to say.

259. Have any such cases been discovered?—None have come before me in an official shape; but I apprehend that questions of that nature are waiting, in great numbers, until land shall have become more valuable, when the Crown will be called in upon every occasion to defend its own grant.

260. And, considering the state of the surveys, will be without the means of such defence? —Unless measures to prevent the evil should be adopted before its occurrence.

261. You appear to consider this as a subject of very high importance, and demanding the immediate attention of Government?—I do, in common with any person who has ever reflected on the subject.

262. In the neighbourhood of granted lands, or lands purporting to be granted, your department must, I suppose, often be at a loss to know what land has been granted, and what remains the property of the Crown?—Since we have been satisfied of the probable inaccuracy of the surveys, and of the little reliance to be placed upon the diagrams, an unpleasant feeling of responsibility has arisen upon this subject.

263. That is, a feeling of fear lest you should dispose of land already disposed of?—Precisely so.

264. And, on the other hand, it may also be feared, I conclude, that the Crown should leave in the hands of private persons land which really belongs to the public?—The one is just as liable to take place as the other.

265. It appears, by a return from your department, that in 1833 and 1834 the remission of purchase-money, or, as you have described it, virtual free grant, under the form of remitting the purchase-money, was not confined to officers of the army and navy, but that the purchase-money was remitted to others under an authority from the Governor or Secretary of State?—There were two such remissions; the one to Mr. Christie, chairman of the quarter sessions at Quebec, and the other to Mr. Coffin, chairman of the quarter sessions at Three Rivers, in lieu of arrears of salary due to them, and for which the Provincial Legislature had refused to provide.

266. Are the British North American Land Company supposed to have selected the most valuable lands open to appropriation in what is commonly called the Eastern Township's District?—Yes.

267. Including Crown reserves in the settled townships?—Yes.

268. And the price that they paid was less than the then upset price anywhere in that district?—Yes, with the exception of four townships, in which the upset price appears to have been 4*s.* currency per acre, while the price paid by the British American Land Company for their surveyed lands was, I understand, 3*s.* 6*d.* sterling.

269. How much less?—In three of the remaining townships the upset price appears to have been 7*s.* 6*d.* per acre, and in the 15 other 5*s.*

270. They also had a longer credit than was given to any other purchasers?—Yes.

271. Was it considered at the time that they had agreed to pay more or less than the price which they would have had to pay if the land had been submitted to public auction according to the existing regulations?—I myself considered that they had agreed to pay less than that price, and I believe such was the general opinion.

272. This property has naturally deteriorated in value, in consequence of the recent rebellion in the Province?—I do not think so, at least not permanently.

273. Is there not a proposal now before your department, from a company formed in this Province, and comprising gentlemen of wealth and the highest respectability, whereby the Government is requested to sell 225,000 acres of land in the county of Megantic, adjoining to the tract of the British North American Land Company, but not of a superior soil, or in a superior position, and not comprising any Crown reserves, at the same price, and upon the same terms in all respects as those which formed the conditions of the grant to the British North American Land Company?—I am aware that a petition of the nature to which you allude, and signed as you stated, by persons of high respectability and standing, and for the tract in question, has been presented to his Excellency the Governor-general; but it has not been formally transmitted to the Land Department.

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274. It is understood that you have had considerable opportunities of becoming acquainted with the state of landed property in this Province?—I have, particularly with regard to township land.

275. Be so good as to state in what way you have obtained that information?—As an agent, employed by many persons interested in the lands of the Province.

276. During how many years have you had these opportunities?—During the last eight years.

277. You may naturally have had occasion to reflect upon the different methods which have been pursued by the Crown in this Colony for the disposal of the public lands; to compare them with each other, and to form some opinion as to their general operation, whether beneficial or otherwise?—I have; I consider none of the plans that have been adopted by the Crown as likely to lead to an extensive settlement of the Crown lands.

278. Be so good as to state your view of the operation of the system of leaders and associates?—I can only state it to have been a disgraceful system, or rather practice. The associates were, generally, persons residing in the United States, and frequently the leaders resided

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there also. The object with which the system of disposing of Crown lands, under which this practice arose, was devised, appears by the following passage in the original instructions framed for the grants of land in the Province, section 51, which states that "great inconveniences have heretofore arisen in many parts of the colonies in America from the granting excessive quantities of land to particular persons who have never cultivated them, and have thereby prevented others, more industrious, from improving such lands." The object, therefore, was the settlement of the country, by means of putting a stop to grants of land to persons who would not improve it. The effect, however, has been, that the leader, in almost every case, became possessed of nearly the whole of the entire quarter, or half, or whole township granted to him and his associates, and the land thus obtained has been in most instances, excepting in a few of the frontier townships, some of which contain a large population, withheld from settlement up to the present time, unless squatted upon.

279. Have these grants ever since presented a serious impediment to the settlement of the country?—Yes, very serious.

280. And do so still?—Yes; for many of the large holders refuse to sell at reasonable rates, trusting to the value of their lands being increased by the settlements going on around. In some cases a tract of wild land may lay between a back settlement and a road, as in the townships of Lingwick, Halifax, Simpson, Wendover, and many others. In these cases the inhabitants are entirely cut off from the road, and cannot even make a road for themselves without being liable to an action for trespass; besides which, the expense of making such a road would of itself suffice to deter them. In addition to this, these wastes serve as a harbour for wolves, which, a short time since, so infested the various districts of the Province, that an Act of the Legislature passed giving a bounty upon the killing of a wolf. Similar inconveniences have arisen from the system of Crown and clergy reserves which accompanied that of township leaders and associates. The evil resulting from the Crown and clergy reserves has been removed by the alteration of the system, by which Crown and clergy reserves have been made open to sale. The inconvenience arising from the excessive grants still remains.

281. Does the word inconvenience sufficiently express the nature of the evil?—No; and I hardly know what word to use that would be strong enough to express it. About 1809 or 1810, the system of leaders and associates was discontinued, and for some time afterwards there appears to have been scarcely any land granted. In about 1816, the system of granting upon location tickets was introduced. Under this system, the settler was required to perform settlement duties before he could obtain a title to his land; but these duties, in the manner in which they were performed, rather deteriorated than improved the condition of the land. The settler cut down and burnt his four acres and built his hut, and then obtained his title and abandoned the land.

282. Did the system of location tickets add much to the quantity of land alienated by the Crown, and yet not settled?—It did; but at the same time, much settlement actually took place, on the Ottawa and in the eastern townships, under this system. The location system was followed by a system of sale, as directed by the Treasury instructions of 1826. This system induced many of the squatters to purchase a title to the lands they occupied, but few actual settlers purchased land with a view to settlement. The chief purchases have been made by persons of property, with a view to speculation, under the impression that it would pay very good interest for the money invested at some future day.

283. In this way therefore the extent of private property still in a wild state has been considerably augmented?—Yes.

284. You are aware that, concurrently with the plan of selling, free grants to a great extent were also made?—No; excepting under pledges made by the Government before the system of sale was introduced.

285. But the fact has been that free grants were made at the same time that the system of sale was pursued?—Yes, it has so been.

286. Do you think that the plan of selling would have been more effectual if the Government had been able to stop all free grants from the period of its introduction?—More land might have been sold, but probably only to speculators.

287. The price then appears to have been too low to deter speculators from purchasing with no view to actual settlement?—Yes, it was so in many of the townships.

288. The upset price was fixed by the Government, on the recommendation of the Commissioner of Crown lands, and differed in different townships; do you think that the upset price was suitable to the particular circumstances of each township?—No; in some cases the price was too high, and in others too low.

289. Too high or too low in reference to what?—To locality, the neighbourhood of settlement, and the quality of the land. On the Ottawa, particularly, too high in reference to the means of the settlers.

290. Do you consider the system at present in force for the disposal of Crown lands to be efficient with a view to the settlement and improvement of the Province, or are there any points in which you consider the system defective?—I do not consider the system efficient, but defective in the following points: In the first place, there is not sufficient liberty of selection. Under the present system, that land only is obtainable by individuals generally which has been selected for the annual sales. It is the Government, in fact, which determines what land shall be open for purchase.

291. What branch of the Government?—The Governor.

292. But from his own knowledge or that of other persons?—Upon the recommendation of the Commissioner of Crown lands.

293. So

293. So that, in point of fact, it is the Commissioner of Crown lands who determines what land shall be open for appropriation?—Yes.

294. Does he decide upon local knowledge?—I should say not; I do not know what local knowledge a man can have who has not visited the sections of the country where the lands are put up.

295. Then upon what grounds do you imagine his decision to be formed?—I cannot tell you. In some instances, perhaps, upon application from individuals; in others merely from the dictate of his own will.

296. But upon special application, individuals may acquire land which has not been included in any annual sale?—They may, occasionally; but such applications must be referred to the Governor, who has hitherto decided upon them according to the recommendation of the Commissioner of Crown lands, who might not have approved of the application. Such applications may have succeeded, but they may not, and there is no certainty.

297. Are you at all aware of the grounds upon which such applications are decided?—No; it is but very seldom that any reason is assigned; but the general answer in case of refusal is, that "His Excellency does not consider it expedient to comply with the request." Much depends upon the perseverance of the agent. I have, in many instances, not been content with the first refusal, particularly as to free grants, and have in many of those cases procured a reversal of the first decision.

298. Was your importunity addressed to the Governor, or to the Commissioner of Crown lands?—To the Governor himself, but my remonstrances were always sent to the Commissioner to report upon.

299. You are speaking now of the practice which prevailed up to August 1836. Since then the facilities have been greater?—Much greater.

300. To what do you attribute such increased facility?—In part to the power being in the hands of a board, instead of a single individual, and in part to the greater accessibility of the Commissioner of Crown lands.

301. All power seems, however, to be really in the discretion of the Commissioner of Crown lands?—Hitherto, entirely so.

302. The power of the Commissioner seems not to have been confined to the subject now in question, but to have extended over every part of the system for the disposal of lands?—It has so, especially in the time of the late Commissioner, whose decisions in almost every case were confirmed by the Government.

303. I suppose that, in fact, the late Commissioner had the power of withholding or granting just what land he pleased?—He certainly had.

304. How did his exercise of that power affect the disposal of Crown lands?—In many instances to the prejudice of individuals, and in very many to the obstruction of the settlement of the country.

305. The same power seems to exist now; in what respect is it differently exercised?—With greater discretion; and the decisions appear to be less arbitrary, that is, more reasonable; and more attention seems to be paid to the public interests.

306. Are these all the defects that you have to notice?—No; there is considerable uncertainty on the part of the intending settler, as to his obtaining the land which he has selected. It is occasioned by the plan of selling by auction. The person desirous to obtain land included in any annual sale may, after waiting for the sale, find himself overbid, and may thus not obtain the land upon which he had fixed. And again, in the case of an unsurveyed tract, after incurring the expense of the survey, he may be overbid by some other person who has not incurred any portion of that expense. It is true that in such cases the expense of the survey would be refunded to him, but the trouble and anxiety he has incurred will be of no avail.

307. Does this operate practically as a check to applications for land?—It must do so; since it introduces an uncertainty as to whether an individual who has incurred trouble and expense will reap the reward. I may mention as an instance, that in the township of Gosford, in which several ranges were surveyed and laid off upon special application from individuals, and at their expense, I attended the sale, in May 1837, in company with another gentleman. The upset price was 1*s.* 3*d.* per acre, and we, seeing that the land was likely to be sold for a low price, bid for 9,000 acres, at the average price of 2*s.* 3*d.* per acre, at which price it was knocked down to us. Other persons, not being of the special applicants, bought some of the land at prices varying from 1*s.* 6*d.* to 5*s.* per acre, and the special applicants did not obtain more than about one-tenth, I should think, of the land comprised in their application. This case strongly illustrates the inconvenience to which I have referred, and one case of this sort would operate, to a very great extent, to deter individuals from making similar applications. The expense of the survey was repaid to these special applicants, but not immediately. I have also to mention the delays occasioned by the system of auction. In order that auction should have any effect at all, there must be a notice, which necessarily requires time. In the case of special applications for unsurveyed land, or for land not included in the annual sales, the applicant must wait, after his application has been acceded to, and after the survey has been made, till the auction takes place, of which notice is required of from a fortnight to six weeks. In the case of lands included in the annual sales, the applicant must wait either for the annual sale, or for the monthly sales for the lands which have not been disposed of at the annual sales. In the case of land which has not been put up for sale, but which is intended to be included in the next annual sale, the intending purchaser must wait till the next annual sale, which may be for any portion of a year.

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308. Is all land which has not been disposed of at the annual sale put up at the next monthly sale?—No, that is not the case; for upon one occasion I wished to obtain some land which had been put up for sale, but not sold, at an annual sale, but had to wait several months till an auction took place.

309. But the general practice is to put up for sale, at a monthly auction, the land which has not been sold at the yearly auction?—Yes, in some townships; but in others there is no agent, and no monthly sales take place.

310. In these other townships, therefore, the persons desirous of obtaining land included in annual sales must wait for the next annual sale?—Yes, in the ordinary course; but upon special application, the agent nearest to the spot might perhaps be appointed agent for that township, and he might then put up the land to auction on the day fixed for monthly sales within his agency.

311. That is the day fixed for monthly sales, in case it was the practice to sell monthly in that township?—Yes.

312. Have you anything further to say on this head?—No; but I will now refer to the inconvenience of references to the Executive Council, upon applications for free grants founded upon old claims which had not been pursued at the time of arising.

313. What is that inconvenience?—Such references, in many cases, remain unreported upon and neglected for months.

314. In such cases then the power does not rest with the Commissioner of Crown lands?—No, but with the Governor in Council.

315. Are there any means of knowing, in such cases, upon what grounds the decision upon any such reference is made?—In some cases there may be. The proceedings before the Council are secret, but a report is made upon each case; and such reports occasionally, though but seldom, state the grounds upon which any application is refused. I once endeavoured to obtain a statement of the grounds upon which a refusal took place, but without success.

316. Are the reasons ever given when the Council reports in favour of an application for a free grant?—Yes, in some instances, but not generally.

317. Are applications for free grants necessarily decided by the Executive Council?—No; they were not so in the time of the late Commissioner. Some few instances of reference took place, but he generally recommended to the Governor either compliance or refusal upon his own responsibility. There may have been, but I am not aware of any instance in which his recommendation was not followed, and very rarely would he give any reason for his refusal.

318. At present such applications are generally referred to the Council; is the rule with respect to such applications the same as it was then?—I do not know how it can be said that any rule ever prevailed. It was, and is, in the discretion of the Commissioner of Crown lands to cause such reference.

319. The Commissioner can then still recommend to the Governor without the intervention of the Executive Council?—Yes, he can.

320. I conclude that when the Commissioner did not refer to the Council, he was considered responsible for the decision?—Yes, he was.

321. And that now the Council are held responsible for such decisions?—Yes, upon such cases as the Commissioner refers to them.

322. Can you give the Board any information as to the state of the surveys?—It is generally understood that the surveys in many of the various townships are very inaccurate, and many of the surveys have been proved to be so. I had in my hand the other day a patent for four lots in the township of Inverness, three of which did not exist, granted to a Captain Skinner; three of the lots were decided not to be in existence, and I received compensation for them in another township. A great error was discovered in the original survey of the township of Leeds.

323. I suppose that the inaccuracy of the surveys is a matter of certainty?—Quite a matter of certainty. I could cite you a number of townships, Milton, Upton, Orford, Shefford, &c., where the inaccuracy has been ascertained.

324. Were the old French surveys accurate?—They might easily have been so, from the nature of the system, which required only the front and depth to be ascertained, without any subdivision of the seignories. The subdivision for concession was the subsequent act of the seigneur.

325. Has inconvenience to any amount been practically felt from the inaccuracy of the British surveys?—Inconvenience has been felt, but it is only now beginning to be so seriously. As the settlement of the country advances, and land acquires a greater value, great inconvenience must arise, in the shape of endless questions of title; and of this many people are so well aware, that they refuse to sell with a guarantee of title.

326. Your profession as an agent includes the business of obtaining titles to the lands, as well as advising upon their selection?—It does.

327. By what course of proceeding is a title obtained, after a purchase has been made at the Government sales?—It is not often that the purchase-money is paid down. The purchaser is put in possession, by what is called a ticket of occupation, as soon as he has paid his first instalment, and no further proceeding can take place until he has paid the last instalment. As soon as he has done this, he is referred by the Crown-land officer to whom the payment is made, for patent, to the surveyor-general for the necessary specification; then the specification with the reference is sent to the Commissioner of Crown lands. These documents are next sent to the secretary of the Governor or civil secretary, who directs the provincial secretary to engross the patent; the fees are then levied, and upon the payment of fees the provincial secretary engrosses. On engrossment being made, the Governor signs the patent, and the great seal of the Province is attached to it (this signature is procured by the provincial

vincial secretary). The patent is then sent to the Commissioner of Crown lands to be audited. At present, one of the Commissioners audits; this used to be done by the auditor, but the office of auditor has been abolished. When the audit is made, the title is said to be perfected; but unless the patent is audited within six months after the signature, the patent is void, notwithstanding the Governor's signature and the seal of the Province.

328. How long has this system prevailed?—About 12 months. Before that time, the first step was a reference from the Crown Lands Office to the Attorney-general and Surveyor-general, to prepare draft of patent and specification. When the Surveyor-general had prepared the specification, he returned the reference to the Crown Lands Office; the Crown Lands Office then referred it to the Attorney-general to prepare draft of letters patent; the Attorney-general sent the draft to the civil secretary; the civil secretary sent it to the auditor for examination; when the auditor returned it, the civil secretary sent it to the provincial secretary for engrossment; the provincial secretary engrossed it on parchment, procured the Governor's signature, and attached the great seal of the Province, and then sent it to the auditor for audit, who, after audit, returned it to the provincial secretary, with whom it remains of record.

329. The old system does not appear to have been much more complicated than the present?—It does not; the difference is not great.

330. What has been the effect of having to refer to so many persons?—The total loss of many references, and the papers connected with them, in one or other of the offices. There have been cases in which I was referred three times for the same patent, all the papers having been lost twice successively. In some cases the papers are found again; but at too late a period to be available.

331. Were such losses of frequent occurrence?—Yes. In my own experience of eight years as agent for obtaining titles, many instances have occurred.

332. Did the principal inconvenience consist in such losses of papers?—No; there was also delay, arising from the system.

333. What is the shortest time in which you have known a title to be perfected?—Speaking from memory, I should say about six weeks.

334. And the longest time?—I think eight years; but I am again speaking from memory.

335. Was more than ordinary diligence used in the case of six weeks?—Yes. In such cases I obtained an order from the Governor for a special reference for my patent, to take priority of all others then in the office.

336. Was ordinary diligence used on the part of the agent in the case of eight years?—More than ordinary; for it was one of my own cases, in which I used every possible exertion to get the patent through. The delay was occasioned by the neglect to set apart a tract of country for clergy appropriations in the district of Gaspé. I have now references for that section of country, which have been lying over for six years from that cause. A tract has recently been set apart in Gaspé for such appropriation; and I hope that my references may now be proceeded with.

337. What would you assign as the average period required for completing a title, after the purchase has been completed by the payment of the whole of the purchase-money?—I should say full 15 months.

338. And with ordinary diligence on the part of the agent?—Undoubtedly.

339. What advantages is the system of so many checks supposed to present?—I see none myself, and think that a more simple process might be adopted; very serious inconvenience is produced, and I know of no countervailing advantage.

340. The present system must be profitable to agents?—Yes; so much so, that, speaking as an agent, I should be sorry to see it abolished.

341. I presume that one of the inconveniences to the public is the necessity of employing agents acquainted with the labyrinth through which each reference has to pass?—It is. I am satisfied that the present system is a serious impediment to the settlement of the country, and that no extensive measure for that purpose can work well, unless the mode of obtaining titles, after purchase, be rendered much more simple. Immediate despatch with title is what is required to encourage purchasers, and prevent uncertainty and discontent. I have been directed by purchasers to apply for the return of their purchase-money from the Crown, because of the delay which has occurred.

342. Supposing the mode of obtaining a title to be rendered as simple as possible, would any serious obstacle, in your opinion, remain to the speedy settlement and cultivation of all the more fertile parts of the Province?—Yes; the want of main roads through many parts of the Province, as well as concession or cross roads between main roads, would naturally deter people from settling in the wilderness.

343. Do you speak now of wilderness belonging to the Crown, or of wilderness the property of private individuals?—Of both. There remains, in several townships which are partially settled, a considerable quantity of clergy reserve land, and of land ungranted by the Crown. The main obstacle, however, is private land remaining wild, inasmuch as the land of the Crown is open to purchase, which is not generally the case with that of private individuals, excepting at too exorbitant a price. So injurious is the existence of this quantity of wild land in the midst or in the neighbourhood of settlement, that numerous cases have occurred in which a settler, after several years' residence upon his property, and having expended, in money and labour, from 20 *l.* to 50 *l.* in clearing part of it and building his house, has been driven to abandon the farm, and to sell it for one-third, or even one-fourth, of the sum that he had expended upon it. I have myself bought farms which have been abandoned in this way for the merest trifle. One, I recollect now, consisted of 100 acres, in the township of Kingsey, a beautiful part of the district of Three Rivers, with rather more than 20 acres

 cleared,

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cleared, a good house and outhouses erected upon it, for which I paid under 30 *l.* I could give very many instances of a similar kind, where I have either purchased myself, or have had a personal knowledge of the circumstances.

344. Has any remedy been suggested to your mind for the evil of wild land in the midst of settlement?—I have always been an advocate for taxing the wild land, and have thought that, unless a tax were imposed, the settlement of the country never could go on prosperously.

345. It would be a tax in the nature of a fine, with a view to the abatement of the nuisance? —Yes, that should be its true character.

346. Would not such a tax be extremely unpopular among the holders of wild land?—I think that at first it might, though not universally so, since many holders of wild land perceive the advantages that would result therefrom; but after the working of such a tax had been experienced, I am of opinion it would become popular. I am also of opinion that, if the Crown should determine an uniform price for the remaining public lands, it would be expedient, in the event of the nonpayment of the tax within some fixed period, say by the end of the second year, that the Crown should resume the land, paying to the grantee half the uniform price then established for Crown lands.

347. Do you also suppose that the proceeds of the tax would be employed in adding to the value of land, either by promoting emigration, or by improving the country?—Yes; if we do not get settlers, the large proprietors would complain, saying that it was out of their power to settle their lands; and I may add, that, as some might prefer paying the tax to settling the land, I would compel all proprietors of wild lands to sell to actual settlers at the the then price of Crown lands. Such a plan would, however, require very considerable care in its details.

348. What do you think of the plan adopted in Upper Canada of selling the wild land in order to recover the amount of the unpaid tax upon it?—I think the practice a most unjust one to individuals, and injurious to the public; I have known land almost given away under that system. Two years ago I employed a person to attend a sale of land brought to market, in Upper Canada, for nonpayment of the wild-land tax, at which I purchased nearly 2,000 acres at the rate of 8*d.* an acre. Much collusion, I have been told and believe, takes place at these sales between the buyers, who conspire to prevent biddings; the sale, in short, is forced, whether there be competition or not, and the land, as I said before, is commonly almost given away. Besides the hardship upon the owner in having so much more land than is necessary sold to cover the tax, this system interferes with the general sale of Crown property, by bringing land into the market at a lower price than that required by the Crown.

349. Have you had an opportunity of acquiring information as to the disposal of timber in this Province by the Crown?—I have.

350. Does the system appear to you to be a good one?—It does not. It does not yield that revenue to the Crown which it ought, in fairness, to do, and which, I believe, might, without injury to the dealer in timber, be easily derived from it. The practice within these three years has been for the Crown to dispose of licences to cut timber at public sale by tender and overbid. The upset prices upon timber are determined by the Governor, upon the recommendation of the Commissioner of Crown lands, and were, until last year, as follows:

White pine square timber, ½*d.* per foot.
Red - ditto - ditto - 1*d.* - ditto.
White pine logs of 12 feet, for deals, 4*d.* each.
Spruce - - ditto - - ditto - 2*d.* d°.
Red pine logs, 7½*d.* each.

At the sales in the last year the price of white pine logs was increased to 5*d.*, and spruce to 2½*d.* This price even now is much less than the Government might fairly ask, not only in proportion to the selling price of that timber in England, but also to its value in the Northern Continent of America. At a very early period, it is certain that there must be a great demand in the United States for Canadian pine and spruce timber.

351. But the prices you have named are only the upset prices for the tender?—I know of no case where an overbid was made upon the tender, except in one instance, and that was by mistake.

352. Then, in point of fact, there is no competition at the sale?—None. There is a perfect understanding amongst the buyers that none of them shall bid more than the upset price.

353. So that in reality the prices called upset are fixed prices?—They are.

354. And are, in your opinion, too low, having reference to the value of timber in the markets of Canada, Britain, and the United States?—Decidedly so.

355. You believe that there will soon occur in the United States a great demand for Canada timber; upon what grounds do you form that opinion?—I visited the United States in the beginning of 1836, for the express purpose of ascertaining, at the ports of New York and Boston, what encouragement there might be for the importation of manufactured Canada timber, and also with a view to ascertain what supply of pine and spruce timber might yet remain in the United States. With the exception of the States of Maine, to the north, on our own border, and of Georgia, to the south, at a great distance from us, which latter produces an article of very inferior quality, I became satisfied, from very careful inquiry, that very little timber of that sort remains in the States generally, and that even, with the two exceptions that I have named, the supply will be exhausted in a few years, provided the demand continued to increase as it has done for many years past, along with the progressive prosperity of the Americans.

356. Is the quantity of the best kinds of pine, spruce, and oak timber, the property of the Crown

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Crown in this Province, very considerable?—I believe it to be so, particularly in the country bordering upon the Ottawa, the northern shore of the St. Lawrence, a great distance on the shores of the river Saguenay and its tributaries, on the north shore below Quebec, and in the district of Gaspé: sufficient, in fact, to supply the demand of the United States for many years to come; and, if not sold under prices, such as might be easily obtained, if better communication was opened with the United States, as to produce a very large revenue.

357. Even at the present low rate of timber licences, is it not often more advantageous to purchase the land upon which the timber is growing, than to purchase a licence to cut timber upon it?—It is so decidedly upon all well timbered tracts. I have been employed myself to purchase land with this view. It may be conceived that this is the case when in the districts where tracts of land are purchased for this object, the price of a licence would amount, on an average, to about 6*s.* 8*d.* per acre, and the average price of land is only about 3*s.* 2*d.* per acre. You, therefore, get your timber at less than half-price, and have the land remaining when the timber is cut. For example, last year, a saw-mill proprietor had cut timber upon a 200 acre lot, in which I was interested, in one of the townships south of the St. Lawrence. I seized the timber which he had cut, and entered into an agreement with him, by which I received fully at the rate of 10*s.* an acre for the trespass on the timber, allowing him to take all he had actually felled.

358. What is the upset price of Crown land in that township?—Four shillings. I bought myself and others all the clergy reserves then open for sale in that township in 1836, amounting to about 1,800 acres, at the upset price of 4*s.* per acre.

359. If such be the case, however, any such rise as you appear to contemplate in the price of timber licences ought to be accompanied by a corresponding rise in the price of the wild land of the Crown?—Undoubtedly so.

360. Have you any further remarks to make as to the present system of timber licences?—I wish to state that I think it unfair that the Crown should, when they have so few remaining lots in the townships bordering on the Nicolet, Becancour, and Gentilly, persist in selling licences to cut timber in those townships, which in fact operate only as licence to cut timber on the property of private individuals: the survey posts are obliterated, and the lumbermen cut away without the least regard to private property. There is a suit now pending in the district of Three Rivers, for damages sustained in this way. The Government, too, is entirely dependent on the honesty of the purchasers of the timber licences, in all the country below the Ottawa, for a fair return of the quantity he may cut under it, the Crown not having any supervisor to count the logs or pieces where the parties cut; and I believe that in many instances they cut much larger quantities than they are allowed to do under the licences.

361. Can you give any information as to the class of persons who hold in private property large tracts of waste lands?—I have prepared myself to answer that question, and I now hand in a list which embraces the greater part of the large proprietors in free and common socage in Lower Canada. This list is not given as being correct in every particular; but from the knowledge I have of the acquisitions of the principal landholders, I believe it to be nearly so.

List of large Proprietors of Township Land in Lower Canada.

Dunn Estate, supposed about	52,000	
Frobisher Estate	57,000	
Heirs of the late J. Wurtell	49,000	purchase.
Colonel Plenderleath	42,000	
M'Gill Estate	38,000	
Richardson Estate, represented by enterprising Americans	31,000	purchase.
Honourable Mr. Bell	30,000	purchase.
Philemon Wright	35,000	
Estate of Judge Ogden	30,000	
Sir John Caldwell, about	35,000	
Charles Ogden, esq.	25,000	purchase.
Louis Massue, esq., represented by enterprising Americans	40,000	purchase.
Hart families, different branches	40,000	purchase.
Messrs. Forsyth & Hatt	40,000	purchase.
William Vondenvelden	25,000	purchase.
Estate of G. Glumeg	10,000	
Webb and others	28,000	purchase.
F. and M. Defoy	14,000	
Bagnes Estate	2,000	
Estate of William Holmes	14,000	purchase.
Baby family	10,000	
Lindsay family	10,000	
Colonel Heriot	12,000	
D. R. Stewart, esq.	14,000	purchase.
R. Tayler, esq.	17,000	purchase.
Clarke Estate	12,000	
Scott family	11,000	
P. Patterson, esq.	22,000	purchase,
J. H. Kerr, esq.	21,000	purchase.
T. A. Stayner, esq.	24,000	purchase.
Blanchet Estate	15,000	purchase.

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J. B. Forsyth, esq.	10,000	purchase.
D. Burnet, esq.	10,000	purchase.
Tayler Estate	21,000	purchase.
Felton family	12,000	
W. Gregory, esq.	11,000	
Montizambert family	10,000	
Wilson Estate	13,000	
Judge Gale, supposed	10,000	
Judge Bowen	10,000	purchase.
George B. Rodington	3,000	purchase.
William Henderson	22,000	purchase.
Commissary-General	10,000	
Gray Estate	8,000	purchase.
Stewart family	6,000	
Chief Justice Sewell, about	6,500	purchase.
Allsopp family	16,000	
Cuyler Estate	6,000	
William Somerville, esq.	3,500	purchase.
James Stewart, esq., about	8,000	purchase.
Lester and Morrogh Estate	4,500	
Quebec Bank	14,900	purchase.
William Phillips, esq.	50,000	purchase.
Mountain family	3,000	
Estate of General Maclean	6,000	
Colonel Robertson's Estate	12,000	
Mr. St. Ours	3,000	
Dunford Estate	5,200	
Blackwood Estate	4,000	purchase.
William Hall	14,000	
Sutherland Estate	12,000	
L. Knowlton and others	20,000	purchase.
Stanley Bagg	4,000	purchase.
Benjamin Tremain	8,000	purchase.
Honourable J. Stewart	2,000	
Walker family	2,000	
Mrs. Quiche	7,200	purchase.
Green family	6,000	
Stanton family	3,200	
Pozer family	20,000	purchase.
Robinson Estate	4,000	purchase.
N. Coffin	2,000	
Bejilon	10,000	
Henry Hayle	4,000	purchase.
Gilpin Gorst	5,000	purchase.
Cull Estate	3,000	
Longmen family	11,000	
Honourable E. Ellice, supposed	30,000	
White family	6,000	purchase.
Rev. M. Sewell	3,000	purchase
Fraser Estate	6,000	
Mrs. Scott	2,400	
Holland Estate	4,000	
Miss Finlay	5,000	
Mrs. Eliot	3,000	part purchase.
Estate of James Coldwell	2,000	
J. M'Leod	2,000	purchase.
H. Gowan	5,000	purchase.
Dr. Skey	2,500	purchase.
B. Bowman	4,000	purchase.
William Torrance	6,000	purchase.
Horatio Patton	2,000	purchase.
William Patton	3,000	purchase.
William Price	4,500	
Henry Le Mesurier	10,000	purchase.
Jacques Voyer	2,000	
J. M'Lean	3,000	
George Hamilton	3,500	purchase.
Pastonon family	3,000	
Mallust estate	3,000	
Judge Pyke and Desbarats	24,000	
Chime family	2,000	
Armstrong family	3,000	
Trueman Kempton	16,000	purchase.
J. W. Wainwright	3,600	purchase.

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362. What proportion of these 1,300,000 acres do you suppose to be in a perfectly wild state?—Certainly a million of acres.

363. Do many of the proprietors reside upon their land?—Six out of the whole number reside upon their land.

364. Are many of the proprietors absentees from the country?—There are, I believe, 13 holding land, as follows:

Acres.	Acres.
42,000	3,500
35,000	6,000
10,000	5,200
28,000	5,000
17,000	30,000
21,000	
11,000	219,700
6,000	

365. Where do the other proprietors generally reside?—Generally in the cities of Montreal and Quebec, and the town of Three Rivers.

366. Of what class do they generally consist?—Generally of persons in affluent circumstances, consisting of the most influential class. I could have added very much to the list by taking in persons of a similar class who hold from 800 to 2,000 acres.

367. This is the class of persons upon whom a wild land tax would chiefly fall?—It is; the poor proprietors are generally settled upon and have cultivated their lands.

368. Of what class are the holders of wild land upon the original tenures, whether of French or English origin?—Of late years many men of British origin have bought out the French seigniors, and I should suppose that at this moment more than two-thirds of the large seigniories are held by persons of British origin.

369. But of whatever origin, of what class in society are the holders of these large tracts of wild seigniorial land?—In affluent or easy circumstances, like the proprietors of wild land in free and common socage. I should have mentioned that within the last six years many seigniors, under the provisions of the imperial statute, have changed the tenure of their properties to that of free and common socage; but these holders of large tracts of wild lands are not included in the list which I have given in.

370. From your long and intimate acquaintance with the different systems or practices which have been pursued in this colony with respect to the disposal of Crown lands, and with that which is now in force, do you believe that the settlement and improvement of the country can be effectually promoted without some important change?—I do not think it possible that under the systems or practices which have prevailed, or which now prevail, that any effectual settlement of the country could be made. But, supposing a judicious system adopted and established by law, so as to be free from uncertainty, and with good provisions for the due administration of the law, then I believe that this country would present as fair a field for settlement as any in the world.

John Davidson, Esq., Commissioner of Crown Lands.

J. Davidson, Esq.

371. Can you furnish a statement of the grounds upon which all free grants of land have been made since the receipt of the Treasury instructions of November 1826?—No, I cannot.

372. Is there no such account in your office?—Not in our office.

373. As all such free grants were made upon the recommendations of the Executive Council, is it probable that some record of that sort may be obtained from the books of the Council?—I do not know enough of the proceedings of the Executive Council to state if such is the case, but I shonld presume that the petition on which the grants are founded must be on record, either there, or with the provincial secretary.

374. At all events, your office supplies no means of obtaining the desired information?—No further than when the docket of the entry of the patent states the quality of the party; but this is by no means a general thing; and even then it does not state that it is in respect of the qualification, as, for instance, in respect of officers in the army.

George Herman Ryland, Esq., Assistant Clerk of Executive Council.

G. H. Ryland, Esq.

375. Are applications for free grants of land determined by the Executive Council?—They have been hitherto, when referred by the Governor to the Board.

376. Is that course general?—Yes. The Governor, by his instructions, has been obliged to refer such applications to the Executive Council for their opinion. I believe those instructions go so far as to say, that no grants shall be made unless by the consent and advice of the Council.

377. I conclude that a record is kept of the opinion of the Council upon every such application?—Yes, upon all those referred to them.

378. But I understand you to say, that all such applications were of necessity referred to the Council?—Yes, where the Governor thought the party deserving of the bounty of Government, or that his claim was well founded.

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G. H. Ryland, Esq.

379. Does the record of the opinion of the Council upon every application contain any statement of the grounds upon which the opinion of the Council was formed?—Not in every instance; but as the quantum to be granted was determined by instructions from home with respect to officers and men of the army, navy, and militia, and as half a lot was usually granted to an ordinary settler, the rank or class of the applicant (which was generally mentioned in the heading of the report of Council) may be considered as the grounds on which the grant was recommended. In cases where the claims of the party admitted of a doubt, the committee of Council stated their reasons for granting or rejecting the application.

380. Will the reasons, then, be found in all cases except as to officers?—In many instances, I think. The letter of reference accompanying memorials where the case of the applicant was not clearly made out, sometimes stated the opinion of the Governor as to the right of the party claiming for a grant of land.

381. But that is not the point. What I wished to ascertain was, whether, excepting in the cases of officers, the records of the Council contain a statement of the grounds upon which the petition was acceded to?—Not necessarily in all.

382. In what proportion do you imagine?—That I really cannot say.

383. Do you believe the record exists as to half the cases?—No, certainly not.

384. Or a quarter?—No, I should think not. The memorial would contain the reasons why the grant was asked; and if the Council were satisfied that they were just, a recommendation that the prayer of the petition should be granted was considered sufficient, without recording the contents of the memorial.

385. What then became of the memorials?—In most cases where the applications were granted, they remained in our office, unless the application was for a patent upon a prior recommendation of the Council, the conditions of which had been complied with. In those cases the memorial was returned to the applicant, when the party proceeded to sue out the patent.

386. So that in all cases where the land was actually granted, the memorial containing the grounds of the applicant's claim was returned to him, no copy being kept in your office?—Yes; we keep no copy of the memorial.

387. And, except from the memorial, you are not aware how it would be possible to learn the grounds upon which the grant was made?—No, except from the mention of the rank of the applicant, or from the order of reference which, in any particular case, would contain the grounds upon which the application was made; for instance, if the Council had refused the prayer of an application, and the party praying for a grant had made it appear to the Governor that the Council had come to a hasty conclusion, the reference would probably contain his reasons for submitting it to the reconsideration of the committee.

388. This last statement, however, applies to but a very small number of cases?—To a very few indeed: the reference is generally placed upon the back of the petition in the following words: "Referred to a committee of the whole Council by order of his Excellency the Governor in Chief," signed by the secretary for the time being.

389. The present inquiry relates only to cases of actual grants (excluding all cases of refusal) exceeding 2,000 in number, comprising nearly 3,000,000 of acres, of which free grants a considerable number have been made since a general order of the Government to dispose of all Crown lands by sale only. What the Commissioners desire to obtain from you is the means by which they can learn the grounds upon which such grants have been made?—By reference to the applications themselves, some of which are lodged in my office; and I should presume the others are with the provincial secretary.

390. What proportion of them do you suppose are in your office?—Very few indeed, since the year 1827.

391. And as to the others, you would refer the Commissioners to the provincial secretary?—Yes; such applications as are in my office, I shall be happy to furnish the Commissioners with.

392. Perhaps you will be so good as to make out a statement of the grounds upon which the applications were granted, in all such cases as have been recorded in your office, either by remarks or by having preserved the original memorial?—I should be happy to give the original memorials to the Commissioners; but as to making out the statement they require, I fear, that with the limited assistance I have in my office, it would be impracticable. It would take a great length of time, as I must go into every individual case, and compare the reports of Council with the application; besides which my office furnishes me with very imperfect information.

393. Do you imagine that the Patent-office contains any report of the grounds upon which these free grants have been made?—I should think it does.

394. That is, the office of the provincial secretary?—Yes.

Thomas Allen Stayner, Esq., Deputy Postmaster-General for British North America.

T. A. Stayner, Esq.

395. How long have you resided in this Province?—Upwards of 25 years.

396. We understand that you are a considerable proprietor of lands in the Province?—Yes, I am a large proprietor, both in this Province and in Upper Canada.

397. You have also visited New Brunswick, Nova Scotia, and Prince Edward's Island?—Yes, I am personally acquainted with all the Provinces.

398. Has your attention been directed to the state of landed property in this Province, occasioned by the manner in which lands, the property of the Crown, have been disposed of

to

to individuals?—From having a large stake in the country, my attention has been naturally directed to a subject of such great importance to my own interest, and to that of the public in this colony.

399. The particular circumstance to which the Commission is desirous of drawing your attention, is the large proportion of land which has become private property, so as to be out of the control of the Government, and yet remains in a wilderness state, operating as an impediment to the communications and to the settlement and improvement of the Province? —This is, no doubt, a very serious evil; it is one, amongst others, of the great causes which have kept this Province so long in the back ground, and prevented the developement of its resources; and I conceive that the primary step, in the formation of a general scheme for the actual settlement of the waste lands of the country, should be to remove, or, at all events, essentially to diminish, the impediments which it presents to anything in the shape of improvement.

In expressing an opinion of this nature, I am, perhaps, advocating a view of the question which may expose me to the risk of suffering materially in my interests, through the application of the remedy which, it is probable, will be tried by the Government, with the design of abating the mischiefs arising out of the monopoly of large tracts of wild land by individuals, inasmuch as I am the proprietor of about 50,000 acres of that description of land in this Province; but the conviction has long been pressing upon my mind, that I and other large holders were unwittingly illustrating the fable of the dog in the manger; and this not only in a direct sense, as regards the immediate profit or loss from the lands, but indirectly also, as the general interests of the Province must suffer through a mistaken or vicious system of managing the wilderness lands, which I look upon at present as the chief staple of the country.

A circumstance like the following will show how necessarily I have been led to that view of the subject which I am now taking: 20 years ago, or thereabout, I purchased wild land at what was then considered a low price, in the natural hope that it would be gradually increasing in value, and that, whenever I might choose to sell, it would be at such a profit as would afford me a fair return for the use of the money employed; so far, however, from realizing this expectation, I now find, after the lapse of so many years (when the accumulated interest upon the money invested has increased the cost of the land 150 per cent.), I say I find that I could not, if compelled to sell this land, obtain more for it than it originally cost me.

I do not say but that wild lands, in some parts of the Province, have been sold at a profit within the period cited by me; but, generally speaking, there has been no improvement, deserving of the name, in the price of wild lands, as a marketable article, for a number of years; nor can any price be quoted now as the actual value of such property. With facts like the above before me (and they must be familiar to every man in the country who has been thrown in the way of studying the subject), I say that I have been convinced we were labouring under a delusion in fancying that it was a desirable thing to acquire large tracts of wild land in a Province circumstanced as this has been; and, consequent upon that conviction, I am willing to give my support to any well-considered measure having for its object the forcing of these and other wild lands into actual occupation and settlement, even with the risk attached to it, that, as the holder of a considerable number of acres, which for many years may not be available in the market, I shall be subjected to a large outlay in the shape of fine or tax, which, should the scheme prove a failure, I may never get back. In other words, I consider that nothing can be worse than the present state of things (whether with reference to the interests of individuals, or the prosperity of the colony), and that the sooner a reform is taken in hand by the Government the better for all parties; but, though I speak thus decidedly of the necessity of introducing some system which shall tend to the settlement of the wild lands now in private hands, I mean as decidedly to say that I would not recommend any coercive or penal measure against proprietors, except I were assured that, *pari passu* with the progress of such measure, a plan of emigration on an extended, liberal, and permanent footing should be put into action, and that the funds which I contemplate as accruing from the fines upon wild lands should be expended in bringing out emigrants, and in making practicable and durable roads through those parts of the Province (so far as ean be done) whence the revenue is derived. I would bargain for a full and continuous stream of emigration to the Province, and for the actual settlement of the emigrants therein, as well as for the opening of good roads; otherwise the tax upon wild lands would be felt as nothing better than a robbery, the ultimate effect of which would be what is now witnessed in Upper Canada, through the operation of the wild-land tax there, namely, the wresting of the land from the original owners, and suffering it to fall (in larger masses) into the hands of speculators, who, purchasing it for a mere trifle, can afford to keep it for many years in an unimproved state, and until it suits their convenience to sell it; thus defeating the main object of the Government in imposing the tax.

In employing the land-tax revenue for the objects to which I have adverted, I beg to say that, instead of waiting for the gradual accumulation of a fund from the actual receipts of the assessment (a tedious and objectionable process in the present circumstances of the country), I would recommend the securing of such a sum of money on loan (upon mortgage on the taxes) as would enable the Government to go forward with its plans promptly and vigourously; and I would further recommend that the funds derived from the sale of the Government lands and timber should all be directed to this same great object, as one upon which ths ultimate prosperity of the country, as a dependency of the British Crown, mainly depends.

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T. A. Stayner, Esq.

400. What scheme of taxation would you suggest as best suited, in your opinion, to work out the improvements which you admit to be so much required?—It is a very difficult task for me to give such an opinion on this question as would be satisfactory to myself; there are many conflicting considerations to be weighed and decided upon; and after all, any plan that can be tried will be but an experiment, the working of which may be materially influenced by causes which have not yet been contemplated.

It appears to me, however, that a main point to keep in view in legislating upon the question, is the cost of wild land in the United States. We should endeavour to make the settlement of land in this and the other Provinces fully as advantageous to the settler as it is in those States, otherwise we shall assuredly lose the greater number, and the best description of our settlers, after being at the expense of bringing them out. The measure of the tax upon unimproved land, therefore, ought to be in exact proportion to the value of the land itself; and the value of the land should be in a great degree estimated with reference to the price at which wild land can be purchased in the United States, for ready money.

My idea is that a tax of a halfpenny currency an acre would be a proper sum for the first two years. If not then paid, I would double the rate, making it a penny an acre for the whole of the unpaid time; and for non-payment at the end of those two years, I would again double the rate, making it 2 *d.* an acre per annum for six years. Thus for six years unpaid taxes on a lot of 200 acres, the aggregate dues would amount to 10 *l.*; and if not then paid, I would sell the land.

I have heard that instead of putting the land up to public sale for payment of the taxes, as is done in Upper Canada, it would be better that Government should take such portion of the lot as, at a prescribed value, should liquidate the claim; this plan appears to be more indulgent to the owner of the land, but I do not think it would answer, as the effect would be to throw a great number of fragments of lots into the hands of Government, which would be utterly unavailable. Another, and perhaps a better plan than either of those, would be for the Government at the end of the six years to assume the whole of the lot, at a reduced price, say at one-half or one-third the Government price, paying the proprietor the difference between the purchase-money and the amount of the tax.

401. As regards emigration to these Provinces, will you be so good as to throw into a condensed shape any ideas that may have struck you as calculated to advance the great object in view; that of the actual occupation and settlement of the land by a loyal and industrious population?—I have long been of opinion that the great want of success which has attended so many attempts at settlement in this and the other Provinces, is occasioned by so many poor emigrants, upon their first arriving in the country, undertaking the management of wild lands, and depending upon the produce thereof for subsistence for themselves and families. Many of those poor people have little or no agricultural knowledge, even in a general way, and they are all ignorant of the husbandry practised in the country; the consequence is, that after getting into the "bush," as it is called, they find themselves beset by privations and difficulties which they are not able to contend with; and giving way under the pressure, they abandon their little improvements to seek a livelihood elsewhere. Many resort to the large towns in the Provinces, with their starving families, to eke out, by day-labour and begging, together a wretched existence, whilst others of them (more enterprising) are tempted by the reputed high wages and more genial climate of the United States to try their fortunes in that country. Now and then some individual better gifted, and possessing more energy of character than the mass of the adventurers who arrive, will successfully contend with those difficulties, and do well for himself and family, but the proportion of such is small.

I look upon it that capital is quite as necessary to the successful settlement of the farmer in this new country as it is in England, though of course upon a smaller scale; and that without a capital, or an equivalent for it, the greater proportion of adventurers will altogether fail, or succeed in so imperfect a degree, that the result is of little benefit either to themselves or the country. I would, therefore, if only from a feeling of humanity, discourage the indiscriminate cession of wild lands to new comers without capital. It is far better for themselves and the country that they should labour as servants for a few years, until they have acquired a stock of knowledge, together with money sufficient to enable them to contend against the difficulties by which the inhabitants in the new settlements are sure to be assailed. Such an arrangement as would oblige the poorer class of emigrants to labour for a few years as servants, before undertaking the management of farms on their own accounts, would operate beneficially in another respect; that is, it would afford to those settlers who have capital to work with, the means of procuring labour at a reasonable cost, which it is notorious cannot now be done; in fact, the extravagant wages demanded by agricultural labourers in this Province at present, must eat up all the profits of the farmer. In laying down a scheme for emigration to the Provinces on an extended scale, I should say that great efforts ought to be used to bring out a considerable proportion of practical farmers possessing capital; I conceive that such people might be induced to come out in greater numbers than they have hitherto done, upon proper representations, and holding out to them due encouragement. The formation of good roads throughout the tracts of country open to settlement, connecting the same with railroads and with steam navigation, would operate as a powerful argument with such people to fix their fortunes in the country. As to the poorer classes, they should, as far as practicable, be newly married couples, without the incumbrances of the old and infirm, the paupers and worn-out pensioners, which have hitherto constituted a considerable portion of the annual arrivals from the British Isles, and operated as a heavy clog upon the prosperity of the country. I would induce as many

of

of those newly-married couples or young unmarried people as possible to come out, finding them a comfortable passage in the first place, and holding out to them further encouragement for continuing in the Province and conducting themselves well. They should come out under a bond to remain in the country for at least three years, during which period they should be under the protection of the commission appointed for carrying out the object (for I am presupposing that such a commission will form part of the new system.) I would apprentice out to respectable farmers and capitalists such of the new comers as were willing to enter into an engagement of that nature, giving them the benefit of the wages agreed upon, and holding out the promise of a bounty to such of them as should conduct themselves creditably during the term of apprenticeship.

The opening of the roads which I recommend as an essential feature in the proposed system, will afford employment for great numbers of the poorer classes who cannot be disposed of as farm servants. I would arrange with those that a portion of their wages should be retained in the hands of the commissioners for the first three years, upon the principle of a saving's bank, allowing them five per cent. interest therefor. I think that this would not only please the people and win their confidence, but be the means of providing them at the end of the term with a fund, from which they might pay an instalment upon the purchase of 100 acres of land, and commence farming on their own account. I would also apply this system of saving a portion of their wages to those emigrants who may be apprenticed as farm servants. I am persuaded that this plan (if it can be matured) will tend to happy results.

402. What country people appear to you to make the best settlers in these Provinces?—The Lowland Scotch and the Irish are, in my opinion, best suited for encountering the privations and hardships to which new settlers are almost invariably exposed; they are frugal in their habits, hardy, and for the most part industrious; the Irish, above any people, most readily conform to the new habits of life and of labour which obtain in the Provinces; and it is found, also, that instead of the recklessness which is generally considered as belonging to the Irish character in their own country, they become careful of their earnings, and go on progressively improving their circumstances. The English agriculturist (if a poor man) is seldom so well fitted for becoming a good settler as either the Lowland Scotch or the Irish; he can neither live so frugally, nor does he bear his change of circumstances with so much cheerfulness as the others; this observation applies as well to the women as to the men.

The Germans and Dutch, if located in bodies, become very good settlers. In Upper Canada, and, on a more extensive scale, in several of the United States, they have succeeded very well; they are sober-minded and plodding people, not restless nor prone to change. I should like to see an extensive importation of those people, and of the Swiss also.

403. Having regard to the government price of land in the United States, to which you have already adverted, and to other circumstances which you may consider as bearing upon the question, what value do you think should be affixed to the waste lands of the Crown in this Province?—Besides the price of lands in the United States, I must, in answering this question, have regard to the large quantities of land in the Province held in private hands; much of which is choice land, and in locations most favourable for settlement. There are, perhaps, a million and a half of acres of wild land in the possession of individuals; many of whom it is supposed would be willing to sell at what may be called a low rate for cash, say for from 4*s.* to 7*s.* 6*d.* currency an acre. Whilst so much land is held in this way, it will naturally influence any arrangement for the disposal of the waste lands of the Crown.

Wild lands vary in value very materially, as well from the quality of the land itself, as from its situation; but there is also another circumstance connected with the question of fixing a value upon the waste lands of Government which it may be well to bear in mind, that is, the timber upon it. Until very recently, the timber, as an article of commerce, was not taken into consideration either by Government or by private holders, but it is now otherwise. Our American neighbours have discovered, to their astonishment, that their own resources for pine timber are nearly exhausted, and they are looking with great interest to the lands in Lower Canada and New Brunswick, which possess that valuable article. In the year 1835, speculators from the states of Maine and New York came into this Province and purchased about a million of acres of land, said to be wooded with pine and spruce; and there is no doubt, that but for the financial difficulties which befel the whole of the United States at the close of the year 1835 and commencement of 1836, much more extensive acquisitions of pine and spruce lands would have been made by the Americans; the disposition to acquire those lands is only temporarily suspended, and it is quite probable that in four or five years more the passion will return as strongly as ever. Now, according to the scale by which the Americans estimate such lands, they may be considered as worth from two to six dollars an acre, merely for the timber. The question may therefore be, whether this consideration is to constitute an element in the scheme to be devised, and if so, to what extent? It should be borne in mind also, that the land most valuable for timber is seldom of great value for agricultural purposes. Setting aside for the moment the pine and spruce lands, I do not think that a higher rate than 7*s.* 6*d.* currency an acre can be put upon the waste lands of the Crown.

404. Would you limit the quantity of land to be sold to either settlers or speculators?—I think it would not be possible to do this if you sell for ready money; and any other principle of sale would, in my opinion, only tend to perpetuate and increase the evils under which we are now labouring.

Evidence.

Mr. *A. Russell.*

Mr. *Andrew Russell.*

405. You are a land-surveyor, and have been regularly employed by the Government since 1830?—Yes; chiefly in the townships in the counties of Megantic and Sherbrooke.

406. With what townships are you most particularly acquainted?—With the townships of Inverness, Ireland, Nelson, Halifax, Leeds, and Wolfstown, where I have been employed for many years surveying; and in one of which, the township of Leeds, I held a farm.

407. That district is considered one of the most fertile in the Province?—It is equal to the other eastern townships, which are regarded as the finest part of the Province.

408. Be so good as to describe the state of that district with respect to the degree of settlement that has taken place there, the proportion of land which has become private property to land which remains the property of the Crown, and the proportions in which land, private property, has been cultivated?—In the township of Inverness, which consists of nearly 68,000 acres, leaving, after the deduction for highways, about 61,600 acres of grantable land, there are only 6,200 acres undisposed of, being chiefly the remainder of the Crown and clergy reserves. The first grant in this township was to Mr. M'Gillivray, who, I believe, was one of the partners in the North-west Company, of a quarter of the township, exclusive of the Crown and clergy reserves, comprising 11,550 acres. Mr. M'Gillivray the same year transferred this right to Mr. Frobisher, another of the partners, who granted 200 acres of land, each to two Americans, who settled in the township in the year 1806. These Americans cleared from 60 to 70 acres each, and are at present living upon those farms. From that time till 1824 nothing was done in the way of settlement in this township, though what are termed settlement duties, *i. e.* the clearing of four acres of land and the errection of a hut, were performed by different individuals upon grants which they had received from the Crown. Between 1824 and 1827, three or four individuals established themselves upon grants from the Crown, and made small clearings. In 1827, my father was appointed agent for settling the township, and he located upwards of 30 families upon new grants. He was empowered to grant 100 acres of land to any British subject of good character, who actually settled upon the land; so that in the month of July 1829, when I became agent for the Commissioner of Crown lands, there were 42 families in the whole settled in the township. They had cleared 473 acres, had erected 41 houses, 14 barns, and 18 stables. Between 1829 and 1833 I located about 150 families upon 100 acre lots each, purchased on quit-rent. In addition to these, there were about 20 families who purchased from 100 to 200 acres each, the purchase-money to be paid by four yearly instalments. There were also 20 families from the island of Arran, tenants of the Duke of Hamilton, to whom a gratuitous grant of 100 acres each family, and 500 acres to the leader, was made. There have also been some few settlements made by the commuted pensioners, to whom 10,000 acres of land was allotted in this township; but not more than one-sixth of them have settled upon their land. Concurrently with these settlements upon Crown lands, there were settlements going on upon the land which had been granted to Mr. M'Gillivray and others. Some of the settlers have from time to time sold out from their settlements, and the whole number of families at the present time settled in this township is about 220, containing upwards of 800 souls. Of the lands disposed of by the Crown in this township, 41,100 acres are at present occupied by actual settlers. Out of the 55,400 acres which have become private property, there are about 4,800 acres, or about one-twelfth of the whole, cleared and under cultivation, being in the proportion of rather more than 21 acres to each family.

409. What roads are there in this township, and what is their present condition?—The Gosford road, commenced in 1830, passes through the centre of the township, but it has never been completed, and is in a very bad state of repair. The Craig's road passes along the south-east boundary, but it is also in a bad state of repair. There are bridle roads on the different concession lines. During a considerable portion of the year, though only at the distance of between 40 and 50 miles from Quebec, the settlers in this township can only reach that town on foot, or by a long detour, to get into the Craig's road, which, though bad is not actually impassable, but which makes the distance from 60 to 70 miles.

410. Will you proceed to describe in a similar manner the history and condition of the other five townships which you have mentioned?—In the township of Ireland, which is assumed to contain about 64,000 acres, or deducting the allowance for highways, 58,000, but the true contents of which cannot be known until the survey has been verified, there remain at the disposal of the Crown about 15,000 acres, including the clergy reserves. The first grant in this township was in 1802, to the Mr. Frobisher, to whom, as I have mentioned, Mr. M'Gillivray transferred his quarter of the township of Inverness, of a quarter of the township, or 11,550 acres. Settlement was commenced upon that grant as early as 1805. Mr. Frobisher located upon it about 12 or 14 families, erected a mill, and made a road from Dudswell to the settlement, a distance of 30 miles. From this time to 1820 no new settlements were formed. From the latter year to the present time settlers have occasionally established themselves in the township. A grant of about 4,000 acres in the whole was made to commuted pensioners, of whom about one-sixth only have settled. Of the 43,000 acres which have been disposed of by the Crown, the whole of which, except 700 acres sold on quit-rent, and 603 on instalments, has been disposed of by free grants, there are about 13,000 acres occupied, of which probably the half are in the grant made to Mr. Frobisher. The number of families settled is about 80, comprising 400 souls, the land cleared is about 3,100 acres, about 1-15th part of the whole amount which has become private property, and about 38 acres to each family. The road to Dudswell, made by Mr. Frobisher, is at present nearly impassable, and is used only as a cattle path. The only road from

from this township to Quebec is the Craig's road. There is a road from Ireland to Shipton, which is generally very bad, and which is crossed by two considerable streams, from 200 to 300 feet in width, over which there are no bridges. In the township of Halifax, which is assumed to contain 68,000 acres, or 61,600 deducting the allowance for highways, there remains at the disposal of the Crown about 12,000 acres, including the clergy reserves. The first grant in this township was in 1802, of 11,550 acres, or a quarter of the township, to Mr. Jobert, who transferred his grant to Mr. Frobisher. Upon this grant only one settler was located about 1805. In 1806, there was a grant of 11,245 acres to Mr. Scott. Upon this grant some squatters established themselves some time before the year 1828, and the land which they had cleared was purchased from Mr. Scott by some settlers, who arranged with the squatters, and established themselves upon their improvements. In 1831, 10 or 12 families settled upon the Frobisher quarter, and a few commuted pensioners, about the same proportion of those to whom land had been granted as in the other cases I have mentioned, have also settled in the township. Within the last three years about 40 French Canadian families from the neighbouring seignories of St. Mary, St. Joseph, and Lotbinière have gone in and squatted, principally on the Frobisher tract. The number of families at the present time is between 50 and 60, consisting of about from 250 to 300 souls. There are about 3,000 acres of land occupied, of which there may be about 720 acres cleared, or a little more than the 70th part of the land disposed of. The only road in this township, with the exception of six bridle roads between the concessions, is the road from Ireland to Shipton. I was engaged in 1833 to trace a line for a road from the settlement in Inverness to Shipton, which would have passed through the centre of this township, but it was never made. So much of the land belonged to private proprietors that the Government did not think it worth while to incur the expense, although the line of road marked out was very favourable, and would have shortened the present distance from Shipton to Quebec by about 10 miles. In the township of Wolfstown, consisting of about 68,000 acres, or 61,600 after deducting the allowance for highways, there remains at the disposal of the Crown 34,300 acres, including the clergy reserves. In 1802 the north quarter of this township was granted to Nicholas Montour. This quarter has since passed through several hands, and is now, I understand, the property of the Quebec bank. Nothing has ever been done to settle this township, though some settlement duties have been performed; and I believe that there is only one person established upon it, who is a squatter. The Dudswell road, from Ireland to Dudswell, passes through this township, but it is impassable except during a short period in the most favourable season of the year. The population of the township consists of seven individuals, constituting the family of the squatter I have mentioned, and 18 acres have been cleared by him, being about the 2,000th part of the granted land. In the township of Leeds, which was supposed to contain 62,000 acres, or 56,000 exclusive of the allowance for highways; but the real dimensions of which, owing to an error in the survey, amount only to 52,800, there remain at the disposal of the Crown about 3,000 acres of clergy reserves. The Crown in this township has disposed, by grant and sale, of more land than it actually possessed, since, proceeding upon the assumption that the original survey was accurate, it has proportioned its grants to the assumed dimensions of the township. The first grant in this township was of the south-west quarter to Isaac Todd, who transferred it immediately to Mr. Frobisher. In 1812, 8,002 acres were sold to Mr. Hamilton; but a year before that a settlement had been made by Mr. Palmer and some others, upon land which had been granted to them under location tickets. From that time to 1819 nothing was done in the way of settlement. From 1819 to the present time settlers have been gradually establishing themselves in the township. Of the land disposed of by the Crown, 5,900 acres have been sold upon quit-rents, and 1,000 acres upon instalments; 5,800 acres have been granted to commuted pensioners, of whom about the same proportion as in the other townships have settled themselves. The population at the present time consists of 120 families, containing about 550 souls. The land occupied is about 32,900 acres, and the land cleared about 5,200 acres, rather more than 1-10th of the land granted. The Craig's road, passing through the township, is very rough and hilly, and in a bad state of repair. There is also a road called the Broughton road, leading from the Craig's road to the township of Broughton, which is in a very bad state, almost impassable; and there are bridle roads upon the different concessions. In the township of Nelson, comprising 54,600 acres, or, deducting the allowance for highways, rather more than 50,000 acres, there remain about 12,000 acres Crown and clergy reserves yet to be disposed of. The whole of this township, with the exception of the Crown and clergy reserves, was granted in 1804 to the officers and privates of the Canadian militia who served in the year 1775. Nothing in the way of settlement has been done upon this grant. About 1,200 acres of the Crown and clergy reserves have been sold upon quit-rent, and 240 upon instalments. The population consists of 12 families, containing about 50 souls; the quantity of land occupied is the 1,440 acres which have been sold; and about 100 acres, rather less than a 400th part of the land granted, have been cleared and cultivated.

411. Do you know if the whole or any part of the 38,000 acres granted in this township to the Canadian militia remains in the hands of the original grantees?—I am not aware. There have been a few settlements made upon these lands within the last two or three years by squatters, but I am not aware of the extent of their improvements. The only road passing through this township is the unfinished Gosford road, and there are a few bridle paths.

412. Are you acquainted with the condition of the township of Somerset, which adjoins to the township of Nelson?—It is wholly unoccupied, to the best of my knowledge; though there may be some squatters of whom I have not heard.

413. Are

Evidence.

Mr. *A. Russell.*

413. Are you aware that in that township also, nearly 39,000 acres of land, being the whole township with the exception of the reserves for the Crown and clergy, were granted in 1814 to the officers and privates of the Canadian militia?—I am.

414. And in both of those townships the whole of the land so granted remains totally waste and unoccupied, unless perhaps by mere squatters?—Yes.

415. Can you mention any other instances of townships in which large grants of land have been made by the Crown at a distant period, but where nothing has been done by the grantees to improve the land so granted?—There are many such. In Chester a grant of 11,550 acres was made, in 1802, to Simon M'Tavish, esq., who transferred the grant to Mr. Frobisher. Upon this grant there is now only one clearing of about 30 acres, which was made before the last American war by a person of the name of Moffatt, who has since abandoned the farm. In the same township there was another similar grant, of 11,707 acres, made in 1805, upon which there is only one resident, a squatter, of the name of Goodhugh, who has about 25 acres cleared, and a house and barn. In the township of Ham, too, of which a considerable portion has been granted by the Crown, there is not a single settlement. In Weedon, where also a considerable portion has been granted by the Crown, there is not a single settlement, though upon some of the grants settlement duties have been performed. In Clifton, where upwards of 40,000 acres were granted as early as 1803, there are at the present time only about 20 families located, some of whom are located upon land they have purchased from the Crown since 1827; and there may be about 500 acres cleared. In Dorset about 53,000 acres were granted to Mr. Black in 1799; there is not a single settlement. The land in this last township is of rather inferior quality.

Tabular View of the State of the Townships of *Inverness, Ireland, Leeds, Halifax, Nelson,* and *Wolfstown.*

Name of the Townships.	Superficial Contents in Acres, exclusive of Highways.	Number of Acres disposed of.	Of which there are occupied by Actual Settlers.	And unoccupied.	Number of Acres undisposed of, including Clergy Lands.	Number of Acres cleared and cultivated.	Proportion of disposed of Land cleared.	Number of Families residing in the Township.	Number of Inhabitants in Township.	Average Number of Acres of cleared Land to each Family.	Average Number of Acres of Land occupied by each Family.
Inverness -	61,600	55,400	41,100	14,300	6,200	4,800	1-11th.	220	800	21	186
Ireland -	58,000	42,800	13,000	29,800	15,200	3,100	1-14th.	80	400	38	162
Leeds - -	52,500	49,300	32,900	16,400	3,200	5,200	1-9th.	120	550	43	274
Halifax -	61,600	49,600	3,000	46,600	12,000	720	1-69th.	55	275	13	54
Nelson -	51,526	39,678	1,252	38,426	11,848	100	1-396th.	12	50	8	104
Wolfstown -	61,600	27,300	100	27,200	34,300	18	1-1516th.	1	7	18	100
	346,826	264,078	91,352	172,726	82,748	13,938	1-19th.	488	2,082	28½	186

Charles Franklin Head, Esq., Major in the Army.

C. F. Head, Esq.

416. You have been employed in making a military survey in this province?—Yes, I have. I was directed by Sir John Colborne to make a survey of the frontier townships opposite to the state of Vermont, which I have done from the township of Potton to the Connecticut River, a distance of about 50 miles.

417. The nature of your employment led you, I suppose, into communication with all classes of persons in the township?—The nature of my employment led me to have a constant connexion, during the time I was employed, with all classes of persons, more particularly in the townships of Potton, Stanstead, Barnston, Barford and Hereford, which are five frontier townships. My survey also extended to the townships in the rear of them.

418. Were yon also brought into communication with the inhabitants of the State of Vermont, bordering on the frontier?—Yes, I was. I frequently entered the State of Vermont, and people from that State were continually at Stanstead Plains, were I was stationed.

419. You have also passed through the other eastern townships in your way to and from your stations?—Yes, through many of them, which, in fact, have come under my investigation in connexion with the duties I was performing.

420. It is understood that you have acquired considerable information as to the state of landed property, as well that of the Crown, as of individuals, in those townships. Will you be so good as to describe their condition in that respect?—These townships are settled with a population of from 30 families and upwards, to a township of a hundred square miles. Even in those that are thus settled, the inhabitants are very insecure, both as to the title to their property and in their attachment to the country, from the circumstance of their not having titles to the land they occupy, or to the improvements which they have made upon such lands. In the frontier townships, they consist for the most part of squatters, who have settled upon the land without any title, and are without the means of knowing to whom the land really belongs; and under these circumstances, they naturally imagine that a revolution in the government might give them a title to the land they occupy.

421. How

421. How has it happened that these persons have been unable to ascertain to whom the land belonged?—The land, generally speaking, has been granted in large blocks to absentees, who are either out of the country, or at a great distance from their property, and many have never taken any steps to preserve it, or to look after it in any way. So much so, that although the land is supposed to be granted, it is a matter of mere conjecture, with the actual settlers, as to who may be the legal proprietors of the soil; and I should also add that, from the imperfect state of the surveys of the country, it would be exceedingly difficult to find out who are the real owners. I would illustrate this by stating, that in the course of my surveys, the occupiers have become alarmed at seeing observations making; and when I have mentioned to them that I was not interfering with their property, they have mentioned that it was a great hardship to them, and very disheartening, that they should be improving the property upon which they were settled, without knowing who would reap the benefit.

422. Does this description apply to the whole of the frontier townships?—To the whole of them, with the exception of Stanstead, which has been long settled, and is better known, and where the limits of property are better ascertained; though, even there, to my knowledge, suits are pending to eject men, who, from their industry, have acquired considerable property.

423. Has any remedy for this suggested itself to your mind?—Seeing the mischievous effects of this system during the recent rebellion, when the inhabitants of the frontier townships were very much implicated, I turned my attention to the subject, with a view to some efficient remedy, and upon the fullest inquiry and deliberation, it appeared to me, that the only way of quieting such mischiefs, is to pass, as in many of the United States, what is called a settling Act, by which, in one way or other, actual settlers are insured the fruits of their own industry. This I understand is done in various ways in different States. In some, by allowing the actual settlers to purchase of the legal proprietors, at the price of adjoining wild lands. In others, by preventing the legal proprietor from ousting the settler until he has paid for his improvements at a valuation.

424. Do you consider such a settling Act essential to the security and well being of the frontier townships?—Without some such law, persons so circumstanced cannot feel themselves to have such an interest in the country, or in the maintenance of its government, as to be considered safe or good subjects.

425. Do not these occupiers without a title consist chiefly of Americans, however?—With few exceptions, they are persons who have come from the United States.

426. Are the inhabitants of these frontier townships exposed to any other inconvenience which indisposes them to the actual government?—Person upon first coming into a wild country, like those whom I have just mentioned, have no means of communication with each other, or with a market town, but by roads made and kept in repair by their own exertions; they are frequently miles asunder, and are separated by wild lands, not having any acknowledged proprietors to whom application could be made to assist in what is absolutely necessary to advance the settlement of a new country, such as the making of roads. They are therefore obliged to avail themselves of any means of communication that may exist; and people living in different parts of Canada, are frequently obliged to pass in and out of the United States to communicate with each other, or their county town, and even to go to church, by means of American roads.

427. This naturally leads to comparisons injurious to the Canadian side of the frontier?—Yes; and to discontent on the Canadian side.

428. What then can induce Americans to settle on the Canadian, rather than the American side of the line?—The land is decidedly better in the townships than in the State of Vermont, and the people also would prefer the Canadian government, if they had the same encouragement to improvements that there is in the United States, being very sensible of the benefit of this government, from its not requiring them to pay taxes. Many of the settlers who do come in, not being able to get any title to the land they occupy, never become a fixed population. They clear a few acres to take the benefit of a new soil; they never fence, or take out stumps, or manure, but change from place to place, and may be looked upon as a kind of gypsy race, and ready to join in any mischief that may be going on.

429. Are you aware that immediately after the last American war, the Provincial Government was instructed to prevent as far as possible the settlement of lands, and the making of roads, near to the American frontier, under the idea that a belt of desert land between this country and the United States, would be a means of defence and security?—I understand that such was the opinion after the termination of the last war, but the system has been altogether inefficient, which is completely proved by the fact that the frontier townships are chiefly settled by people from the United States, who have spread themselves into the second and third range of townships, and would no doubt come to the St. Lawrence, if lands were procurable on the terms on which they have occupied the frontier wilderness, that is to say, without payment, and this would of necessity be the effect of a neglect to settle these lands.

430. Does it not occur to you that by enabling these squatters to get secure possession of the lands they occupy, the practice of squatting by American citizens might be encouraged for the future?—There are a considerable number of American citizens who are desirous of becoming British subjects to escape local taxations, and who would make excellent pioneers; these persons would buy wild lands at a fair price, and, having improved them, would dispose of them again for what would be considered a good price by them, but which would be easy to an English settler unaccustomed to the use of the axe, and to the privation of a forest life.

431. Then if a good title were obtainable to new lands upon easy terms, you believe that the

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C. F. Head, Esq.

the inducement to squatting without a title would be removed?—Yes, there can be no doubt that such would be the case. These persons would then be able to bring their improvements to the open market. They are now selling improved lands, under the name of betterments, for a nominal value, on account of not being able to give a title.

432. What are the present obstacles to settling upon land in these townships by purchase, whether from the Crown or from individuals?—The first difficulty is the inability to discover the owner of the property upon which he wishes to settle, that is, whether it be the property of the Crown or individuals. There are no marks at present for lots or ranges of land, and great expense would attend ascertaining the actual position of any lot marked in the map. For although these lots are very nicely defined on paper, I see no way by which a spot can be determined to be in one lot or another by any process available to a surveyor. This more particularly applies to the townships of which I have been speaking, and which have many miles without a settlement. Another obstacle is, that from the wild state of the country at present, and the want of means to ascertain particular lots, after all possible care has been taken to discover a lot of ground, it will in all probability at a future day turn out to be greatly out of its supposed position. Townships have been found to want a whole range when a more accurate survey has been made, in consequence of its becoming more valuable. Another obstacle which they have to encounter is, the terms upon which alone they can obtain land. They might be able to pay instalments, but they have not the means of paying the money down. The Land Company is an exception to this, but they have but a limited range.

433. Do you consider the townships of Lower Canada as highly eligible for settlement?—They are particularly so. Men have acquired a very handsome independence who have started without anything but their axe, and who are now alive to tell their story. They would form a remarkably fine grazing country. They are intersected in every direction by rivulets, streams, and lakes. The farmers only want an outlet for their produce, to extend the growth of it, or to extend the herd of cattle to any amount. They feel the want of this outlet, and they have applied to the House of Assembly for an Act permitting them to make a railroad to the St. Lawrence, but the application was refused. They are now paying 5 *s.* per cwt. either way to the nearest market for the transport of their produce; and they cannot compete with the Americans living on Lake Champlain, who, without waste of cattle, or any considerable expense, supply the market, which would naturally belong to the eastern townships, if their enterprises were allowed fair play. The natural features of the country, notwithstanding these circumstances, are such that the people are independent, and living comfortably, but cannot extend their industry and enterprize much beyond individual wants, and therefore the townships have been prevented from advancing as they might have done. The climate is particularly fine and healthy, and improvements are going on, but not in the proportion they might. The townships are naturally a splendid country; and it is not my opinion only, but that of the oldest and most intelligent residents generally, that nothing is wanted to make a high degree of prosperity there, but a cheap and expeditious communication with the markets and shipping of the St. Lawrence.

434. Would not such a communication with the St. Lawrence add greatly to the value of land generally in the township?—It would do so of necessity, and in all probability nearly double the value. Of course the degree of benefit would depend upon vicinity to the railroad, but other roads would immediately follow the making of a main line, and thus diffuse the benefits over the whole country.

435. What is the course of the railway which the people of the townships would have made if the Government had not prevented them?—The line most favourable would be from Stanstead plains to Sherbrook, for which the country is very suitable, a distance of 40 miles. From Sherbrook it would follow the course of the river St. Francis to Port St. Francis, on the St. Lawrence, which would be convenient to the markets of Montreal and Quebec. The whole distance of the railway is 110 miles. From the best opinions I have been able to collect, the cost would be about 5,000 *l.* per mile, or about half a million for the whole distance. The expenditure would, in my opinion, add so greatly to the value of the land through which the line passed that the proprietors would do well to furnish at once at least 100,000 *l.* of the proposed outlay, as no more than equivalent for immediate benefits.

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24 July 1838.

Honourable *Dominick Daly*, Secretary and Registrar of the Province, and Member of the Executive Council.

Hon. *D. Daly.*

436. How long have you resided in this country?—Sixteen years.

437. You have, I believe, had occasion, both as an individual and officially, to become acquainted with the evils which result to individuals and the public, from the great extent of Crown land which has become private property, and yet remains in a wild state?—I have.

438. Be so good as to describe them?—It has most decidedly prevented the settlement of emigrants in many instances. It has rendered persons already settled extremely discontented, from the difficulty of obtaining the necessary internal communications. In some instances settlers of many years standing are obliged to cross the line of the American frontier, and by a circuitous route, through the State of Vermont, to obtain access to other places within the province which they may have occasion to visit.

439. They go round by the State of Vermont, in order to make use of the American roads?—

roads?—They do, not having any of their own. The vicinity of the forest is also very injurious to settlers by harbouring wild beasts, and making it impossible for them to keep sheep in particular.

440. But the main objection to the quantity of private land remaining wild, is the impediment which it places in the way of making roads?—Decidedly.

441. The quantity of land in this situation is very great?—It is very great; the evil is felt more or less almost throughout the province; as well in the seigniories as in the townships, but particularly in the vicinity of new settlements.

442. The seigniors hold a quantity of land, which remains wild?—A very general subject of complaint against the seigniors is the difficulty of obtaining further concessions of the wild seigniorial lands upon reasonable terms.

443. And some of them, under the Canada Tenures Act, have commuted their seigniorial tenure into free and common socage, whereby, as to the conceded part of their seigniories, they have escaped their seigniorial obligation of conceding lands upon certain known conditions?—They have.

444. Do you consider the adoption of some remedy for the evils in question as essential to the settlement and improvement of the province?—I do consider the adoption of some remedy very essential; and I think the successful operation of any measure for the introduction of emigrants into the province will mainly depend upon the removal of these evils.

445. Has any remedy suggested itself to your mind?—A tax upon wild lands has occurred to me as likely to accomplish, or at least to promote, this object.

446. Do you mean an acreable tax?—Yes, a tax of so much per acre.

447. To be levied for all land held in a wild state?—Yes, except a moderate quantity which might be appended to each farm, and might remain as forest for firewood, and other purposes. And in case of non-payment of the tax, a sufficient quantity of the land should be sold or resumed at a settled value by the Government.

448. Do you not imagine that such a tax would be very unpopular with the holders of wild lands?—I think it not improbable that it would be unpopular with many holders of wild lands; but I think it would ultimately be beneficial to them, by increasing the value of their remaining lands to a much greater extent than the whole block would ever arrive at, if they continued solely to depend upon the reluctant improvement of the poor neighbouring settlers.

449. Then perhaps you suppose the proceeds of the tax to be expended in the improvement of the country?—Decidedly; the judicious application of the funds thus raised, in the opening of roads, would benefit the new settlements to a greater extent than any other measure that at present occurs to me.

450. Would it not also be some justification of such a tax that the conditions upon which a great part of the land, now wild, had been granted, had not been performed by the grantors?—Undoubtedly it would.

451. And that, speaking in the legal sense only, the Government has a right to resume such lands?—In a legal sense, I presume that the Government could resume these lands.

452. Would it not be necessary, in order to levy such a tax, that a fresh survey should be made, to ascertain what is, and what is not Crown property?—An accurate survey of the whole of the ungranted lands in the province I believe to be extremely desirable and necessary to quiet doubts that have arisen in the minds of many new settlers as to the correctness of their present boundaries.

Robert Christie, Esq., of Cross Point, Ristigouche.

453. You have resided for some time in the district of Gaspé?—I have resided there since 1831, inclusively, and had a previous acquaintance with the country from having visited it on public business for several years previously.

454. Are you acquainted with the system of granting land, by the Crown, which has been pursued in that district?—I believe that no lands have as yet been patented in that district; many people there have, however, obtained titles to lands therein by virtue of an Act of the Provincial Legislature, 59 Geo. 3, c. 3.

455. What was the object of this Act?—The object was to secure the inhabitants of the district of Gaspé in the enjoyment of their lands. Under this Act individuals who, without any title, had occupied and improved lands there, obtained adjudications, as they were termed, of their lands, under which they now have an absolute property in them. Since that Act some persons have purchased land from the Crown, but have not yet received any title to it, although it is now six or seven years since some of the purchases were made. I do not, however, know whether this has arisen from their not having paid the purchase-money, or from any other cause.

456. There are not, I suppose, any large proprietors of land in the district?—No; that is, not of more than from 1,500 acres to 2,500 acres, and very few of those.

457. What proportion of the district of Gaspé is seigniorial land?—I believe a very small proportion. In that part of the country with which I am acquainted there are only the seigniories of Pabos and Grand River; each, I believe, two leagues in front by two leagues in depth, and the seigniory of the Lake Matapediac, comprehending the lake, and a league in depth all round it. There are also, I believe, some seigniories on the St. Lawrence, but they are mostly unsettled.

458. So that nearly the whole of the land in the district of Gaspé remains yet to be granted by the Crown?—It does, with the exception of the front; which, I believe, is nearly

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R. Christie, Esq.

all occupied; but by far the most valuable land lies, as I am credibly informed, in the rear of the occupied lots.

459. Has there not been a large sale of land in the district of Gaspé, amounting to nearly 100,000 acres, which has excited some complaint?—There was such a sale about a year and a half ago; but the prompt manner in which the Government annulled the sale has given universal satisfaction.

460. Upon what ground was this sale annulled by the Government?—It was annulled, as I understood it, because the sale had been made by the Crown-lands agent without sufficient authority, and in contravention of the Royal instructions. The notice of the sale was not published in the Gazette, or in any other paper; and, in the next place, I have reason to believe, that it was not sufficiently published; or, at least, sufficiently known (for I presume publicity of intended Government sales of land to be the purpose of publication) in the neighbourhood where the sale took place. A gentleman in the immediate neighbourhood, concerned in the lumber trade, no longer than three weeks ago, declared to me that although he was concerned in the lumbering on those grounds, and resided within seven or eight leagues of the tract in question, he had no knowledge of the sale whatever until after it was over; when, for the first time, he learnt it, to his great surprise and annoyance, from one of the purchasers.

461. Had it been the practice previously to advertise the sales of Crown lands, in the district of Gaspé, in the public Gazette?—No, it had not been the practice; but none, however, but small detached lots, to accommodate actual occupants, had, I believe, been previously disposed of by sale in that district, and but very few of these. But this however, I humbly conceive, would not justify the putting up, in the same manner, so large a tract as 90,000 acres. I might mention that a large tract, I believe 60,000 acres, or thereabouts, of the land in question, was, very shortly after the purchase from the agent, published for sale in New York, by publication in a pamphlet shape, extolling those lands, and with reason, as of a superior description; the whole accompanied, as I have been reputably informed, by a lithographic diagram, before any thing of the kind could be had in the proper offices in Quebec. This latter part of my statement I can vouch for, having myself called at those offices, and requested a sight of the original diagram from which the lithograph was taken; when, to my astonishment, I learnt that nothing of the kind was to be seen or found in the offices; I allude to the Surveyor-general's and Crown-lands offices.

462. Were the purchasers residents in the district, or strangers?—They were not resident in the district, but strangers to it; and, I believe, the whole tract, or nearly so, fell into two hands, although a few other names may possibly appear on the returns.

463. Were the purchasers, from their character and occupation, persons who might be expected to know the nature of the regulations for disposing of Crown lands, and whether those regulations had been violated in this particular instance?—I think they could not but have known those regulations from the circumstance, that Crown lands in this and the adjacent Province were (unless in the instances I have mentioned, of their being sold to accommodate actual occupants, in small quantities and by lots) invariably published in the official, and sometimes other papers, before sale.

464. You have stated that the resolution of Government to annul the sale, produced universal satisfaction; would the confirmation of that sale then have produced any inconvenience to the inhabitants of the district?—Decidedly. It would have thrown a large tract of country, highly susceptible of agriculture, and capable of receiving 500 poor families, into two hands; and I think that this tract comprehends one of the finest portions of land in the whole district of Gaspé, possibly in Lower Canada. It is well watered, and every way adapted to immediate settlement, particularly by the poorer class of settlers; who, if located there, would find themselves in the immediate vicinity of the fisheries, which would at once afford them immediate resources for subsistence and furnish them with a permanent and profitable market for their produce hereafter; with reference to this tract of 90,000 acres, I have heard it asserted, upon what I should deem good authority, that if the lumbering business, that is to say, the cutting and felling of pine and hardwood for exportation, were carried on upon it to any considerable extent for three or four years, the purchasers would, in timber duties alone, save more than the purchase-money they were to pay upon it. In other words, that the Government, independently of the monopoly of those lands and the timber on them, by two or three individuals or concerns, and the mischief thence arising to the public, was giving them totally away for a sum less than the timber duties would amount to in four years; and, that in all probability, the latter would sooner find their way into the public chest than the last instalments of some of the purchasers, though I pretend not to say how true this may be; but, I believe, the sale of these lands has shaken the confidence of some of those who were cutting there under Crown licenses, and that people are still apprehensive that these lands will, by some means or other, surreptitiously become private property.

465. What are the general capabilities of the district of Gaspé for supporting an agricultural population?—As great as any part of the district of Quebec. Its climate is nearly the same, but its soil is generally superior. At the present time, however, its capabilities have not a fair chance of development, for want of roads; if the Kempt road, from Mitis to the Ristigouche, and from thence to Carleton, were completely opened, and made practicable for carriages, I have no doubt that the whole line would be settled in less than three years. Another great obstacle in the way of the progress of this country is, the difficulty of obtaining titles, or any satisfactory pledge that the persons who improve lots will be secure in their improvements. I know at the present time many individuals living in my own immediate neighbourhood, who would be glad to purchase Crown lands for immediate settlement,

settlement, if they could at once procure a title or satisfactory pledge to the la d the might select. In some cases, owing to the difficulty which is now experienced, as just mentioned, individuals, at their own risk, are improving lands, in the expectation of getting a title, on paying for them, though they are anxious lest they should be compelled to pay for their own improvements. This state of things produces a degree of uneasiness which it is very desirable should be prevented. It is, perhaps, difficult for an individual thus circumstanced not to feel some concern as to his future situation; nothing, I conceive, tends more to confirm a people in their loyalty (if I may touch upon this chapter) than a security in their title to the land they occupy and have improved. The easy acquisition, too, of a title would be no small inducement to emigration.

466. Suppose an emigrant from England should arrive in the district of Gaspé with a capital of 1,000 *l.*, desirous of investing a portion of it in the purchase of land from the Crown, and the remainder of it in improving the land, what course would he pursue in order to obtain a grant?—He would be exceedingly embarrassed how to proceed to obtain an immediate title; I do not know how he ought to go to work to obtain it; nor is there, in my belief, a single individual in the district of Gaspé who could give him the requisite information; nor am I aware that under the existing system it is practicable.

467. Is there any Crown lands office in the district of Gaspé?—There is a Crown lands agent.

468. Are there any annual sales?—Not that I am aware of.

469. Are there any means of obtaining a legal grant in the district?—Not that I am aware of.

470. What are the duties performed by the Crown lands officer in the district?—His duty is, as I understand it, to dispose of the Crown lands when so authorized by the head of his department, and to look after the Crown dues on timber cut under licenses from the Crown.

471. How do you reconcile that part of the last answer which relates to land, with the answer to the previous question?—That I must leave to Her Majesty's Government, or to the Crown land agent himself. But the apparent discrepancy may be thus explained; there are no means of obtaining a grant in the district, the grant must be obtained in Quebec; an emigrant may purchase there, but he cannot, even there, always obtain the lot he would choose, for he must be content to purchase one of those put up for sale; and the sales according to the existing system, only, I believe, take place periodically, by order from Quebec, and of lands previously surveyed and published for sale. If an emigrant could, on going to a certain Crown lands office, inspect a diagram of lands in any given part of the country, make his selection, and on paying for his lot, obtain an immediate title, I think it would induce hundreds of settlers to remain in the country, who leave it in disappointment and disgust, taking with them their capital, and industry, more valuable than capital, to enrich the neighbouring States.

Henry Le Mesurier, Esq.

472. What have been your opportunities of observing the operation of the system which has been pursued in the disposal of land in this province?—I have resided in the province since the year 1814, and for eight years I have resided in a country district; I am myself a large owner of wild land in the townships, and have two settled farms there, and, from having a commercial establishment in Granby, have very frequently visited that part of the country.

473. You have naturally been led to notice the effects which have been produced upon the settlement and improvement of the country, by the existence of large tracts of land, which have become private property, and are still in a perfectly wild state; what, in your opinion, would be the fitting remedy for the evils thus occasioned?—The opening of roads and communications throughout the country, which might easily be effected by a tax upon lands. A great part of the evils to which the question refers, have been caused by the land being in the possession of absentees, who have done nothing towards the improvement of the roads, or opening the country.

474. Then you are favourable to a general wild land tax?—Decidedly; as the only means of bringing that part of the country into cultivation, but not upon an uniform scale.

475. What is the nature of your objection to an uniform scale of taxation in this case?—The difference in the value of wild lands. In some partially settled townships, these lands may be worth from two to four dollars an acre, whilst in others, altogether in a wild state, the value may not exceed 2 *s.*

476. Does this difference of value arise from a difference in the fertility of the soil, or from the greater value given in some cases by the proximity of settlement?—Altogether from the greater value given by the proximity of settlement.

477. Upon what scale, then, would you propose that the tax should be levied?—I would propose that the whole of the townships should be valued, and that a scale of taxation, in proportion to that value, should be levied in each township.

478. But supposing that the whole produce of the tax were applied for the general improvement of the country, by the opening of roads, &c., would not the owners of the land, which is now, as you say, least valuable, derive, probably, more proportionate advantage from its application than those whose land, being near to the settled districts, possesses already a considerable value; and would not this counterbalance the seeming injustice of laying on an uniform tax upon lands of different value?—I think not; I think that the partially settled

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H. Le Mesurier, Esq.

townships will derive a greater proportionate advantage than the distant townships from the application of the tax, as new settlers will always give a preference to the neighbourhood of other settlements, and of a market. I would, however, propose that the valuation which I have suggested as the basis of the tax, should be renewed every three years, to provide against any unfairness arising from alteration in the value of the lands. I should recommend that the townships should be classed according to the value of land in them, and should be taxed in classes, that set of townships paying the highest tax, in which land was of the greatest value, and so on.

James Bell Forsyth, Esq.

J. B. Forsyth, Esq.

479. How long have you resided in this country?—I was born in Upper Canada, and, except having been educated in England, have always resided in these Provinces.

480. You have been led, I believe, to pay attention to the subject of emigration from Britain, especially with respect to the poorer class of emigrants?—I have.

481. Emigration of this description appears hitherto to have been attended with many evils, but to have been improved of late years?—It has been improved with respect to the destitute sick, and to the totally destitute, by means of the Emigrant Society, and the fund raised by the emigrant tax; but with regard to the main body of emigrants, the evil results of a total want of system are as conspicuous as ever.

482. Will you be so good as to specify what you consider the defects of the present mode of proceeding?—The great evils that have hitherto existed have arisen from the want of system, and especially from the want of all adequate means of information, advice, and guardianship. This want of information necessarily gives a vagrant character to their movements. Unable to obtain information as to the best mode of proceeding in this province, they move onward to Toronto, and find the same want there; they become disgusted, and leave the province in large numbers, to become citizens of the American Union.

483. In what proportion do you suppose (not asking you to speak with precision) do emigrants from Britain proceed to the United States?—My observation on the subject has led me to estimate this amount at 60 in the 100 during the last few years; but it should be observed, that a great number of emigrants, intending to settle in the States, come by way of the St. Lawrence, in consequence of the greater cheapness of the passage, arising from the operation of the lumber trade, which brings out so many large vessels in ballast. The ordinary price of a steerage passage to New York is from 8 *l.* to 10 *l.*, while the same passage from England to Quebec costs from 2 *l.* 10 *s.* to 4 *l.*

484. You mean by the want of information, advice, and guardianship, that the emigrants are left to shift for themselves in a strange country, respecting which they know next to nothing?—Yes; they have no person to apply to but the government agent for emigrants, who, however willing he may be to afford them information, has not (from want of adequate means) his office upon that extensive scale upon which it ought to be placed, in order to be commensurate with the wants of the emigrants.

485. What are the means by which, as you suppose, emigration of the poorer classes might be conducted with the greatest advantage to themselves and this Province?—My idea is, that there should be a board of management in England, and a corresponding board here, acting with unity of purpose. Each board having its separate agencies, the one for the purpose of promoting the emigration of the most suitable class from England, and superintending the arrangements for their passage, and their being landed here in good health and spirits; and the other for the purpose of carefully distributing them through the Provinces, in the manner most conducive to their advantage. One duty of the board here should be to supply the board at home with accurate information as to the state of the labour market here, and the class of persons whose labours was most in demand. It would be highly desirable that the whole of the emigration should be under the superintendence and authority of the two boards, whether the emigrants paid their own passage or not, as it would otherwise be impossible to establish the requisite discipline. Besides that, the captains would be under more control than it is possible to establish over them by any Passengers Act, not having any especial board appointed to enforce its provisions. I consider that the emigrant should be under the guardianship of the board here for 12 months after his arrival, or until he has obtained sufficient experience of the country to shift for himself. Poor emigrants coming to this country should, for their own sakes, be considered in the light of children, not to be spoiled by over care, but to be judiciously aided and supported during the necessary period of their helplessness, which would scarcely ever exceed 12 months. A good deal would depend upon the selection of persons of industrious and prudent habits; and it has occurred to me that an efficient mode of proceeding would be that the board at home, through the heads of different religious denominations, should induce young clergymen to enlist, as it were, a body of emigrants, to accompany them to this country as their guide and pastor, and to establish himself in the midst of them here upon a tract previously prepared for their reception, with provision for the decent maintenance of the minister, and for public worship. I am inclined to think that by this means, in nine cases out of ten, the emigrants would be fixed upon the land instead of quitting their settlements, as now commonly happens, because they are really in the wilderness without any social ties. The provision for the clergyman should depend upon his bringing out a certain number of families (I should be disposed to say from 150 to 200 families), and the provision would consist partly of a money payment of from 100 *l.* to 150 *l.* per annum, and partly of an endowment of 200 acres as glebe land. I presume each body of emigrants to have been brought out at the public expense, and would make that expense a charge upon

upon the and assigned to them. The Government should not give these lands to the emigrants, and I also presume that the price would be made payable by eight or ten annual instalments, with interest, the whole amount ultimately raised being sufficient to cover the entire cost of the settlement, including the expense of the passage from England, and of the religious provision. I should also suggest, that if Government is at all afraid of the expense, I should imagine that English capitalists would be willing to purchase the obligations of the settler at a reduction of from 25 to 35 per cent., which would thus repay the Government the whole expense of their outlay, and enable them to repeat the same process over and over again. The security of the purchasers of these obligations would be the land itself, which would not become the absolute property of the settler until the whole amount was paid.

485*. The principle of this plan, as I understand it, is, that the Crown revenue derived from sales of land should be made a security for loans, of which the produce should be employed for the purpose of emigration and settlement, including religious provision?—That is the principle: but my plan contemplates an absolute disposal of the obligations at whatever they would bring, instead of a loan.

486. What price do you think should be required for the land under the proposed system?—I think 10*s.* should be the minimum, and that the emigrant would be better able to pay this than 5*s.* cash; or there might be two prices, one for ready money, and one for payment by instalments.

487. Would it not be necessary in that case that the minimum price of all Crown lands should be raised to the same amount?—I think so. Under such a system some of the lands could not be sold at first, but they would as, in time, land became more scarce and valuable.

Mr. *Patrick Daly*, Commissioned Surveyor of the Province of Lower Canada.

488. You are just come to Quebec to make a representation as to the state of the township of Durham?—I am.

489. What is the point which you wish to ascertain?—Whether I can have authority to establish a new line between the 6th and 7th ranges of the township of Durham.

490. What would be the consequence of such a change?—In consequence of a part of the old range line being found incorrect to the extent of 60 perches, whereby the 7th would lose about one-fifth of its dimensions, and the same amount would be improperly added to the 6th. The change I wish to make would set this right.

491. How did you discover that the line was incorrect?—In consequence of having been employed by Captain Ployart, of Durham, to run the side lines of Lot No. 15, in the 6th range, in order to determine the extent of his property, he being the proprietor of that lot, I discovered that the line was incorrect, as I have described already, and I cannot proceed to rectify the error without authority from the Governor, or some person appointed by the Governor, as we have not any laws in the province to enable me to make a new range line, and as the old range line is not to be found, with the exception of a small part, which is in the wrong place, as I have described.

492. Would a new line have the effect of taking away land, in actual possession, from any person and giving it to another?—Yes, it would.

493. Do you suppose that other range lines in this township are correct, or incorrect?—Some are correct, but they are generally incorrect; my attention, however, has not been particularly called to them.

494. Are not the proprietors of the other lots in which the lines are incorrect anxious to have the limits of their property settled?—Yes, very anxious, more particularly the inhabitants of the 3d range, about one-quarter of whose property is taken by the inhabitants of the 2d range, through the means of an erroneous old range line, as has been proved by various subsequent surveys duly sworn to. I am requested by all the inhabitants of the 3d range to take steps to obtain a new range line.

495. Have they ever applied before for this ratification of the survey?—Yes, they applied to the Surveyor-general's department, by a statement made by me and now in the Surveyor-general's office; but the answer was, that there was no law in the Province to authorize the changing of a range line, however incorrect, without the consent of all the parties concerned.

496. Then all the parties did not concur in this case?—No, they did not.

497. Why not?—Because many of those who improperly gained by the error, wished to retain what rightly belonged to their neighbour.

498. As the former application was fruitless, upon what ground do you now proceed?—Upon the confidence that, as Lord Durham has greater powers than other governors, he may be pleased to consider this great loss of property to the people, and give orders to correct the evil.

499. Are you acquainted with other townships?—Yes.

500. Have you found the surveys of them generally correct or incorrect?—I have found the surveys of the township of Windsor as incorrect, or even more so, than that of the township of Durham; which can be proved by the most reliable testimony. Generally, with the exception of the township of Wickham, I have found them quite incorrect. I speak only from my personal experience and not from what I have heard.

Evidence.

Mr. *J. Keough.*

Mr. *James Keough,* Miller and Magistrate, from the district of Quebec, and Commissioner of the Summary Court for the Township of Ireland.

501. You have had many opportunities of observing the state of the townships?—I have resided for seven years in the township of Ireland, and have had considerable experience.

502. Are there not great difficulties in the way of the settlement and improvement of the county of Megantic in consequence of the state of the roads?—Yes, there are.

503. To what circumstances do you attribute the deficiency of the roads and their bad state of repair?—The first cause is the neglect of the grand voyer in performing his duty in visiting that part of the country, and the consequent neglect of the road surveyors; the next is, the great number of lots of land owned by absentee proprietors upon the principal roads, and the difficulty, owing to the deficiency of the present road law, in compelling these absentee proprietors to contribute to repairs of the roads.

504. What is the nature of the deficiency in the road law to which you allude?—When proprietors of land do not reside upon their property there is no means of making the land contribute to the expense of repairing roads, except by proceedings in the Court of King's Bench at Quebec, to obtain power to sell the lands; and now this cannot be done until the road overseer has expended 10 *l.* in repair of that portion of the road which belongs to that lot, which they are always unable to do, as it might take 10 years before the money laid out in respect of any particular lot amounted to this sum, and during the whole of that time the individual would be laying out of his money.

505. Have there been any instances in which absentee proprietors have contributed to the expense of roads passing by their property?—I have not known of any; whenever applications have been made to them on the subject, the invariable answer has been, that if the people want roads they must pay for them.

The Honourable *Jonathan Sewell,* Chief Justice of the Province of Lower Canada.

Hon. *J. Sewell.*

506. You have been a resident in this Province for a considerable number of years?—For nearly 49 years.

507. During that time, you have probably had many opportunities of seeing the effect produced upon the state of the Province by the large tracts of land granted by the Crown, and allowed to remain in a wild state?—I have.

508. Have you considered to what extent the injurious effects, resulting from this amount of wild appropriated land, might be remedied by the imposition of a general tax upon all wild land?—Such a tax, would in the first place, be virtually a quit-rent. If laid, it must be either of a burdensome description, in order to produce a pressure upon the proprietor, and thereby force him to cultivate or settle his land, or of a small amount, in which latter case, it would produce the same effects that the quit-rents have formerly produced, and, like them, would be ultimately abandoned. If it were of the former description,—as it appears to me that the neglect to cultivate on the part of the owner of land has been produced as much by the conduct of the Government itself, by having persisted in grants according to the chequered diagram, notwithstanding the representation made by the Governor in Council against that system to Lord Castlereagh, as by the default of the proprietor,—it may be considered a tax that ought not in justice to be laid on the proprietors. The greatest injury to the settlement of the country, produced by the non-cultivation by the proprietor, is the want of roads, which they could not make without taking upon themselves the burden and expense of making roads, not only through their own lots, but also through the Crown and clergy reserves.

509. Would not this objection be removed, if the Crown and the clergy were compelled to contribute towards the expense of roads in equal proportions?—I think it would, provided a course were adopted for laying out the roads in the first instance by the intervention of the grand juries of the county, with the concurrence of the justices of the quarter sessions, and an assessment were then made with due notice to the proprietors whose lands are assessed, and an equity of redemption allowed in cases of sale during one year after the sale had taken place, upon payment of the purchase-money with interest, and any further sums which may be required to make up the amount of the assessment.

510. As the want of roads is not the only injury which these wild lands inflict upon the settled districts of the province, do you see any objection to a tax which should be imposed for the purpose of compelling the proprietors of wild lands to settle and cultivate their property?—I see no objection to an occasional tax, by way of assessment, upon the lands of all proprietors, for roads, bridges and other county purposes, in the manner before mentioned.

511. The question however is, whether in your opinion there are any objections to a tax upon all wild lands, not merely for the purpose of making roads, bridges, &c., but for the sake of rendering it the interest of the proprietor to cultivate or settle his land?—I beg leave to refer to what I have said before, in answer to a former question: and to add that a general tax, in my opinion, would rather impede in its effects the settlement of the Province than promote it, and that the object proposed by such a tax may with greater certainty be obtained by assessment in the manner I have proposed, as occasion should require, and, for the reasons I have stated, with greater justice.

512. Then your objection is to a general tax imposed by Government, and you would approve of local assessments by the inhabitants of a township or county, for the accomplishment

ment of local objects?—I should approve of assessments by grand juries in the manner I have stated.

513. If the grand juries should refuse to make roads, would you see any objection to allowing a power to the Government to take the necessary means for the purpose?—It would of course be in the power of the Legislature to provide such means as they might see proper if the grand jury refused. My objection is not, as I have said before, to taxation for county purposes, but to the means proposed for raising it, by a general tax; conceiving, as I do, that the assessment is equally effectual and more fair. I should object to laying a land-tax upon any man's land for purposes which are not yet defined. My objections to such a tax, in brief, are: 1st, that for the reason I have stated it would bear hard upon the proprietors; 2d, it would impede the settlement of the Province, as it would be equivalent to a quit-rent, and produce the same consequences; 3d, by assessment labour would always be effectually procured, to the great advantage of the new settlers, who have very little specie indeed for the payment of taxes.

513*. Within what limits, as to extent of land, would you propose that the power of local assessment should be confined?—Within the jurisdiction of each court of quarter session.

514. In whom would you place the power of assessment?—In the grand jury, with the concurrence of the court of quarter sessions.

515. Of what class do the grand juries and the court of quarter sessions consist?—The court of quarter sessions consists of magistrates, appointed for the district by the Crown; and the grand juries, of the better classes of the settlers.

515*. You would then make it optional with the grand jurors and the magistrates to lay an assessment, or not, as they should please?—I would.

516. Would it not happen that the grand jurors and magistrates might be large proprietors of wild land?—It is very possible that some might be, but the large proprietors would be as competent judges of the advantages to be derived from any road to themselves and to others as those of minor estate.

517. Is it not a general complaint that the large proprietors have neglected to take any steps for the making of roads, &c.?—It is; but I cannot say deservedly, as I have stated before, and I say this because the perseverance in the chequered diagram, by the orders of the Home Government, has been the principal cause of the want of roads.

518. Are you acquainted with the system of leaders and associates?—I am aware that leaders had associates.

519. Do you think that the mode of granting by the chequered diagram has conduced more to the want of roads than the system of leaders and associates?—I think it has as much.

520. Will you be so good as to explain in what way you think it has had as much effect in preventing the formation of roads?—By the want of means to make roads through the Crown and clergy reserves; which, consequently, left the burden of making roads through those lots upon the proprietors, in addition to their own.

521. That is only a repetition of your former statement, and takes no notice of the evil produced by enormous grants to individuals under the system of leaders and associates. Do you consider the evils of these large grants as less than those arising from the chequered diagram system?—Probably it is not less, but I really cannot say; I have no knowledge of the course that has been pursued by the leaders and the associates, as I am not myself a grantee of the Crown for any land whatever, except what I hold by purchase from the Crown.

522. I wish to explain, that the tax which is submitted to your opinion would not be like a local assessment for any specific purpose, such as that of making a road, but would be in the nature of a fine, for the purpose of abolishing a nuisance of large tracts of land remaining in a wild state, because they have been placed by free grant out of the control of the Government, and are totally neglected by their absentee proprietors. It is in that light that I respectfully request of you to state your opinion of the tax, the Commissioners having been informed that you had strong objections to such a tax, and being desirous that all the objections to the tax should be reported to the Crown, as coming from a gentleman of your known experience and ability?—The objection that I have to a general tax, I have endeavoured to explain: if it were to operate as a fine, I do not see that they would be altered. A fine is a penalty for some individual misconduct, but a general tax, if a fine, would operate as a general punishment, instead of being confined to those whose misconduct may have merited it.

523. Has your attention been at all turned to the state of the surveys in this Province, and of defects in titles to property, in consequence of errors in the surveys?—I have known of many defects in the surveys which have appeared in many cases before me, and am apprehensive that they are very numerous. I can only state, from my own opinion, two remedies by which these defects may in some degree be remedied; the one is by running anew the outlines of the several townships, the other an Act to quiet possession, such as has been heretofore passed in other provinces. I am afraid that running the outlines of the townships would not be of any great benefit beyond exposing the errors.

Evidence.

Rev. *E. W. Sewell.*

Rev. *Edmund Willoughby Sewell*, Minister of the Chapel of the Holy Trinity in Quebec, and a Member of the Corporation for managing the Clergy Reserves.

524. When was the corporation for managing the clergy reserves originally created?—I believe in or about the year 1818; but I have not the letters patent to refer to at present.

525-6. What are the general duties of that corporation?—To lease the lands reserved for the support of the Protestant clergy, to collect the rents, and generally to perform all the duties annexed to the management of land.

527. Of what do the clergy reserves in this Province consist?—They consist of one-seventh of the conceded lands of the Province, exclusive of the seigniories.

528. It has been suggested to the Commissioners, that, under the terms of the Act 31 Geo. 3, generally known as the Constitutional Act, under which these reserves were authorized, the clergy reserves ought to be equal to one-seventh of the land granted, and therefore one-eighth of the whole land comprised, for instance, in a township, instead of one-seventh of the whole land comprised in such township, as appears to have been the practice; will you therefore be kind enough to state what opinion you have formed on the subject?—I am of the opinion that it is to be one-seventh of every township.

529. The words of the Act are, "that whenever any grant of land shall be made, there shall at the same time be made, in respect of the same, a proportionate allotment and appropriation of lands, for the support of a Protestant clergy within the township or parish to which the lands granted shall appertain, and that the lands so allotted and appropriated shall be equal in value to the seventh of the land so granted." Supposing that, for instance, seven-eighths of a township should have been granted, would not the remaining eighth (supposing the lands to be of equal value) be equal to a reserve of one-seventh of such grant?—I should say so; but I conceive that the intention of the framers of the Act was to grant one entire seventh of each township to the clergy.

530. But the practice I believe has been to appropriate one-seventh of the whole township as a clergy reserve?—I understand so.

531. A considerable portion of the lands reserved for the clergy have been sold under the authority of an Act of the Imperial Parliament; what has been the character of the sales thus made?—A great deal of the property has been sacrificed, particularly in the case of the lands that were under lease at the time.

532. The value of the property under the management of the corporation then has been materially diminished by these sales?—Yes, certainly.

533. Can you judge to what extent?—I cannot state positively; but I find, by a memorial addressed by the corporation to Lord Goderich, in 1832, that, in the case of 25 selected lots, the average price at which they were sold by the Commissioner of Crown Lands amounted to 6*s.* 11*d.* per acre, while their estimated average value was 18*s.* 6*d.* per acre. These however were probably selected as the most striking instances, and may not form a fair example of the whole.

534. These sales were made, I presume, on the authority of the Commissioner of Crown Lands; had the corporation no power to interfere in the matter?—They could only remonstrate; and they made several remonstrances, but without effect.

535. So that, in fact, the property designed for the support of the clergy would appear to have been squandered away?—Undoubtedly.

536. Are you aware that great complaints have been made as to the injurious effect of clergy reserves in impeding the settlement and improvement of the Province, by interposing tracts of wild land in the midst of the settled districts?—I am aware that such has been the case, but I do not think that such complaints are well founded to the extent represented. I think they have sprung more from a desire to injure the Church, than from the evil produced by the reserves; and I think that if the corporation had not been checked in their measures for leasing these reserves, the evil, such as it is, would not have been so great as it is represented to be.

537. But, as these complaints exist, might it not be more advantageous for the clergy that, instead of a reserve of land, they should be entitled to a portion of the future sales of Crown lands, equal to the proportion of land to which they are now entitled?—I do not consider that such an alteration in the present system would be for the advantage of the Church; but I must be understood in this case as only expressing an individual opinion.

Alexander Carlisle Buchanan, Esq., Chief Agent for Emigrants in Upper and Lower Canada.

A. C. Buchanan, Esq.

538. How long have you held your present office?—Since November 1835 I have been acting agent, and have received the appointment of agent in April last, as successor to my uncle, who held it from the commencement of the appointment in the year 1828.

539. The office was created, was it not, in consequence of the recommendation of a Committee of the House of Commons?—Yes, it was.

540. What are the duties of the office?—To furnish correct information to emigrants as to the best place of obtaining settlement, and employment for those who are in want.

541. How is this done?—I have printed instructions distributed at Grosse Isle, and on board the vessels here on their arrival in the harbour. The instructions are for the purpose of preventing imposition upon the emigrants on their arrival, and to acquaint them with the protection which the law affords them, and also with the several routes to the different settlements

settlements of the two Provinces, where they would be likely to obtain land and employment. My duty is also to correspond with the heads and managers of public works and improvements going on in either Province, and to obtain from them a correct estimate of the number of labourers and artizans they may require.

542. Do you furnish any authority at home with regular information as to the demand for labour in these Provinces?—My uncle used to correspond directly with Mr. Hay and Mr. Wilmot Horton, who were then in the Colonial-office; and the annual report, which is made up at the close of the season, and given in to the Governor-in-chief, is sent to the Colonial Secretary, for the information of Her Majesty's Government, and printed by order of the House of Commons.

543. Does that annual report contain an account of the state of the demand for labour in the colony during the past year?—Yes; it states where the greatest demand for labour has been during the past season, and the prospect for the ensuing season.

544. Does it give particulars as to the amount of wages?—Some years it does, others it does not; this generally appears in an appendix, consisting of copies of the weekly reports made to the Governor-in-chief.

545. Have you a regularly-established correspondence with the different districts of the Province, for the purpose of giving information as to the state of the demand for labour?—Yes, with the different agents established in the Upper Province. There are no other agents than myself in the Lower Province; but I have correspondents in the eastern townships, the place where the principal demand for labour exists.

546. Correspondence with an agent?—With Mr. Webster, the Sub-Commissioner of the British North American Land Company, as the person upon whom most reliance could be placed for the distribution of the funds remitted by the parishes for the benefit of the pauper emigrants.

547. Does your office contain copies of the correspondence upon this subject?—Yes; but almost every letter of consequence is contained in the Appendix to the Reports of 1835 and 1836.

548. Does your office act under instructions from the Colonial department at home?—Yes, under instructions from Lord Goderich to Sir John Colborne, and transmitted to Mr. Buchanan by Lord Aylmer.

549. Have you any direct correspondence with the Government at home?—I have never since my appointment corresponded directly with any officer of the Government at home.

550. Is there any officer of the Government at home with whom, in case of necessity, you could correspond directly?—The office has corresponded with Mr. Pinnock upon the subject of some pauper emigrants who were forwarded under his immediate superintendence; and I understand that Mr. Elliott has been appointed Agent-general for Emigration. I have had no communication from him, but have addressed a letter to him, requesting any instructions that he might think proper to communicate for my guidance.

551. Are there any funds at the disposal of your office?—Not any; the fund raised by the emigrant tax is expended by the Emigrant Society.

552. How many persons does your office employ, and what are the salaries?—The following is the list of salaries and allowances for this office, but there is at present no assistant agent. Previous to Mr. Buchanan, chief agent, being obliged to leave this country for the benefit of his health, in 1835, I filled the office of assistant agent, and resided at Montreal.

Allowances to Emigrant Department:

Chief Agent's salary	£. 400	–	– per annum.
Assistant Agent	100	–	–
Clerk	40	–	–
Boat-hire and watermen boarding vessels	25	–	–
Office rent	30	–	–
Stationery	10	–	–
Printing	12	–	–
Postages	10	–	–
Travelling expenses	50	–	–

553. Does this account include Upper Canada?—No, it does not.

554. Referring to the instructions which you have mentioned as regulating the proceedings of your office, do they contain any specific directions as to the duties which you have to perform?—I conceive that they do not; in fact, they were not addressed to my office at all. I suppose that they were transmitted to my predecessor, in order that he might be acquainted with the views of the Home Government on the subject.

555. Have there then been no specific instructions for the guidance of the agent for emigrants from the time of the creation of the office till the present moment?—There may have been, but I am not aware of any. I have myself followed the routine that I found established. I had proposed to have enclosed to Lord Durham a copy of the despatch from Lord Goderich, with a request that I might be favoured with such instructions as he might please to direct.

556. Then you are not aware whether your predecessor was guided by any instructions in his view of the nature and limit of the duties of his office, or whether he acted entirely upon his own judgment?—I am not aware that he had any instructions. In all cases that he found any difficulty in, he applied to the Governor-in-chief: the office has at all times been in constant communication with the Governor-in-chief upon all subjects upon which any difficulty has arisen.

557. Then

Evidence.

A. C. Buchanan, Esq.

557. Then you have no other rule than the routine established by your predecessor, and the will of the Governor, in cases for which there has been no precedent?—That is the case.

558. It appears that you have not any direct official communication as to the administration of your office, except with the Governor of this Province?—With the Governor of this Province, and also with the Governor of Upper Canada.

559. Upon what subjects have you communicated with the Governor of Upper Canada?—I have generally addressed him in the spring and fall, requesting instructions from him as to the prospect of employment in his Province for the ensuing season, and also to receive any instructions which it may please his Excellency to adopt as regards emigrants proceeding to Upper Canada.

560. Then your communications with the Governor of Upper Canada are, in fact, only of the same nature as those which you might have with an agent for emigrants, and do not, in any manner, concern the general duties of your office?—Yes; but at the time of the establishment of this office there were no agents for emigrants in Upper Canada.

561. Have you any accurate information as to the ultimate fate of the emigrants who arrive at this port?—Not as to their ultimate fate; but at the close of each season I get a return made from the emigrant agents in the Upper Province, as to the number who may have settled in their respective districts. This information is, however, necessarily very general.

Joseph Skey, Esq., M. D., Deputy Inspector-General of Hospitals.

J. Skey, Esq. M.D.

562. How long have you resided in this Province?—Since 1829.

563. You are president of the Quebec Emigrant Society, and have been for some years an active member of the committee?—Yes.

564. When was the society instituted?—The existence of the society can be traced imperfectly as far back as the year 1820. In the year 1832 the society was charged with the disbursement of one-fourth part of the funds raised by the Act of 1 Will. 4, c. 17, for the assistance of poor emigrants.

565. With what object was the society instituted?—To supply food, clothing, fuel, and medical assistance to destitute emigrants, and to assist in forwarding them to the Upper Province.

566. Are you aware whether at the time of the formation of the society there were many emigrants in a state of destitution?—I was not in Canada at that time, and have, therefore, no personal knowledge of the fact; but have no doubt that such was the case, inasmuch as the society was formed for the express purpose of relieving the destitute emigrants.

567. As a member of the committee, and president of the society, you have had peculiar means of becoming acquainted with the condition of the poorer class of emigrants to this Province during the last six years?—Yes, I think I may say that I have.

568. Will you be so good as to describe their condition generally; those, I mean, with whom the society was brought into communication?—The emigrants with families, from the south of Ireland in particular, as well as the pauper emigrants from England, those emigrants sent by parishes, in large proportions, arrive in a state of great poverty. I should say that the majority of the voluntary emigrants from England, and from the north of Ireland, do not generally arrive in a state of actual destitution, since they generally possess a little money, unless their families are very large. We have had occasion to remark upon the manner in which pauper emigrants have been sent from England, and to recommend that funds for their location should be furnished by the parishes, and entrusted to authorized agents here for their benefit. The observations apply, in some degree, to pauper English emigrants, but to a far greater degree to those from Ireland, and particularly from the south of Ireland.

569. What has generally been the condition of a pauper emigrant from England upon his arrival in this Province?—Generally either with nothing, or with a very small sum in his pocket, entertaining the most erroneous ideas as to his prospects here, expecting immediate and constant employment at ample wages, entirely ignorant of the nature of the country and of the place where labour is most in demand, and of the best means by which to obtain employment. He has landed from the ship, and from his apathy and want of energy, has loitered about the wharfs, waiting for the offer of employment; or, if he obtained employment, he calculated upon its permanency, and found himself, at the beginning of the winter, when there is little or no employment for labour in this part of the country, discharged, and without any provision for the wants of a Canadian winter. In this way emigrants have often accumulated in Quebec at the end of summers, encumbered it with indigent inhabitants, and formed the most onerous burden on the charitable funds of the community; to a less degree, perhaps, since the tax upon emigrants was levied, and since the Emigrant Society have hastened their progress.

570. Have such emigrants usually been in a healthy state upon their arrival?—Upon their arrival here, I should say, generally, yes, though very often too weak for labour, being in a state of convalescence from some disease; because since 1832 the quarantine establishment at Grosse Isle has arrested the disease there.

571. But I mean upon their arrival in the river?—Upon their arrival in the river a great number of sick have landed; a regular importation of contagious disease into this country has annually taken place.

572. That disease originated of course on board ship?—Oh yes.

573. And

573. And was occasioned by bad management?—I should say so, in consequence of the ships being ill found, ill provisioned, over-crowded, and ill ventilated. This is now in some degree remedied by the present Passengers' Act.

574. Has the mortality during the voyage been great?—I should say that it has been dreadful; to such an extent, that in 1834, the inhabitants of Quebec, taking alarm at the number of shipwrecks, the mortality of the passengers, and the fatal diseases which accumulated at the quarantine establishment at Grosse Isle, and the emigrant hospital of this city, involving the inhabitants of Quebec in the calamity, called upon the Emigrant Society to take the subject into consideration, and make representations to the Government thereon. In point of fact, there has been an annual importation of contagious disease into this city from the emigrant ships, and I believe that I shall be confirmed in that opinion by the best informed of the medical practitioners of this city, to whom I beg leave to refer you for more precise information.

575. Could you state generally what has been the common fate of the emigrants of the class in question leaving a ship at Quebec?—A few remained here; the greater part proceeded up the river, and ultimately, I believe, to the Upper Province, or the United States.

576. Many of them have died here, have they not?—In some years considerable mortality has existed among them, and in 1832 and 1834, the years of epidemic cholera, the mortality was frightful.

577–8. Is there any record by which one could ascertain the fate of poorer emigrants?—I am not aware of any in the Lower Province, but I think it not impossible that such may exist in Upper Canada; we have nothing of the kind here.

579. What have been the proceedings of the society in respect of poorer emigrants?—Up to the year 1832, the charitable and private fund of the society was applied as before stated; more lately that fund has been applied to relieve wants not contemplated by the Provincial Act. That portion of the fund raised under that Act by the tax upon emigrants which has been entrusted to the society has been almost exclusively appropriated to forwarding them up the river to Montreal, or to sending home such of them as disease or accident rendered incapable of supporting themselves, as well as those families who, from the loss of those individuals upon whose labour they depended for support, would have been burdensome to the country. At times, such individuals and families have been assisted with free passages, or with contributions towards free passages, to the neighbouring Provinces, or even to the States, if such assistance would enable them to join friends capable of assisting them. The society is responsible for the due appropriation of the public funds with which it is entrusted to commissioners named by the Governor. The society is governed in its operation by certain rules, which determine the mode of distribution of its funds, and the description of the individuals to whom relief shall be given. Since 1832, when a fourth of the fund raised under the Provincial Act was placed at the disposal of the society, they have received from that source 5,795 *l.* 5 *s.* 2 ½ *d.*, and have forwarded 16,884 emigrants (the great mass of whom have been sent to Montreal) out of a total emigration of 166,242, or about one-ninth of the whole. They have received during the same period from private charity 1,019 *l.* 10 *s.* 2 *d.*, and have assisted 5,145 persons in the manner formerly described. The amount from the former source is less than the number of emigrants during the period would give by the emigration or capitation tax, from the Provincial Act having expired in 1834, and not being renewed till 1835. So that during the former year, which, from the prevalence of epidemic cholera, was one of great suffering to the poorer emigrants, the society had at its disposal only about 416 *l.* for all purposes. In addition to this, the society have endeavoured, by various representations to the Government, to obtain improvements in the system of emigration, and the removal of various hardships to which the emigrants have been, and to some of which they still are, subject. For example, in the year 1833, the mortality and distress which occurred amongst commuted pensioners coming out as emigrants, induced us to represent the same to the provincial Government, and to deprecate the continuance of a system so ruinous to the pensioner emigrant and so injurious to the public; and in 1834, in compliance with resolutions passed at a meeting of the citizens of Quebec, we inquired into the operation of the then Passengers' Act, the 9 Geo. 4, c. which operated very unfavourably to the life and health of emigrants, and suggested certain improvements in it, many of which have been since embodied in the present Passengers' Act.

580. Do you consider the present Passengers' Act sufficient for its purpose?—If its provisions were duly enforced in England, I should think it was nearly sufficient. I am also inclined to think that a sufficiently qualified medical man should be provided for a smaller number of emigrants than the Act requires.

581. In what repect are the provisions of the Passengers' Act not sufficiently enforced?—I think you might obtain from other persons a more correct answer to this question than I am able to give.

582. Do you think that the establishment of a responsible authority at home to enforce the provisions of the Passengers' Act before the departure of the emigrants would be an improvement of the system?—Assuredly.

583. Is it your opinion that, with proper arrangements, large bodies of emigrants might come from England to this country without incurring the evils that you have described?—I should think that they might, under the Passenger Act duly enforced, and good preparatory provision made in this country, but not without.

Evidence.

Henry Jessopp, Esq.

Henry Jessopp, Esq.

584. You are Collector of Customs of the port of Quebec?—Yes, I have been so since 1833.

585–6. You have had good opportunities, I presume, of observing the operation of the provisions of the Passengers' Act, so far as they affect emigrants arriving here from the United Kingdom?—I have.

587. Will you be so good as to state whether you consider the present Passengers' Act, as at present enforced, a sufficient provision for the protection and wellbeing during the passage of the poorer and more ignorant class of emigrants?—If the provisions of the Act were strictly enforced by the agents at home, it might be, with certain improvements.

588. In what respect does it appear to you that the provisions of the Act require to be more strictly enforced?—It very often happens that the poorer emigrants have not a sufficiency of provisions for the voyage; that they should have a sufficiency of provisions might be enforced under the Act, which authorizes the inspection of provisions by the outport agent for emigrants. Many instances have come to my knowledge in which, from insufficiency of provisions, emigrants have been thrown upon the humanity of the captain, or the charity of their fellow-passengers. It would appear also, from the fact that many vessels have more emigrant passengers than the number allowed by law, that sufficient attention is not paid at the outport to enforce the provisions of the Act as to the proportion between the numbers and tonnage.

589. Have such instances been of recent occurrence?—Not this season, emigration having almost ceased, in consequence, I presume, of the political state of the Province; but last year there were several instances in which prosecution took place. Vessels are chartered for emigration by persons whose sole object is to make money, and also to make a trade of evading the provisions of the Act: this applies particularly to vessels coming from Ireland. We have found, in very many instances, that in vessels chartered in this way, the number was greater than allowed by law, and the captains have declared that the extra numbers smuggled themselves or were smuggled on board, and were only discovered after the vessel had been several days at sea. This might be prevented by a stricter examination of the vessel. The Imperial Act requires that the names, ages, sex, and occupation of each passenger should be entered in a list, certified by the Customs' officer at the outport, and delivered by the captain, with the ship's papers, to the officers of the Customs here. Lists, purporting to be correct, are always delivered to the tide-surveyor, whose duty it is to muster the passengers, and compare them with the list; and this list, in many instances, is wholly incorrect as to names and ages.

590. What is the object of falsifying the ages?—Infants under 12 months do not pay anything; children from 1 year to 7 count only three to an adult; from 7 to 14, two; and the object of the falsification is to defraud the revenue by evading the tax upon emigrants, payable under the Provincial law. This tax is paid, not by the emigrant, but by the ship's owners; the person who charters the vessel therefore has a direct interest in the falsification.

591. With what object are the names falsified?—A list of persons is made out, and if any of them do not take their passage, the names remain for others who may be substituted for them.

592. Does any practical inconvenience arise from this falsification?—As to ages, the obvious disadvantage of the defeating the deliberate provision of the Act as to the proportion between numbers and tonnage, and of evading the tax imposed here. The falsification of names produces no inconvenience, and I have only referred to it for the purpose of showing the careless manner in which the system is worked by the agents in the United Kingdom. All prosecutions for the infringement of the Act take place here; and many inconveniences arise from the delay and the expense of prosecution.

593. Be so good as to describe that delay and that expense?—Prosecution can only take place in the Vice-Admiralty Court, which, until lately, has only sat at certain intervals; and there is a necessity of bringing up the captain and his witnesses from the different coves, to the serious injury of their business. The expense of prosecution in 1836 amounted, on the average, to about 18 *l.* in each contested case; the penalty being only 22 *l.* Last year the masters of the different vessels confessed judgment, and the expenses of each case were about 11 *l.*

594. In what manner were these expenses incurred?—By the Attorney-general's bill, and the Court awarding the charges against the Crown.

595. Is the Attorney-general made the prosecutor under the Act?—Yes, under our instructions to send all cases to him.

596. And he is of course entitled to fees?—Yes.

597. Which probably constitute the bulk of the expense?—Nearly the whole expense consists of fees to the Attorney-general and other officers of the court.

598. Do any other points occur to you relating to defects in the administration of the Act in England?—The emigrant should be examined by a medical man before embarkation, so as to prevent disease from being taken on board, especially small-pox.

599. Be so good as to mention such suggestions of improvement of the Passengers' Act as may have occurred to you?—I am of opinion that the penalty for exceeding the number of passengers allowed by the Act is too high in some cases, and too low in others. The cases in which the penalty is too high, is where the number is not exceeded by more than three or four, or where the captains can prove that the extra number had smuggled themselves

selves on board. In such cases, though the penalty enforced may not be more than 5 *l.*, the costs both of the captain and the Crown are the same, and are from 10 *l.* to 12 *l.* to the former. This penalty is too low in all aggravated cases; and since it has been decided that, under the clauses which impose the penalty of from 5 *l.* to 20 *l.* for every offence, the whole number in excess constitutes but one offence, the penalty becomes nugatory; for in proportion to the greatness of the offence is the smallness of the penalty. A captain having, for instance, from 40 to 50 above his number, may get by this excess from 80 *l.* to 100 *l.*, while the utmost penalty is only 20 *l.* Instead of this fixed penalty, I would suggest that the penalty should be about 2 *l.* sterling for each passenger, being about the passage money for each. In this way, no master of a vessel could find it for his interest to pass the limits fixed by the law. I have already brought the subject under the notice of the Board of Customs, by a letter written early in January, but have not heard anything from them on the subject. There should also, I think, be a power of summary conviction before two magistrates for infringements of the Act, instead of the prosecution before the Court of Admiralty. In this case the penalty might easily be awarded, according to the number of passengers exceeding the limit allowed by law.

600. Do you think that such improvements as you have suggested in the Act are absolutely necessary?—I think that they are necessary, to impose a check upon persons who make a trade of providing the passages for emigrants, as well as for the benefit of the emigrants themselves in such cases.

All complaints with regard to excess of numbers, and the condition of the emigrants during their passage, and at their arrival here, are attended to by the Emigrant Society, and the agent for emigration, but there is great difficulty in substantiating the latter.

601–2. What has been the effect of the lumber trade upon the cost and security of the passage of the emigrant to this country?—As to the cost, it certainly has enabled the emigrant to come out to this country at a much lower rate than he would otherwise have been able to do, in consequence of the very considerable number of vessels proceeding to this country in ballast. With regard to the latter point, the security of the emigrant, in consequence of the numerous wrecks that took place, and the consequent loss of life, attention was drawn to the very inferior class of vessels that were chartered for the accommodation of emigrants coming to this country; and the Government have consequently interfered, and have compelled the employment of a better class of vessels, since which period wrecks have been far less frequent.

603. Are the precautions at present adopted to secure the employment of a proper class of vessels for the passage of emigrants, in your opinion, sufficient, or can you suggest any alteration by which their efficiency might be increased?—I should suggest that before any emigrants are allowed to embark upon any vessel a survey of the same should be held by two or more competent persons, and a copy thereof lodged with the collector or chief officer of customs at the port, or with the resident emigrant agent, with a sufficient penalty to enforce the observance of the rule.

604. Can you state what has been the actual number of shipwrecks of emigrant vessels proceeding to this port from the United Kingdom during the last eight years?—I have no record of the number of shipwrecks, or the extent of loss of life, in my office; but I will endeavour to procure and furnish you with the particulars.

605. Have you had any opportunity of observing the character of the emigration to this country conducted by the late Earl of Egremont, as regarded the provisions made for the comfort and health of the emigrants?—Yes: I have been on board many of the vessels sent out by the late Earl of Egremont. The vessels were well found, the emigrants were clean and comfortable, well provisioned, and not only had every arrangement been made for their comfort during the voyage, but for their settlement in this Province. Each body of emigrants was under the care of an agent sent out for the purpose, who was charged to watch over their comfort during their passage, and to accompany them to the settlement prepared for them, and a sum of money was granted to each family to secure their support for 12 months. Not merely were the arrangements for the passage better than in any other emigrant vessels that I have seen, but the emigrants were generally of a superior class, and better selected than any of those who have been sent out at the expense of the parishes, or who have emigrated at their own cost.

606. Have the emigrants generally who are sent out by parishes been inferior to those who found their own way out?—Very generally, both morally and physically. The parishes have sent out persons far too old to gain their livelihood by work, and often of drunken and improvident habits. These emigrants have neither benefited themselves nor the country; and this is very natural, for, judging from the class sent out, the object contemplated must have been the getting rid of them, and not either the benefit of themselves or the colony. An instance occurred very recently which illustrates this subject. A respectable settler in the eastern townships lately returned from England in a vessel, on board of which there were 136 pauper passengers, sent out at the expense of their parishes, and out of the whole number he could only select two that he was desirous of inducing to settle in the eastern townships. The conduct of the others, both male and female, was so bad, that he expressed his wish that they might proceed to the Upper Province, instead of settling in his district. He alluded, principally, to gross drunkenness and unchastity.

607. In the course of your observations upon the mode of emigration of the poorer classes to this country, have any improvements suggested themselves to your mind?—I have thought that a general board of emigration should be established in England, with efficient local agencies. This board should have the entire charge of the emigration of the poorer classes as regards especially the selection of persons and vessels, and indeed every arrange-

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Henry Jessopp, Esq.

ment connected with the emigrant until his arrival in this country, where he should find a branch of the home commission, whose duty should be to make every arrangement for his reception and settlement in one of these Provinces. By this arrangement, the welfare of the emigrant would be secured, and the inhabitants of Quebec and Montreal would be relieved from the constant appeals to which they are subject from persons who arrive here, and linger about in a state of total destitution.

Joseph Morrin, Esq., M. D.

J. Morrin, Esq. M.D.

608. You were formerly Health Commissioner under the Provincial Act of 1832, establishing a board of health, and are now inspecting physician of the port of Quebec?—Yes.

609. How long have you resided in this country?—I have been in practice here for these 20 years.

610. Are you a member of the committee of the Emigrant Society?—I was, but am not so at present, having ceased to be a member on becoming commissioner of the Marine and Emigrant Hospital, in which capacity one-fourth of the funds raised under the Act imposing a tax upon emigrants passes through my hands.

610*. What is the nature of that tax?—It is a capitation tax of 5*s.* upon all adult emigrants arriving in the Province, whether rich or poor.

611. In what manner is the produce of the tax disposed of?—One-fourth is received by the commissioner of the Emigrant Hospital at Quebec for the relief of all sick emigrants arriving, until the opening of the navigation the year following their arrival; another fourth is placed at the disposal of the Quebec Emigrant Society; another fourth at the disposal of the governors of the Montreal General Hospital for the benefit of sick emigrants; and the remaining fourth at the disposal of the Montreal Emigrant Society.

612. You have had occasion to observe the condition of the poorer class of emigrants upon their arrival in this country?—I have.

613. Will you be so good as to describe it?—Since the establishment of the quarantine at Grosse Isle, 30 miles below Quebec, in 1832, where all emigrant ships are obliged to stop, I have had less opportunity than formerly of seeing the state in which emigrants actually arrive. Before that period, I was well acquainted with it, often from personal inspection. The vessels then came direct to this port. I am almost at a loss for words to describe the state in which the emigrants frequently arrived. With a few exceptions, the state of the ships was quite abominable, so much so, that the harbour master's boatmen had no difficulty, at the distance of gunshot, either when the wind was favourable or in a dead calm, in distinguishing, by the odour alone, a crowded emigrant ship. I have known as many as from 30 to 40 deaths to have taken place in the course of a voyage, from typhus fever, on board of a ship containing from 500 to 600 passengers; and within six weeks after the arrival of some vessels, and the landing of the passengers in Quebec, the hospital has received upwards of 100 patients at different times from among them. On one occasion, I have known nearly 400 patients at one time in the Emigrant Hospital of Quebec, for whom there was no sufficient accommodation, and in order to provide them with some shelter, Dr. Painchaud, the then attending physician, with the aid of other physicians, incurred a personal debt to the Quebec Bank, to a considerable amount, which, however, was afterwards paid by the Provincial Legislature.

614. Was the mortality great amongst the emigrants at that time?—Yes, considerable, and was attended with most disastrous consequences; children being left without protection, and wholly dependent upon the casual charity of the inhabitants of the city. As to those who were not sick on arriving, I have to say they were generally forcibly landed by the masters of the vessels, many without a shilling in their pockets to obtain a night's lodging, and very few of them with the means of subsistence for more than a very short period. They commonly established themselves along the wharfs, and at the different landing places, crowding into any place of shelter they could obtain, where they subsisted principally upon the charity of the inhabitants. For six weeks at a time, from the commencement of the emigrant ship season, I have known the shores of the river along Quebec, for about a mile and a half, crowded with these unfortunate people, the places of those who might have moved off being constantly supplied by fresh arrivals, and there being daily drafts of from 10 to 30 taken to the hospital with infectious disease; the consequence was, its spread among the inhabitants of the city, especially in the districts in which these unfortunate creatures had established themselves. Those who were not absolutely without money got into low taverns and boarding-houses and cellars, where they congregated in immense numbers, and where their state was not any better than it had been on board ship.

615. You are describing a state of things which existed some years ago?—It existed, within my knowledge, from 1826 to 1832, and probably for some years previously.

616. Since 1832, has not a considerable improvement taken place?—Yes.

617. To what do you attribute this improvement?—To the Passengers' Act; the existence of the fund for the benefit of emigrants, already alluded to; and the establishment at Grosse Isle, where all cases of contagious disease are detained, and the emigrants who are not affected with such disease are landed, and subjected to some discipline for the purpose of cleanliness, the ship being also cleaned whilst they remain on shore. Grosse Isle has been made public property, and the whole establishment there is under the direction of the Executive Government. There is a person called the sutler, with whom a general contract is made that he shall have on the island all such necessaries as may be required by emigrants

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on their arrival, at a small fixed advance upon the current prices at Quebec; and a list of the Quebec prices is constantly exhibited in a public place, where all the emigrants may see it; and the sutler is obliged to take the English money of the emigrants at the Quebec rate of exchange.

618. Do you consider the provisions of the Passengers' Act sufficient for their purpose?—Speaking generally, I should say they would be, if rigidly enforced.

619. Do you mean enforced here or in England?—In England, if I may believe what has been repeatedly stated to me by emigrants, and persons who had the best means of information, and whom I had no reason to disbelieve, there has been much neglect in enforcing the stricter provisions of the Act. The Act is evaded in various ways, especially as respects the quantity and quality of provisions, and also as to an excess of numbers more than allowed by the Act. I refer principally to what took place before the last two years, having had no opportunity of examining the working of the Act during that period.

620. Had you an opportunity of inspecting the emigrant vessels sent out by the late Lord Egremont?—I had, as to some of them; and all of those vessels that I have seen arrived in a state of health and cleanliness far surpassing any other emigrant vessel that I have seen. The emigrants were clean, contented, orderly, and in good spirits; but then these emigrants were under the especial charge of an agent, who watched over them during their voyage, and was bound to accompany them to the locations which had been previously provided for them. Out of the many vessels despatched by his Lordship, I have heard of but one case of illness occurring in them, and even of that I am not certain. This emigration, in all its arrangements, seemed to me, as far as I could observe it, quite unobjectionable.

621. You could hardly wish better arrangements in any case?—I should be at a loss to suggest anything better.

622. Are you aware that these emigrants were sent out at Lord Egremont's expense, and that he was able consequently to adopt a system with proper discipline?—Yes, I have understood so.

Quebec, 4th August 1838.

Charles Poole, Esq. M. D.

C. Poole, Esq. M.D.

623. You are inspecting physician at the quarantine station at Grosse Isle?—Yes, and have been attached to that station for the last six years.

624. What are your duties as respects emigration?—First, the inspection of all vessels arriving in the River St. Lawrence, and the examination of all passengers, for the detection of disease; secondly, taking measures for disinfecting vessels, and sending to the hospitals all persons labouring or threatened with any disease considered contagious.

625. Do you attend upon the patients in hospital?—Not at present; but I did so in the years 1833 and 1834, when I was medical superintendent of the hospital.

626. Can you give any statement of the number of emigrants who arrived during those years, and how they were disposed of?—I have prepared such a statement, and beg leave to put it in.

GROSSE ISLE.

TABLE of the Number of EMIGRANTS Arrived, Admitted to Hospital, Discharged, and Died, during the last Six Years, up to this date, 7th September 1838; also, Number of Deaths during the Passage, 1836, 1837, 1838.

——	Admissions.	Discharges.	Deaths.	Number of Emigrants arrived.	Deaths on the Passage.	REMARKS.
1833	239	212	27	22,062		
1834	844	580	264	30,960	- -	- - Cholera year. Typhus fever generally on shipboard has been so highly contagious among the emigrants landed here, that four medical officers have been attacked, of whom one died, and 23 hospital servants, of whom five died, in the last five years, at this station.
1835	126	116	1	11,580	—	
1836	454	396	58	28,956	205	
1837	597	540	57	22,225	237	
1838 to 7th Sept.	48	39	5	4,992	13	

627. You have read the evidence given before this Commission by Mr. Buchanan, Dr. Morrin, Dr. Skey, and Mr. Jessopp?—I have, and I concur generally in the view of the subject taken by Mr. Jessopp, Dr. Morrin, and Dr. Skey; but as all emigrants, without

exception,

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C. *Poole*, Esq. M.D.

exception, necessarily come under my inspection after the voyage, I may perhaps be able to add some information to that which has been furnished by them.

628. Your personal experience relates to the period during which the emigrant tax has been levied, and the amended Passengers' Act of the Imperial Parliament has been in operation?—It does. Speaking of the operation of the present arrangement, we had last year upwards of 22,000 emigrants. The poorer class of Irish and English paupers sent by parishes were on the arrival of vessels, in many instances, entirely without provisions, so much so, that it was necessary to supply them immediately with food from shore; and some of these ships had already received food and water from other vessels with which they had fallen in. Other vessels, with the same class of emigrants, were not entirely destitute, but had suffered much privation from having been placed on short allowance. This destitution, or shortness of provisions, combined with dirt and bad ventilation, had invariably produced fevers of a contagious character, and occasioned some deaths on the passage; and from such vessels numbers, varying from 20 to 90 each vessel, have been admitted to hospital with contagious fevers immediately on their arrival. I attribute the whole evil to defective arrangements. For example, parish emigrants from England receive rations of biscuit, and beef or pork, often of bad quality (of this I am aware from personal inspection); they are incapable, from sea-sickness, of using this solid food at the beginning of the passage, when, for want of small stores, such as tea, sugar, coffee, oatmeal, and flour, they fall into a state of debility and low spirits, by which they are incapacitated from the exertion required for cleanliness and exercise, and also indisposed to solid food, more particularly the women and children, and on their arrival here I find many cases of typhus fever among them. Very few of these vessels have on board a sufficient quantity of water; the casks being insufficient in number, and very many of them old oak casks, made up with pine heads, which therefore leak, if they do not fall to pieces, which often happens.

629. Does this take place from ports where there is an agent for emigrants?—I have had many similar cases from Liverpool, and would mention two, of the "Ceres" and "Kingston," which arrived at Grosse Isle on the same day from Liverpool, in July 1836, of which the circumstances were so bad as to induce me to report them to the Civil Secretary, by whom I was informed that the report was forwarded to Her Majesty's Principal Secretary of State for the Colonial department. Those two ships left Liverpool about the same time; the one having 436 passengers, the other upwards of 340. The captains, respectively by name and , called the attention of the agent for emigrants at Liverpool to the water-casks prepared for the use of the emigrants, pointing out that they were what is called "leaguers," that is, very large casks, made up of old casks, and with pine heads, requesting that they might be filled before embarkation to prove their quality. This was refused by the agent, and the casks were taken on board without proof. The loss of water by leakage in the "Ceres" was computed during the first three days at 800 gallons; the "Kingston" nearly as much. On the arrival of these vessels at Grosse Isle, although the emigrants had been on short allowance of water, the "Ceres" had enough for no more than half a day, and the "Kingston" was quite without water. The temporary berths also on board both these ships were so badly constructed, that they came to pieces with the first heavy sea, causing the death of two children and severely injuring many others. The medicine chests on board these vessels, as is too frequently the case, were not more than 18 inches square, or sufficient for more than 25 passengers. Of castor oil, one had only three pints, and of Epsom salts three pounds. Had these vessels been properly inspected, nothing of the kind could have occurred.

630. But these were peculiar cases, and perhaps unique?—On the contrary, I but too frequently met with similar cases, more or less aggravated. I also wish to remedy, as loudly calling for remedy, a system of extortion carried on by masters of vessels, chiefly from Ireland, whence come the bulk of our emigrants. The captain tells emigrants the passage will be made in three weeks or a month, and they need not lay in provisions for any longer period, well knowing that the average passage is six weeks, and often extends to eight or nine weeks. When the emigrants' stores are exhausted, the captain, who has laid in a stock for the purpose, obliges them to pay often as much as 400 per cent. on the cost price for the means of subsistence, and thus robs the poor emigrant of his last shilling. Such cases are of frequent occurrence, even down to the present year.

631. When complaints are made as to the state of Canada emigrant ships in England, the answer has commonly been an admission of great defects formerly, with a statement that at present the arrangements are very different, and no longer objectionable; does your description apply to the past or the present?—Down to last year; this year there have been so few emigrants, that there has been little to observe upon; though even this year in some cases provisions and water have been deficient in quantity, and some vessels have arrived with small-pox, the origin of which was traced to individuals who embarked with the disease upon them. A proper medical inspection would have prevented this evil. The medical superintendence on board vessels, obliged by the Passengers' Act to carry a surgeon, is also very defective. The majority of such persons, called surgeons, are unlicensed students and apprentices, or apothecaries' shopmen, without sufficient medical knowledge to be of any service to the emigrants, either for the prevention or cure of diseases. On board a ship the knowledge of the means of preventing disease in such a situation is the first requisite in a medical man, and in this the medical superintendents are lamentably deficient. It is not much better as to the cure of diseases. I boarded a ship last year, of which the captain and three passengers, who had met with accidents, had their limbs bandaged for supposed fractures, which upon examination I found were only simple strains or bruises. On examining the

the captain's arm, I said that there had been no fracture; the surgeon, so called, replied, "I assure you the *tibia* and *fibula* were both broken." It happens that the *tibia* and *fibula* are bones of the leg. This is an extreme case apparently, but is not an unfair illustration of the ignorance and presumption of the class of men appointed to comply with that part of the Act which is intended to provide for the medical care of emigrants during the voyage.

632. Have you any other remarks to make on existing arrangements?—I wish to say that the reports made to me by the class of captains and surgeon superintendents now bringing passengers are seldom to be relied upon; in illustration, I beg leave to mention a case that occurred last year. It was a vessel, with about 150 passengers on board, from an Irish port. The captain and surgeon assured me that they had no sickness on board, and the surgeon produced a list which he had signed of certain slight ailments, such as bowel complaints and catarrhs, which had occurred during the passage, and which appeared on the list with the remark "cured" to all of them. On making my usual personal inspection of each emigrant, I found and sent to hospital upwards of 40 cases of typhus fever, of which nine were below in bed; these nine they had not been able to get out of bed. Many of the others were placed against the bulwarks, to make a show of being in health, with pieces of bread and hot potatoes in their hands.

633. What is the captain's interest in such deception?—To prevent detention of the ship in quarantine.

633*. And the surgeon's?—One can hardly say; but they are probably influenced by the captain. Nevertheless, as there are many most respectable captains in the lumber trade, a proper selection of vessels by the emigrant agents at home would prevent this abuse.

634. Is that all?—No; that part of the law which regulates the height between decks of emigrant ships is frequently evaded in the smaller class of vessels by means of a false deck, some distance below the beams, bringing the passengers nearly in contact with the damp ballast, pressing them into the narrow part of the ship, and the beams taking an important part of the room allotted to them by law.

635. Is it possible that such fittings should escape observation in the port of departure?—Quite impossible, if that part of the vessel intended for emigrants be visited.

636. Are such cases common?—In many of the smaller class of vessels from Ireland, Yarmouth, Lynn, Ipswich, &c. bringing parish emigrants.

637. Is there any peculiar superintendence on board for parish emigrants?—Not that I am aware of; and I should say that there is none, because they are generally at the mercy of the captain or mate, who serve out the provisions, and who frequently put emigrants on short allowance soon after their departure; complaints of short weight and quality in the provisions are frequently made.

638. Have you brought these facts to the knowledge of Government?—These, or similar circumstances, have been mentioned by me in my annual reports for the years 1833, 1834, and 1836.

639. Was there any perceptible improvement in 1837?—But little in the arrangements at home; but the alteration of the quarantine regulations here, giving me a discretionary power to permit emigrants arriving clean and healthy to proceed to Quebec, without detention or landing on the island, has induced the masters of vessels to pay more attention to the health and cleanliness of the passengers, in the hope of avoiding the detention, which used to be required in all cases. It operates as a premium to care and attention on the part of the captain, and has had a salutary effect on the comfort of the emigrants. It has also obviated the great former inconvenience to the merchants of Quebec of having their vessels detained when clean and healthy. This, therefore, is a considerable improvement; but the state of the vessels generally for the year 1837, was nevertheless very far from what it might be, with a good system of inspection and arrangement at home. For instance, 597 cases of typhus and small-pox were sent to hospital, the greater part of which, as I have said before, were owing to bad arrangements. I also wish to remark in corroboration of Mr. Jessopp's statement, that down to the present time, the lists and descriptions of emigrants required by the Imperial Act to be certified by the customs' officer at the port of departure are seldom correct, either as to name, description, or number of passengers, so much so, that it is often difficult for me to find out whether any deficiency of numbers has been occasioned by death or otherwise. These falsifications are, first, for the purpose of evading the emigrant tax, which is levied in proportion to age; and the common fraud is to understate the age; and, secondly, for the purpose of carrying more passengers than the law allows, by counting grown persons as children, of which last the law allows a larger proportion to tonnage than of grown persons.

640. Is this fraud general?—Yes, very common, of frequent occurrence, and it arises manifestly from want of inspection at home.

641. Have you had any means of learning the degree of inspection that takes place at home?—If there is not one passenger to every five tons, no inspection takes place; and captains have, in many instances, told me that the agents only mustered the passengers on deck, inquired into the quantity of provisions, and in some cases required them to be produced, when occasionally the same bag of meal, or other provisions, was shown as belonging to several persons in succession; this the captain discovered after sailing. The mere mustering of the passengers on deck, without going below where the provisions were kept, is really no inspection at all; and it frequently happens that passengers are smuggled on board without any provisions. There is another evil, which might be readily obviated by a proper selection of vessels at home; that of employing as emigrant ships vessels that are scarcely sea-worthy, and which, consequently, being unable to carry sail, make very long passages. As the tonnage of the best class of vessels coming to Canada is more than

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sufficient to bring all the emigrants in any year, the employment of these bad ships ought not to be permitted.

C. Poole, Esq., M.D.

642. Have any remedies for existing evils occurred to you?—I can only agree with Mr. Jessopp and others with respect to a special board of emigration at home, having no other occupation than that of superintending the selection and passage of emigrants, with responsible agents at the various ports of departure, who should be obliged to inspect all vessels bringing passengers, whether they have few or many on board, for according to the Emigrant Act, a large vessel may bring out 100 passengers, and no inspection is required or made. Were the clause, No. XX., of the Passengers' Act left out, and the Act otherwise enforced at home, the state of emigrants on ship-board would be much ameliorated. The present system at Grosse Isle works well, and really accomplishes its object, of preventing the reproduction of contagious diseases into the Province without unnecessary detention of the vessels. With respect to the care of emigrants after their arrival at Quebec I offer no opinion.

Augustin Nabert Morin, Esq., Advocate, and Member of the late Legislative Assembly of Lower Canada.

A. N. Morin, Esq.

643. You have had occasion to pay a good deal of attention to the subject of grants of lands to militiamen?—Yes; at different times militiamen have applied to me for advice. I have also been eight years a member of the Assembly, and have generally been upon committees connected with the land department in general, and also committees on militia lands.

644–45. Will you be so good as to inform us what has been the nature of the proceedings with regard to these grants?—Some time after the late war with the United States of America, free grants of land were promised by the provincial authorities, in the name of the Prince Regent, to disbanded soldiers and militiamen. The allowance was to be 100 acres for each private, 200 for non-commissioned officers, 300 for ensigns, 500 for lieutenants, 800 for captains, and I believe 1,200 for superior officers. There had been six embodied battalions of militia, levied before and during the war; those six battalions were called embodied militia. Several corps of the sedentary militia, by which were designated all the population able to bear arms, were also put in requisition, and organised, and were marched to the frontier, and served for more or less time. Several officers and militiamen of this last class are also to be found among the applicants for land, and in fact their case was foreseen in an Act of the provincial Parliament.

646. To what Act do you allude?—It was an Act passed in the year 1819, granting 3,000 *l.* currency, to give effect to the Royal instructions for the granting of land to militiamen and disbanded troops, who had served honourably during the late war, and to such others as might be within the meaning and intent of the said instructions. It was understood that this sum would be sufficient for the survey of the lands. A number of wild townships were in consequence set apart, and surveyed in the ordinary method; *i. e.* from a uniform diagram prepared beforehand, and without any attention to the physical topography, or to the means of access, or the capabilities of each portion of land. These townships were not contiguous, it being probably thought better to have them in separate sections; but neither were they contiguous to other settlements; they were remote and unknown places. This must have caused irregularities in the surveys. In addition to this, there were the two-sevenths reserved for the Crown and the Protestant clergy, which were intermixed, as elsewhere, with the rest of the lots, but not improved, and which added to the toils and difficulties of the neighbouring settlers.

647. Were these the only impediments to the settlement of the lands by the militia grantees?—The management of public lands having always been centralized in Quebec, in officers not sufficiently connected or acquainted with the country, and least of all with the poorer class, to which the militiamen belonged, those of the militiamen who knew of the Royal intentions were under the necessity of employing intermediate agents, many of whom soon turned speculators in militia claims. A great many of the militiamen have disposed of their claims for very inadequate considerations. This kind of trade revived every time, when, from the proceedings of Government, it was supposed that the claims would be speedily settled. Some of the speculators went into all parts of the country, searching out militiamen; several may have acted honestly, and given a reasonable consideration for the assignment which they obtained of the militiaman's claims; I know that many did not. Some obtained powers of attorney from the claimants, to act as their agents; among the latter, some have acted and still act *bonâ fide*, really pursuing the advantage of their clients; others acted for themselves, appearing to act under the powers of attorney, but possessing at the same time secret assignments of the land to themselves. The epochs at which these jobbing transactions took place were mostly at the beginning, and then from 1828 to 1830, in consequence of the favourable answer of Sir James Kempt to an address of the Assembly on behalf of militiamen whose claims had not been settled; and lastly under Lord Gosford, in consequence of his answer, and the despatch which gave further time for applications, and promised some other advantages.

648. So that in proportion as the Government appeared disposed to favour the militiamen, the system under which they were deprived of the advantages intended for them took greater effect?—Yes; and I allude particularly to the last occasion, in the year 1836, when the intentions of Government were announced afresh. In fact, at this time there are many individual speculators, each of whom represent militia claims to the amount of several thousand acres; some may have obtained patents, others have only location tickets, and others are still pressing the claims which they have purchased. Several officers who had more knowledge, and were better able to pursue their claims, have obtained their lands or their location

location tickets; for I must admit that numbers of militiamen must have been negligent. I think, however, they were discouraged by the difficulties and defects of the system. Those officers however, have not, generally, improved their lands, but owing to the same difficulties, left them in their natural state, or sold them to individuals or companies. For to any one acquainted with the means of clearing and improving remote wild lands in Canada, it must be evident that few persons, even of the condition of militia officers, could turn to any profitable account lands so remote from settlements; far less could the militia-man. There were also some fees required in the public offices, and principally for the patents. The militiamen were too poor to pay them, or objected to them, saying that they had a right to a free grant. Where the patents issued, in many cases, they included a large number of lots, which no doubt occasioned delays, and might necessitate legal transactions between persons utterly unknown to each other.

649. In what manner did militia-men select their lands?—They obtained from the surveyor-general a certificate of vacancy of a half lot, which contained 100 acres; upon that, and their certificates of services, they obtained location tickets. I have known instances where, after a time, the land included in location tickets not having been granted by patent, for some cause or other, the lots so selected were given to other militia-men. The location ticket contained a promise of a grant and permission to occupy. The locatees were to obtain their patents after three years on condition that they would, by themselves or others, reside in the place, build a house, and clear four acres of land, being the same terms upon which location tickets were granted generally. In most of the cases the militia-men were unable to comply with the conditions, and in many could not even find their land. In many cases the conditions were not really fulfilled, but only colourably to obtain the patent. They built a mere shed, and slept there for a few nights, and then swore that they had resided on the land. In fact it was impossible for a family to reside at such a distance from other human beings in such wild places as were selected for militia grants. Besides all these difficulties to which the militia-men were exposed, there was much and harassing delay in the public offices, through which it was necessary to pass the patent. The poor people were obliged to be in direct communication with the public offices, as the professional men in general did not find it worth while to take up their cases, except, as I have mentioned before, for their own benefit. There were township agents in some parts, but I do not know that they have greatly advanced the settlement of militia-men.

650. Was this system of jobbing in militia claims carried on secretly or publicly?—Publicly.

651. What, quite without regard to decency?—In some cases, as I have explained them, powers of attorney were given, and the real assignment was kept secret; this secrecy might be considered as a regard to decency. But except in this respect the whole matter was as public as possible.

652. Was it so public as to be known, do you think, to the officers of Government?—I think so, but no efficient remedy could have been applied without some very important changes in the whole administration of the lands, which was not less defective, in respect to others, than in respect to militia claims.

653. What has generally become of the land for which militia location tickets were given, but the title to which has not been confirmed by patent?—A great part is still in abeyance; some lots are occupied by the owners, under the location tickets; others have been improved according to the conditions, either within or after the time prescribed. The location tickets were by many considered as a sufficient title, and passed as such in the market; at the same time some portions of the grants have been resumed by the Crown in consequence of the conditions of settlement not having been performed within the time prescribed.

654. But has not the time prescribed for making original applications for such grants been frequently enlarged?—Yes; twice.

655. It may have happened therefore that a person who postponed his original application beyond the time fixed for the performance of conditions as to the early grants, would be in a better condition than an early applicant?—That may easily have been the case. The matter stands thus: the time for application was long elapsed when, after repeated demands, Sir James Kempt enlarged it to the 1st of August 1830. During that period no doubt there were many new location tickets granted. The time elapsed again, and Lord Gosford, by his answer, which was afterwards confirmed by a despatch from the Home Government, without enlarging the time to those who had not applied under Sir James Kempt, gave greater facilities to those who had, by relieving them from the performance of the conditions; so that it may have happened, as I have said before, that those who had been most neglectful of their claims may be better off than those who urged their claims at first.

656. How has it happened that the lands of militia-men have been resumed for non-performance of conditions, while, in general, there has been no resumption of any Crown lands for this?—I cannot say; I can only refer to the evidence of the late Commissioner of Crown Lands, Mr. Felton, given before a Committee of the House of Assembly, in 1835, on this subject.

657. You are referring now to that part of Mr. Felton's evidence, wherein he says, that of such lands above 3,000 acres were sold to Messrs. Thomas, Peoples & Fleming, at 2*s.* 6*d.* per acre, Mr. Thomas having been agent for the township, and the person at whose instance the lands had been resumed?—I am; and I see in the same evidence that the sale to Messrs. Thomas, Peoples & Fleming was made upon a special order of the Governor, upon their application, and at the price of 2*s.* 6*d.* per acre, being half of the ordinary upset price of land in the township. Besides the townships specifically appropriated for the militia-men, some of them had been allowed to exchange their grants, and had tickets of location

Evidence.

A. N. Morin, Esq.

of land in several other townships where land was resumed. Mr. Felton says, that in these townships there was no distinction made as to militia-men. My opinion is, that some lands which had been located to militia-men were also resumed in Aston, and granted to others.

658. Have any conflicting claims as to lands arisen from such resumption, and regrants or sales?—Yes, to my knowledge, they have arisen in the township of Aston; and I know also that there are such conflicting claims, to a great extent, in Stansfold and Bulstrode, where militia-men have been located, but I do not know whether they have arisen in the precise cases of militia-men.

659. What was the precise character of the additional facilities given by the answer of Lord Gosford, and the despatch to which you have alluded?—The militia-men were divided into three classes. 1st, those who had obtained their tickets previous to 1830; 2d, those who had petitioned before that time; 3d, claims made subsequent to 1830, or not then made. To this last class no relief was given, nor any promise; the two others were relieved from the condition of settlement. A commission was named to inquire into the nature of the different claims; Mr. Langevin, its secretary, worked zealously and perseveringly in the matter, but I do not know that the head of the executive was ever called to pronounce upon the claims. Mr. Langevin gathered the papers which were dispersed in different public offices, selected and classed them. Much statistical information on this subject might, no doubt, be obtained from him. Since that time many poor militia-men, who had never applied, have come forward, but uselessly. This last answer of Government systematised the trade of militia claims, and fixed a price. The first class of Lord Gosford obtained from 7 *l.* to 10 *l.* for their location tickets; the second class from 35 *s.* to 50 *s.*; the third class were considered a bad job, and were given for almost nothing.

660. Has anything been done to relieve those militia-men whose grants have been resumed?—I do not know whether any of them have claimed on that account. I suppose that, under the terms of the despatch, they would be entitled to relief.

661. Have you any idea what proportion of the militia claims have been purchased by the speculators to whom you have referred?—I cannot form any precise idea, but my impression is, that it must amount to three-fourths of the whole.

662. The system then which you have described as having been pursued in respect to these claims, must have tended to defeat the object of Government in making grants to militia-men, if that object had been the settlement of the province?—Yes.

663. And equally so if that object had been the permanent benefit of the militia-men hemselves?—Undoubtedly so.

664. In addition to your evidence, can you refer to any public documents which contain further details upon this subject?—Yes. 1st. The Report made to the Assembly on the 10th of February 1834, by a committee, of which Mr. Kimber was chairman, and which was adopted by the House. 2d. An Address to Lord Aylmer of the 24th of February 1834. 3d. The answer to this Address of the 5th of March 1834. 4th. A Report made to the House by messengers on the 11th November 1835, of the answer of Lord Gosford to an Address of the 4th of the same month. 5th. A Report of a Committee of the House presented on the 2d January 1836. 6th. An Address of the Assembly of the 26th February 1836; and then 7th, the answer of the 5th March 1836, to which I have referred, and which was followed by the despatch from Lord Glenelg. There are also the Minutes of Evidence of the Special Committee of 1835 and 1836, which are to be found, dated 2d January, at the end of the third volume of the Journals of the House.

Mr. *John Langevin.*

Mr. *J. Langevin.*

665. You were, I believe, secretary to the board appointed to investigate the militia claims for grants of land?—Yes.

666. By whom was that board appointed?—By Lord Gosford, in February 1837.

667. Upon what were those militia claims founded?—Upon a proclamation by the Earl of Dalhousie, dated November 2d, 1822, offering land to the six battalions of select and embodied militia, who served in the late war with the United States of America, and to such as marched to the frontier, upon a certain scale, from 1,200 acres each to lieutenant-colonels to 100 each to the privates.

668. Was this proclamation issued by the authority of the Home Government, or on the sole responsibility of the Governor?—I believe, for I have no means of knowing it officially, that it was directed by a despatch from the Colonial Office to the Duke of Richmond, about the year 1818, which despatch does not, however, appear to have been recorded, and to which therefore I am unable to refer.

669. Within what period were the applications originally to have been made? By the 1st June 1823.

670. How often has that time been enlarged?—It was first enlarged to the 1st of May 1824, after that to the 1st of August 1830, and then, by instructions received from the Colonial Office, all persons who had made their claims before the last mentioned time, were to be put upon the same footing as they would have occupied at that date, without any advantage being taken of their non-fulfilment of conditions.

671. By whom were the applications for grants under this proclamation originally decided upon?—They were referred to the Executive Council, or to the Auxiliary Land Board, which consisted of the following public officers: Clerk of the Council as Chairman, Secretary of the Province, Auditor of Land Patents, and Surveyor-general, who reported upon each case, and upon their report the Governor decided.

672. How much land had been actually granted to applicants before the appointment of your Board?—I have not the means of giving an accurate answer to this question, but the Secretary

Secretary of the Province, or the Commissioner of Crown Lands, may be able to furnish you with the number. Evidence.

673. Do you know upon what conditions these grants were made?—The person obtaining a location ticket, was bound to settle on the land and remain there for a period of three years, and within that time to erect a dwelling-house, and clear and cultivate four acres of land. Mr. *J. Langevin.*

674. Have any of such grants been resumed for breach of condition?—Yes, but in most cases only when the land was applied for to be put up to sale by some party who was desirous of obtaining it, and perhaps occasionally when a free grant of the same land was applied for; but I cannot ascertain how many of these cases there were. The Surveyor-general will, however, be able to furnish this information. I wish however to observe, that these conditions in effect destroyed the value of the grant. An emigrant arriving from England, was enabled to obtain a grant of 200 acres upon precisely similar conditions as the 100 could be obtained by the militia. Consequently, it was regarded as of no value, and in many cases nothing was done to improve it.

675. What was the last regulation on the subject of these claims?—The notice of the 22d February 1837, to which I have referred, as placing all parties, who had made their claims before August 1830, upon the same footing as at the time of making their claims.

676. What is the number of claimants, under this notice, who have applied to your Board?—Of the six battalions of embodied militia, 2,095 have been ascertained to have made timely application. Of all battalions and corps, including the above, 4,793. The number of those who, though not falling within the notice, have nevertheless claimed, is about 1,669. These are in addition to the cases upon which the Government have decided, upon the representations of the Board.

677. What amount of land would be required to satisfy the whole of the claims thus made?—About 811,000 acres.

678. Have the Board come to a decision upon any of the claims, and what has been the nature of their decisions?—The Board first proceeded to the investigation of cases under location tickets, and have gone through about 700 of them, upon all of which they have reported. Out of these 700 about 300 have been referred for patent, viz. their claims have been admitted by the Governor, and the remaining cases are in progress. Some of the cases have been laid aside until the principle upon which the decision should proceed was settled by the government. The Board have also partially investigated a number of claims not under the location tickets, and have reported favourably upon most of them.

679. Then the great majority of the claims are as yet undecided?—Yes.

680. Was there not some distinction intended to be made, by the proclamation of 2d February 1822, between the different classes of militia?—The words of that proclamation contain the distinction.

681. Has any such distinction been observed in practice?—It appears to have been followed for a period, after which a different course was, in some instances, followed by Lord Dalhousie, the then Governor.

682. What was the nature of that difference?—He rejected the claims of some of the corps, who had marched to the frontier.

683. Upon what ground?—The following are his words, under the date of 29th of March 1824: "I feel myself under the painful duty to put a negative upon such claims as this of the sedentary militia having for a short time marched to the frontier. I consider the battalions of incorporated militia alone entitled to grants of land, and must confine it to that class."

684. The Executive Council, then, had admitted to the benefit of the proclamation every person who had ever been to the frontier?—Yes, and even after the minute of Lord Dalhousie, they appear to have acted for some time upon precisely the same principle; and the decision was sanctioned by Sir F. Burton, the Lieutenant-governor of the province, during the temporary absence of Lord Dalhousie. At a later period, however, in 1830, they also altered their opinion, and adopted, with some exceptions, a rule somewhat similar to that laid down by Lord Dalhousie.

685. Have you any idea what number of the applicants would be likely to settle upon any land granted to them?—This would depend upon circumstances.

686. Do you imagine that half of them would?—Under very favourable circumstances one-half might be expected; not the individuals themselves, many of whom are dead, and the rest old, but some members of their families.

687. Then the remainder would look forward to making a profit by the sale of their grant?—I should imagine so.

688. Is it not understood that the titles to militia grants have, in many cases, been sold already?—There are no certain means of ascertaining, but I dare say there are a good many.

789. Can you form any opinion as to the proportion so sold?—No.

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25 August 1838.

Charles Shirreff, Esq., of Fitzroy Harbour, Upper Canada.

690. WHAT have been your opportunities of becoming acquainted with the amount and value of the timber growing upon the waste Crown lands in the two Provinces?—I have resided now for upwards of 19 years on the Ottawa, in the heart of the timber trade of the district, and having been engaged in the timber trade before coming out to this country, I have been led to pay attention to this subject. I was also employed for some years as agent under the surveyor-general to collect the timber duties on the Ottawa. *C. Shirreff*, Esq.

Evidence.

C. Shirreff, Esq.

691. You have read that part of the evidence of Mr. Kerr which relates to the quantity and value of this timber, and the largeness of the revenue which might be eventually derived from it; do you consider that the opinion he has formed on this subject is well founded?—I think that his opinion is well founded as to the quantity and value of the timber, but I do not agree with him that the present duties are too low. As an illustration of the increased revenue which might be derived from this source, I may mention that the produce of timber licences on the Ottawa, in the year 1825, for the two provinces, amounted to less than 2,000 *l.*, and that it now amounts to about 15,000 *l.* I am under the conviction, from all the information I can obtain, that all the land to the north of the Ottawa, till it reaches the heights of the Hudson's Bay Company land, may be considered as pine land, and the supply therefore is practically almost inexhaustible. In addition to the present demand from the United States for pine timber through the St. Lawrence, in the event of a communication being opened between the Ottawa and Lake Huron, a very considerable demand must arise from the Western States of America bordering upon that lake, where there is no pine timber at all, and where settlement is making unparalleled progress.

692. Does not the present facility of obtaining large blocks of land, and at low prices, tend to diminish the amount of this revenue, by making it more advantageous to individuals to purchase land for the sake of the timber only, than to pay for licences?—I should say so. Cases have occurred in which land has been bought merely for the timber, upon a calculation, of course, that by this means the timber would be obtained at a cheaper rate than if it had been cut under licence. I can mention that of a company of Americans, who purchased from private individuals some thousands of acres in the township of Onslow, at the rate of, I think, 10 *s.* per acre, which I do not conceive could bear any proportion to the value of the timber. Many similar cases, though to a smaller amount, have occurred within my knowledge; and the temptation to do this was very great, because when the purchaser had paid the first instalment and obtained his location ticket, he could proceed to cut the timber; and the only penalty for not paying the other instalments, was the resumption of the land, about which he was very indifferent. This was unfair to those who cut timber under the licences.

693. Has any method occurred to you of preventing this practice?—The only method that has occurred to me is, that Government should hold these lands, which are generally unfit for settlement, and merely sell the timber upon them. Another check to these practices would be, that the whole of the purchase-money of the land should be paid down at once.

694. Do you consider the present method of collecting the revenue from timber the best that could be adopted?—Different methods are pursued in different places; below the Ottawa the lumberer pays for the quantity of timber named in his licence, whatever quantity he may cut; on the Ottawa he pays for the quantity actually cut. This difference arises from the fact, that on the Ottawa the quantity is ascertained by measurement; and that below, the mere statement of the lumberer is received as evidence. The method of payment according to the quantity, ascertained by measurement, arose in the following manner:—The timber trade of this country had its origin in licences granted by the Crown at home, to contractors, for the supply of the navy yards. In order to enable the contractors to fulfil their contracts, they were allowed to cut timber in Canada for nothing, under these licences. This continued until the year 1824 or 1825. Previous to that, in consequence of there being no superintendence of the Crown forests, many private persons in the Province cut timber without a licence, and often interfered with the persons who were cutting under a licence from the Crown at home. This led to complaints from the agents to the contractors, and the Attorney-general of Upper Canada, finding that the timber had been cut illegally, seized and sold it. This produced great confusion and dissatisfaction, and I was then consulted by the Government of Upper Canada as to the means of putting the trade upon a more satisfactory footing. I recommended that the trade should be made free, by admitting all persons to cut timber upon equal terms, and that the quantity cut should be ascertained, and paid for after it had been cut. In consequence of the matter being referred to the Home Government, the present system was adopted in the year 1825, and the trade thrown open; and it would have been uniform if a superintendence could have been established thoughout both Provinces, similar to that adopted on the Ottawa, from whence the greatest part of the timber comes, and where the whole of it must necessarily pass under the eye of the inspector.

695. Are you of opinion that the revenue derived from timber in this country might be greatly increased by the adoption of a more extensive system of superintendence?—Yes, I have no doubt that such might be the case.

696. You consider that one of the most efficient means of increasing the demand for Canada timber would be the opening of a direct water communication between the great timber districts on the Ottawa, by means of the lakes, and the new settlements forming in the north-west by the Americans?—There can be no question of that; it would create an immense trade in that direction. Besides the mere facility of communication for conveying the timber to a new market, the increased facility of obtaining provisions for the great number of lumberers employed, who are now for the most part supplied from the Upper Province, by the way of Montreal, would enable the lumberers to sell their produce at a cheaper rate, which is the most efficient means of adding to the demand. There is no part of Upper Canada where provisions are so dear as on the Ottawa, where many thousands of persons are employed in lumbering; and I have no doubt that a direct water communication with the lakes would have the effect of rendering provisions as cheap in the Ottawa district as in any part of either Province.

UPPER CANADA.

John Radenhurst, Esq., Chief Clerk of the Surveyor-general's Office.

Evidence.
John Radenhurst, Esq.

697. HOW long hve you been connected with the land-granting department in this colony?—I have been in the surveyor-general's office for twenty years. I have for nine years been chief clerk; during the whole of which period I have discharged all the duties of surveyor-general, as well as of chief clerk (except for about nine months), and I still continue to perform the same duties. I have twice been appointed acting surveyor-general for periods of six or eight months.

698. What have been the systems of disposing of waste lands, the property of the Crown, pursued in the province since its establishment?—Immediately after the revolutionary war with America, all persons who had served in the colonial corps that were raised during that war were entitled to grants of land according to their rank: field officers, 5,000 acres; captains, 3,000 acres; subalterns, 2,000; sergeants, 300 acres; privates 200 acres; those, too, who had not borne arms during the war, but who at the peace came into this country previous to the expiration of 1783, were entitled to a grant of 200 acres, or as much more, at the discretion of the Governor and council, as the number of their family or the extent of their means might justify: these grants were made upon condition of actual settlement. The sons and daughters of the latter class (who are denominated U. E. loyalists), born or to be born, were to receive a grant of 200 acres each on their coming of age; these last-named grants were subject to no condition till the year 1818, the fact of the party to whom the grant was made being settled in the province where the land was granted to him being considered sufficient. I have also understood that soon after the establishment of this province, as early as 1796, or thereabouts, some townships were to have been granted to persons who would undertake to locate upon them a specific number of settlers, in proportion to the size of the township. After some progress had been made by some of the nominees towards performing these conditions, the plan was abandoned, and grants of land were made amounting to 1,200 acres each, as a compensation for the trouble and expense incurred. In addition to the grants thus described, every executive councillor received a grant of 5,000 acres, free from all conditions excepting the payment of a small fee; the children of executive councillors also received 1,200 acres each, free from condition; this practice continued up to 1810. In 1804, new regulations were introduced of granting land, by which all grants were made subject to certain fees, with the exception of privileged grants to U. E. loyalists, officers, soldiers, executive councillors and their children. At the discretion of the Governor and council, grants not exceeding 1,200 acres were made to clergymen, magistrates and barristers, free from all conditions except the payment of fees; similar grants might be obtained by almost every body upon the same conditions; in fact, the payment of fees appears to have been the main if not the only object contemplated in the granting of land subsequent to the introduction of the table of fees of 1804. This practice of granting land at the discretion of the Governor and council to any one whom they might consider entitled to it, without any other condition than that of payment of fees, continued till 1818, when the performance of settlement duties was attached as a condition to every grant. Subsequently to this period grants of land were made with rather more reserve than previously: every person receiving a grant of land obtained only a location ticket, which merely entitled him to occupation of his land; and was bound to clear and crop five acres for every hundred, and to clear half the road in front of his location before a patent issued for his grant. This system continued upon all free grants of land till 1836, when the performance of settlement duties was dispensed with, except in the case of officers and privates, to whose grants these conditions still remain attached. By an order in council imposing these settlement duties, a scale of fees was attached to every grant, in proportion to the extent of land granted; but grants of 50 acres were allowed to be made gratuitously to poor settlers. In July 1825, instructions were received from Lord Bathurst, directing the sale of land upon quit-rents. Under these instructions, however, scarcely any sales were made, and in the following year, under similar instructions, the system of selling was introduced, and has been continued up to the present time.

699. You have detailed the methods of disposing of waste lands which have been pursued since the establishment of the province, and the character of the persons who, either under instructions from the Home Government or orders in council, were considered as entitled to grants; has any land been granted in exception to these methods, if any thing could be regarded as exceptional to proceedings so irregular?—Large grants have been made to Colonel Talbot, amounting to 48,520 acres, as a compensation for having settled 240 settlers upon 12,000 acres of land. This was in addition to 1,200 acres upon the payment of the usual fees; there was also a grant to the heirs of General Brock of 12,000 acres, and a grant of 12,000 acres to the Bishop of Quebec; these two last were under especial instructions from Lord Bathurst. Grants, amounting in the whole to 264,950 acres, have been made to persons contracting for the survey of townships, as a compensation for such surveys in lieu of money payment. Grants have also been made to officers and men in different corps of militia who served during the last war with the United States. Grants also were made to the settlers sent out under the superintendence of the late Mr. Robinson, in 1825. A quantity of land also has been granted, chiefly in the Bathurst district, to old soldiers and military emigrants, the greatest part of whom were sent out by the Home

Evidence.

John Radenhurst, Esq

Government. A grant of 5,000 acres was also made to the Laird of M'Nab as a compensation for bringing out settlers.

700. Under what authority have grants of land been made in this province?—Up to the time of the division of the provinces in 1791, all grants were made by the authority of the Governor and council at Quebec, acting under instructions from the Home Government.

701. Can you state how much land was granted in this province previous to that period?—I have no means of ascertaining, as there are no records in the office but the plans transmitted from Quebec whereon the locations were made, but I believe the amount is comparatively small. After the division of the provinces, all grants were made by the Governor in council, also under instructions from the Home Government.

702. Were not grants made under the authority of Land Boards appointed by the Governor?—There were such boards appointed in 1789 for the Niagara midland and western districts, to which it was directed, by an order in council, that applications should be made, and these boards were empowered to give a certificate to any applicant, entitling him to 200 acres of land, upon condition of actual settlement within one year from the date of the grant.

703. Do you know how many townships were to have been assigned to individuals upon the conditions which you have mentioned of locating a certain number of families on them?—About ten.

704. How much land was granted to the individuals to whom these townships were to have been assigned, by way of compensation?—Twelve hundred acres each, amounting to 12,000 acres in the whole.

705. Do you know why the system of granting land in townships to the nominees was abandoned?—I do not know.

706. Were there not a considerable number of applications for grants of townships upon these terms?—Yes, there were.

707. How many?—About 50.

708. Which would have comprised 3,000,000 acres of land?—Yes.

709. Might not the extent of the demand thus suddenly made have led the council to pause for fear of the result?—It is probable that this might have been the cause, but I do not know.

710. Has it not been the case that one or two of the townships thus intended to have been assigned (that of Markham, for instance) has been well settled by the exertion of the nominee?—Yes, this was the case with Markham, and Oxford was well settled by the exertions of Mr. Ingersoll.

711. Was it not part of the instructions framed by the English Government for the regulation of the land-granting department in this province, that no grant should exceed 200 acres, a discretion being vested in the Governor of making a further subsequent grant, not exceeding 1,000 acres?—It was part of the original instructions.

712. The reason assigned for this circumstance was, that in the old British colonies great inconvenience had been found to result from the granting excessive quantities of land to particular persons, who have never cultivated or improved the same, and thus have prevented others more industrious from improving such lands; was it not?—Yes, it was.

713. Do you know under what authority the grants of 5,000 acres to executive councillors, in direct violation of the spirit and letter of these instructions, were made?—I have understood they were made upon recommendations from the council of the province, and confirmed by the home Government.

714. Up to what time did executive councillors continue entitled to grants of land?—I think the last grant was made in 1807.

715. Were any grants made to children of executive councillors subsequent to that period?—No, I believe not.

716. At what age were the children of executive councillors entitled to a grant?—I do not know that there was any fixed age.

717. Was there not one case in which a grant of land was applied for in respect of a child two or three days old?—Yes, there was, but this was in case of a child of a legislative, and not an executive councillor.

718. Did it not happen that reserves were made for such children before they were born?—I do not know that it was before they were born, but there is this instance of a reserve being made three days after.

719. How much land was granted on the whole under the different systems you have described previously to the introduction of the system of 1825?—I should imagine upwards of 13,000,000 of acres.

720. In what proportion have these lands been granted to the different classes you have described?—I will furnish a return in answer to this question.

721. You have stated that in 1808 grants of land were made subject to the performance of settlement duties; for what quantity of land did patents issue upon proof of the performance of settlement duties?—2,078,487 acres.

722. Does this comprise the whole amount of land located between 1818 and 1836?—No, it does not; a great number of locations were made, the patents for which were not applied for until after the performance of settlement duties was dispensed with; during this period, also, a great many persons who had become entitled to free grants would not even apply for locations lest they should become subject to the performance of these conditions.

723. So that probably a great portion of the patents issued during the period were to actual settlers?—Yes, many were to actual settlers, or to persons who placed actual settlers on the land granted.

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724. For what quantity of land have patents been issued since 1836, when the performance of settlement duties as a condition of patent was abandoned?—1,062,300 acres.

725. You have stated that the obtaining of fees appears to have been the main if not the only object contemplated in the granting of land since 1804; what were the fees required upon grants of land at that time?—On all town lots and grants under 100 acres, 6*l.* 9*s.*; on all grants of 200 acres, 8*l.* 4*s.*; 300 acres, 12*l.* 6*s.* 1½*d.*; 400 acres, 16*l.* 8*s.* 2*d.*; 500 acres, 20*l.* 10*s.* 2½*d.*; 600 acres, 24*l.* 12*s.* 3*d.*; 700 acres, 28*l.* 14*s.* 3½*d.*; 800 acres, 32*l.* 16*s.* 4*d.*; 900 acres, 36*l.* 18*s.* 4½*d.*; 1,000 acres, 41*l.* 0*s.* 5*d.*

726. In what manner were these fees appropriated?—A sum varying from 2*l.* 18*s.* 8*d.* upon grants of land from 100 to 500 acres, to 5*l.* 11*s.* upon grants of 1,000 acres, were distributed among the different officers of Government connected with the land-granting department.

727. These fees amounted to nearly 10*d.* an acre, so that in fact the system was equivalent to a sale at that price?—It was.

728. But the Governor in council had absolute discretion as to the individual to whom this sale should be made, the locality in which his lands should be situated, and the quantity of land he should be allowed to obtain?—Yes, he had.

729. And of course this power might be exercised so as to make the purchase (if it may be so termed) of one individual very considerably more advantageous than that of another?—It might; the value of land depends so much upon location that this must have been the case.

730. Were there any complaints that this power was employed to give an unfair preference to individuals?—I have heard such complaints; but since I have been in the office, I am satisfied there have not been any just grounds for them.

731. How long did this table of fees continue in force?—Up to the 5th January 1819.

732. How much land was granted between 1804 and 1819?—Three hundred and eighty-eight thousand two hundred and sixty-three acres.

733. How much of this was granted subject to the payment of fees, and how much to privileged persons?—I have no means of ascertaining without a reference to every description in the office, amounting fully to 50,000.

734. There has been, then, no separate entry of grants to different classes; nor any index by which these grants might at once be referred to?—No, there has not.

735. What was the scale of fees substituted in the year 1819 for that of 1804?—Fees on a grant of 100 acres, 5*l.* 14*s.* 1*d.*; on 200 acres, 16*l.* 17*s.* 6*d.*; on 300 acres, 24*l.* 11*s.* 9*d.*; on 400 acres, 32*l.* 5*s.* 8*d.*; on 500 acres, 39*l.* 19*s.* 9*d.*; on 600 acres, 47*l.* 13*s.* 10*d.*; on 700 acres, 55*l* 7*s.* 11*d.*; on 800 acres, 63*l.* 2*s.*; on 900 acres, 70*l.* 16*s.* 1*d.*; on 1,000 acres, 78*l.* 10*s.* 2*d.*; on 1,100 acres, 86*l.* 4*s.* 3*d.*; on 1,200 acres, 93*l.* 18*s.* 4*d.*; or equivalent to about seventeen-pence halfpenny an acre.

736. What exceptions were there to this scale of fees?—The same as those of 1804.

737. How long did those remain in force?—Till the 1st of January 1820.

738. What scale of fees was then substituted in their place?—By order of council, 1st of January 1820, grants of 50 acres were gratuitous. On grants of 100 acres the fee was 12*l.*; on 200 acres, 30*l.*; on 300 acres, 60*l.*; on 400 acres, 75*l.*; on 500 acres, 125*l.*; on 600 acres, 150*l.*; on 700 acres, 175*l.*; on 800 acres, 200*l.*; on 900 acres, 225*l.*; on 1,000 acres, 250*l.*; on 1,100 acres, 270*l.*; on 1,200 acres, 300*l.*; these fees were payable by instalments, one-third on receiving a location ticket, one-third on receiving the attorney-general's fiat, and one-third on the description issuing from the surveyor-general's office.

739. How much of these fees was received by the officers of the Crown?—The same precisely as in 1804.

740. These fees, then, raised the price of land upon all tracts containing more than 500 acres to 5*s.* an acre?—Yes, they did.

741. The Governor in council, however, had the same absolute power of receiving or rejecting an application as formerly?—Yes, he had.

742. What quantity of land was granted gratuitously in 50 acre lots?—About 40,000 acres.

743. How much land was granted subject to these fees?—Seventy-two thousand two hundred and twenty-eight acres.

744. Were there no other means by which individuals could acquire land besides those which you have mentioned; such, for instance, as by purchase from the Indians?—There have been many purchases made from the Indians, but it was necessary that the purchase should receive the confirmation of the Home Government before the titles issued.

745. Have not very large tracts of land been acquired in this manner?—Yes.

746. Will you mention some?—The township of Woolwich, containing upwards of 86,000 acres, acquired by Mr. Wallace, and by him sold immediately to Colonel Pilkington, who commanded the engineers in this province; the township of Dumfries, containing upwards of 94,000 acres, granted to Mr. Stedman, and by him sold to the Honourable W. Dixon, member of the legislative council; the township of Nichol, containing 28,500 acres, acquired by the Honourable Thomas Clark, legislative councillor; the township of Waterloo, containing upwards of 94,000 acres, acquired by Richard Beasly and two others.

747. Was not Mr. Beasly Speaker of the House of Assembly at the time the township was acquired in this manner?—Yes, I believe he was.

748. Were there any other townships acquired in this manner?—A block of 30,800 acres was acquired by Mr. William Jervis, provincial secretary, and a block of 19,000 acres by John Dogsteder and Benjamin Candy; these are all that I can remember at present.

749. Were any of these individuals agents for the Indians at or prior to the time of obtaining these grants?—No, they were not.

750. When

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750. When Indian land has been acquired by Government, what has been the practice with regard to the claims of individuals who had acquired rights under the Indians?—It has been the practice of Government to confirm such rights to a reasonable extent.

751. Has much land been acquired in this manner by individuals?—No, not a great deal, with the exception of the townships already mentioned, which contain in the whole 352,000 acres.

752. Do you know what consideration the Indians received for these grants?--No, I do not.

753. All of them, however, were sanctioned by the Home Government?—Yes.

754. Upon representation from the Government here?—I do not know how that would be, but I presume it was.

755. And members of the legislative council or of the Government were directly or indirectly concerned in every grant?—Yes, they were .

756. In 1826, the system of granting land subject to the payment of fees was succeeded by a system of sale at auction; what have been the duties of the surveyor-general with regard to the land sold under the instructions by which this system was introduced?—We receive a certificate of sale from the commissioner of Crown lands for all lands sold upon which the purchase-money has been paid; upon receiving this, a description for the patent issues.

757. So that the office of the surveyor-general contains no record of any sales of land excepting those upon which the whole of the purchase-money has been paid?—It does not.

758. And as the Crown land is to be sold by instalments, you have no record of the sale till four years after the sale is made?—No, except in those cases where the purchaser may find it convenient to pay the instalments before they are due.

759. So that the surveyor-general's office cannot furnish to any individual a correct statement of what lands are open for further settlement?—It can, except in respect of such lands as are returned to the commissioner of Crown lands as appropriated for sale.

760. Is it then the case that portions of the province that are open for settlement are not open for purchase?—No, this is not the case; if any individual should apply to the surveyor-general's office wishing to purchase a lot which is open for location, that lot is immediately returned to the commissioner of Crown lands for sale.

761. After a particular lot has been so returned for sale, it has to be advertised and put up to auction, so that the individual applying for it is exposed to delay, and incurs the risk of being overbid?—That relates to the commissioner of Crown lands office, with whose regulation I am not acquainted.

762. Why is not all the land open for location returned to the commissioner of Crown lands for sale?—Because a number of claims for locations remain in this office unsatisfied, which require that the land should be retained in the office to satisfy them.

763. Would it not greatly simplify the proceedings of the land department, and facilitate the acquisition of land by persons desirous to settle upon it, if all lots open for disposal were returned to the commissioner of Crown lands for sale, and such as were actually located marked off in the same manner as those which have been sold?—In the present case the commissioner of Crown lands has to refer to this office for lots required for sale, in that which you have suggested we should be required to apply to him for lots required for location. I do not see that the public business would be facilitated by the change.

764. It is, however, absolutely at the discretion of the surveyor-general to decide what lands should be open for location and what should be open for sale?—Not without the sanction of the Governor.

765. I presume, however, that the Governor acts upon the recommendation of the surveyor-general?—That I cannot say.

766. How much land has been certified to the surveyor-general's office as being sold by the commissioner of Crown lands?—About 50,000 acres. I will furnish a return of the precise amount.

767. Does this include all the land which has been disposed of through the commissioner of Crown lands, and for which descriptions have issued?—No, it does not; the grants to officers of the army and navy, under the orders from the Horse Guards and Admiralty, or rather the lands in respect of which a remission of purchase-money is allowed, for that is the form in which the grant is made, are not included in this return.

768. What is the amount of the land thus disposed of?—I will furnish a return of this.

769. All other methods of disposing of the waste land of the Crown than those of sale, or by a remission of purchase-money, are under the superintendence of the surveyor-general?—They are.

770. What other methods of disposing of waste lands are still in force?—Grants to sons and daughters of U. E. loyalists, to discharged soldiers, and orders for grants of land, under the authority of the executive council, to emigrants and others yet unlocated, and which remain unlocated, because no time was limited in the order within which the individual in whose favour it was made was bound to locate it.

771. Have any of these orders been made since the establishment of the system of sale by the Treasury orders of 1825?—None, except to U. E. loyalists and discharged soldiers and sailors.

772. Thus all the unlocated orders in favour of emigrants must be of 13 years standing?—Yes, since 1825.

773. Are there many of these orders still unlocated?—Yes, there are.

774. Can you state how much land would be required to satisfy them?—I will furnish a return of the amount.

775. What were the grants to discharged soldiers and sailors?—Up to 1836, every soldier or sailor producing his discharge and a certificate of character was entitled to a grant of 100 acres

acres of land; this practice has been put an end to, except in respect of soldiers who have served in the country who are still considered entitled to grants.

776. Under what authority are grants to these soldiers continued?—I believe that they were exempted from the instructions received from the Home Government, by which the general practice was stopped.

777. How much land has been patented to all these different classes of individuals since 1825?—I cannot state positively from memory, but I believe about 2,000,000 of acres, exclusive of the Canada Company.

778. And the quantity for which patents have issued sold by the commissioner of Crown lands is rather more than 50,000 acres?—Yes.

779. So that the quantity disposed of by free grant, since the system of selling was introduced, is nearly forty-fold greater than by sale?—It is.

780. With regard to the grants of the sons and daughters of U. E. loyalists, were any large proportion of these settled by the grantees?—No; by far the largest proportion was sold to speculators.

781. Were any extensive purchases of these rights made by particular individuals?—I know of one case, that of the Hon. Robert Hamilton, in which the rights to these grants to the amount of about 100,000 acres were purchased, and there are several others of from 20,000 to 50,000.

782. Mr. Hamilton was a member of the legislative council, was he not?—Yes, he was.

783. Were there any other large purchasers connected with the Government in any way?—There were two chief justices, Elmslie and Powell, the solicitor-general, Gray, and several members of the executive and legislative council, as well as members of the House of Assembly, who were very large purchasers.

784. And it is not, I suppose, too much to presume, that these individuals were able to obtain more favourable locations for their grants than a private individual could have hoped for?—I do not think there was any partiality shown them in the selection of lots, but they necessarily had greater facilities.

785. What was the general price of these grants?—From a gallon of rum up to perhaps 6*l.*

786. So that while millions of acres were granted in this way, the settlement of the province was not advanced, nor the advantage of the grantee secured in the manner that we may suppose to have been contemplated by Government?—No, they were not.

787. Has this acquisition of land in large tracts by individuals operated unfavourably upon the advancement of the province?—It certainly has retarded the settlement of the province. Land has been locked up by these proprietors, who have done nothing to improve the value of their lands or to facilitate their settlement. I am only aware of one exception to this, the Honourable John Elmslie, who has expended large sums in improving his purchases. The remainder have allowed their purchases to remain waste until the rise of value, produced by settlement in their neighbourhood, has tempted them to sell; or have sold them to other speculators, who have allowed them thus to remain.

788. Have the disbanded soldiers and sailors generally settled upon their lands?—Generally they have for a while.

789. Have they then subsequently abandoned their settlements?—I have no means of knowing it officially, but I have no reason to doubt that the majority have remained upon their land just long enough to enable them to get their deed, which they might obtain upon proof of a residence of three years, and then sold it for a very trifling consideration.

790. What number of acres are under location; that is, as I understand, granted, but not patented?—Nearly 800,000 acres.

791. Lands that are not under patent are not subject to the tax upon wild land, are they?—No, they are not.

792. Supposing, therefore, an individual who has drawn land, or obtained a location, felt confident of obtaining his patent from Government whenever he applied for it, it would be for his interest not to apply for the patent until he had an opportunity of selling the land, or was desirous of settling on it?—Yes, he would by this means escape the wild land tax.

793. And in practice, I suppose every individual who has thus drawn land is quite sure of obtaining his patent when he applies for it?—Yes, I have never known Government refuse a patent to a locatee.

794. What is the amount of the wild land tax to which these lands, if now under patent, would be subject, and the number of acres thus situated?—It is rather more than 4*s.* per annum for 200 acres.

795. To this extent, therefore, the province has been, so to speak, defrauded of the produce of the wild land tax?—Yes, the tax has been evaded in this manner.

796. Could any person, not being a natural-born subject or naturalized, obtain a grant of land in this province?—Such persons have occasionally obtained grants of land upon taking the oath of allegiance; but since the passing of the Alien Bill, this is, I believe, impossible.

797. How much land would be required to satisfy persons who are or may be entitled to locations?—About 500,000 acres.

798. What quantity of land is included in that portion of Upper Canada which has been actually surveyed?—Nearly 17,500,000 acres.

799. How much of this has been granted or appropriated?—13,300,000 acres have been granted and disposed of to individuals and the Canada Company, and for public purposes; 450,000 acres have been set apart for roads; 318,000 acres have been appropriated to the Indians; 2,400,000 have been appropriated as clergy reserves, leaving about 1,500,000 open for disposal.

Evidence.

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800. Of which one-third will be absorbed to satisfy claims for location which may yet be urged?—Yes.

801. And the remainder, I presume, is generally of an inferior character, and in unfavourable position?—It is, generally.

802. Have you any idea what proportion of the 13,300,000 granted or disposed of, is now generally occupied?—I have no means of ascertaining accurately; but from the knowledge I have acquired by travelling through the country, I am inclined to believe a very small proportion.

803. The remainder of course is wild land; what effect has this mass of wilderness upon the progress and wealth of the country, as affecting the means of communication and transport?—Injurious in the highest degree. Nothing has more tended to retard the settlement and prosperity of the country than this circumstance.

804. For what public purposes have lands been reserved other than the benefit of the clergy?—There have been reserves for schools amounting originally to 500,000 acres. A part of this, amounting to 266,000 acres, has been appropriated to the support of the University of King's College.

805. Under whose management are the lands appropriated to King's College?—Of the chancellor of the University and a committee. The whole of the land has been patented to them. The University did not obtain the school land, but an equal amount of the most valuable Crown reserves in exchange for the less valuable school lands. The school lands used to be under the management of a board of education, but I do not know that there is any such body now.

806. How much of the school lands have been patented?—A very trifling quantity; but I will furnish a precise return,

807. Of what value, generally, are those which remain ungranted?—They will average, I suppose, about 10 *l.* per acre.

808. And as upwards of 200,000 still remain to be disposed of, this would produce about 100,000 *l.*?—It would.

809. Lands have been appropriated as Crown reserves; is this practice still continued?—Crown reserves are still marked upon the diagram, and are not open for location, unless specially ordered by the Governor, but they are open to sale in the same manner as other Crown lands.

810. As regards persons entitled to grants, however, they are still actual Crown reserves?—They are.

811. What has been the practice pursued with regard to the laying out of towns, and the general disposal of town lots?—Whenever the surveyor-general, on the report of a deputy surveyor, imagines that a locality is advantageously situated for the building of a town, the site is submitted to the Governor as fit for a town, and in general a reservation is made for that purpose; the block thus reserved is divided into acre, half-acre and quarter-acre lots, according to its apparent value, or the probability of a great demand for the lots for building purposes, and these lots have been heretofore granted, subject to the payment of fees, and on condition of erecting a building on the lot within a specified period. They were granted indiscriminately at the discretion of the executive council to any person who was willing to fulfil the conditions imposed.

812. It might happen, therefore, that the whole of the town might be granted away within a short time of its reservation?—Yes.

813. Though it must be known that only a small part of those who received the grants could actually settle in the town?—I do not know how that was; but if the conditions of the grant were complied with, that was all the Government required.

814. Has it not happened, from this practice of granting in the first instance, that there are towns, the whole of which is private property, but a very small proportion of which is built upon?—There must have been buildings originally, but they may have been pulled down or allowed to fall into decay.

815. What practice has been pursued in laying out the clergy reserves?—Before the township was surveyed, the diagram was furnished to the surveyor, with the clergy reserves, in every seventh lot marked on it, and on his return of survey, these lots were appropriated as clergy reserves.

816. By the Constitutional Act it is directed, "that whenever any grants of land shall be made by the Crown, there shall at the same time be made in respect of the same a proportionable allotment for the support of the clergy;" under what authority are the appropriations which you have described made, before any grant has been made to private individuals?—Under authority of an order in council, 27 June 1795.

817. In the patent which issues upon every grant of land, has there not been a specification of the land set apart for the support of a Protestant clergy, in respect of such grant?—Yes, there has.

818. What proportion of land has been specified?—A quantity equal to one-seventh of the land granted, or 14$\frac{2}{7}$ acres for every 100 acres.

819. But as one-seventh of the whole land comprised in a township is equal to one-sixth of the land remaining to be granted, after this reserve has been made, it would follow, therefore, in every township there must be a portion of the land going under the name of clergy reserve, which is not specified as such in any patent?—It would have been the case if reserves had been made regularly from the commencement.

820. Have not such reserves been made regularly?—Not in the early settlement of the province.

821. By

821. By a statement which you have furnished to this commission, it appears that, among the surveyed lands of the province, there are about 700,000 acres described as Indian lands, and which, therefore, have not been granted by the Crown; has any reserve been made for the clergy in respect of these lands?—Yes; there has been the usual quantity of land set apart as clergy reserves in respect of these lands.

822. Under what authority have these reserves been made?—The reserve was made in anticipation of the land being granted.

823. So that upwards of 100,000 acres have been withheld from settlement because the surveyor-general chose to imagine that at some time or other the Crown would grant land which did not belong to it?—This reserve was not made by the surveyor-general at his own discretion, but on the authority of a special order of the Governor in Council, founded on a representation of the then attorney-general; and the greater part of it has been specified since the Indian lands, in respect of which the reserve was made, have been patented to individuals.

824. By the same statement furnished to this Commission, it appears that the surveyed land amounts to nearly 17,000,000 acres, the land appropriated as clergy reserves, amounts to about 2,400,000 acres, being about one-seventh of the whole surveyed land, supposing the plan which you have described of reserving land equal to one-seventh of the grant, pursued in respect of the whole surveyed land, there would be a surplus, would there not, of upwards of 300,000 acres not specified in any patent? If all the lands were under patent and specification taken, there would be a large surplus not required for any specification, owing to the misconception of reserving one-seventh instead of one-eighth.

825. And there must be a proportionate surplus in every township, in which a reserve of one-seventh has been made in laying it out, according to what is termed the chequered diagram system?—Yes, there would be.

826. How many townships have been so laid out?—About 200, comprising about 13,000,000 of acres.

827. Nearly the whole of the land in which has been disposed of by the Crown?—Nearly the whole of the land fit for cultivation.

828. So that the surplus contemplated in my former question has actually arisen in almost all the townships in the province?—In about two-thirds.

829. In what manner have the specifications for clergy reserves been made?—In the first instance only six-sevenths of every lot of 200 acres or 171 $\frac{3}{7}$ acres were specified; 28$\frac{4}{7}$ acres of each lot not being contained in any specification; latterly the seven-sevenths of each lot have been taken out, and one-seventh of the lots set apart for the clergy reserves in each township has been omitted from specification.

830. Will you state in what townships these separate systems have been pursued?—No such division as you require me to make can be made, because in many of the townships in which the former system was originally pursued, a portion of the land remained ungranted when the latter system was introduced; thus both systems have been introduced into the same township.

831. So that it would be absolutely impossible to separate the specified and unspecified portions of what is called the clergy reserves throughout the province?—It is obviously impossible in those cases in which parts only of the particular lots were specified according to the first system described; the one-seventh of the lots which has not been taken in specification can be ascertained, but not any particular part of a lot.

832. How many acres of clergy reserve have been described for patent?—Nearly 74,000 acres.

833. How much of this has been specified as clergy reserves in patents or grants of land?—I cannot say, as some lots are taken in whole, and others are as yet in part.

834. Are you aware whether any lots have been sold, no part of which has been specified in any patent?—I do not know whether or not there has been such sale, the whole of the clergy reserves having been returned to the commissioner of Crown lands for sale, and this office only having a record of those upon which the whole purchase-money has been paid.

835. Such, however, may have been the case?—Yes.

836. And many lots have been returned from this office to the commissioner of Crown lands no part of which has been specified?—There have.

837. Was there not a special agreement made with the Laird of M'Nab?—There was by an order in council, dated 5 November 1823.

838. What was the nature of that agreement?—It was that a township should be set apart on the Ottawa for the purpose of being placed under his superintendence; that it should remain under his sole direction for 18 months; that patents might issue to any of the settlers of the township on his certificate, stating that settlement duties were performed, and his claims on the settler adjusted, or that patents might issue to him in trust for any number of settlers; that a grant of 1,200 acres was to be assigned to him, to be increased to 5,000 acres on his completing the settlement of the township.

839. Has the settlement of the township been completed?—No, it has not.

840. The full grant of 5,000 acres has however been made to the Laird of M'Nab, has it not?—The order of the Governor in Council for the grant is lodged in this office, but no description for patent has issued.

841. Why is that?—The selection of the lots that he had made were those on which he had placed settlers, who I understood had made considerable improvements, and I did not feel myself at liberty to issue descriptions, and I accordingly referred it back to the executive council.

Evidence.
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John Radenhurst, Esq.

council. A second petition praying that a description for those particular lots may issue for patent is now before the executive council.

842. The effect of granting his petition would be to place these settlers completely in his power?—Yes, it would.

843. By an order in council this township was to be placed at his disposition for 18 months; has there been any order in council extending this period?—I am not aware that there has been.

844. The settlement, however, of the township is still under his sole direction, is it not?—Yes, it is.

845. Has not the settlement of a very extensive tract of country been placed under the sole superintendence of Colonel Talbot?—Yes, it was.

846. On what terms?—At first, Colonel Talbot was entitled to receive 150 acres for every individual whom he should have settled on 50 acres of land; under this system he acquired the number of acres I have before mentioned. Under this arrangement, he settled 240 families; since 1821 this arrangement has been discontinued, but the exclusive superintendence of this large tract is still in his hands; but he performs the duties of superintendent without receiving any grant of land as remuneration.

847. He may, however, I presume make any arrangement he pleases, as to the surrender of a portion of the grant made to them, with the persons he settles on the lands?—He may, but I do not think he does; I have not heard any statement of the sort.

848. Has he then no remuneration for his labour?—Not that I am aware of.

849. Not a pension of 400*l.* a year?—He has a pension, but I do not know for what services it was granted him.

850. How much of this land is settled?—I understand from him that he has settled nearly the whole of it.

851. What quantity of land was sold by Government to the Canada Land Company, and what were the terms of sale?—The company at first contracted for the purchase of 1,384,413 acres of Crown reserves, and 829,430 of clergy reserves at 3*s.* 6*d.* per acre. The Government were, however, unable to perform their contract, so far as related to the clergy reserves, and as a substitute, the company were allowed to select 1,100,000 acres in a block on the shores of Lake Huron, at the same price for the whole as was to have been paid for 800,000 acres of clergy reserves, making the whole of their purchase 2,484,413 acres, the purchase-money was to be paid in the following annual instalments; viz.:—In the year ending July 1827, 20,000*l.*; 1828, 15,000 *l.*; 1829, 15,000*l.*; 1830, 15,000*l.*; 1831, 16,000*l.*; 1832, 17,000*l.*; 1833, 18,000*l.*; 1834, 19,000*l.*; 1835, 20,000*l.*; and 20,000*l.* a year for the next seven years. The company was to be at liberty to expend one-third part of the purchase-money of the block of 1,100,000 acres in public works and improvements within such block of land, such as canals, bridges, roads, churches, wharfs, and school-houses, &c.

853. Has there been any obligation on the company to take out patents for their lands at any particular time?—No, not until the expiration of the time allowed for the payment of the whole purchase-money.

854. How much land has been described to the Canada Company?—1,393,388 acres.

855. What is the extent of the establishment of the surveyor-general's office?—A surveyor-general, salary 600*l.*; this place is at present occupied by Mr. Sullivan, who receives no salary; chief clerk, 300*l.*; draftsman, 300*l.*; second clerk, 200*l.*; third clerk, 175*l.*

856. What is the state of the surveys throughout the province generally?—Generally speaking, they are very inaccurate. This inaccuracy was produced, in the first instance, by the deficiency of competent persons, and the carelessness with which the surveys were conducted. Latterly the practice introduced by Sir Peregrine Maitland, in spite of the results being pointed out, by the then surveyor-general, of letting out the surveys to any person who was willing to contract for them for a certain quantity of land, produced extreme carelessness and inaccuracy. The surveyors just hurried through the township, and, of course, made surveys which on the ground are found to be very inaccurate.

857. To such an extent probably, that in some townships scarcely a single lot is of the dimensions or position actually assigned to it in the diagram?—There are instances of this sort.

858. The consequences of this have, I suppose, been confusion and uncertainty in the possession of almost every man, and no small amount of litigation?—Such has been the case: last session an Act was passed, authorizing the Governor to appoint commissioners, with power to settle disputed boundaries, which will, I hope, remedy the inconveniences arising from this source.

859. Are there not considerable arrears in the office of the surveyor-general?—There are a number of entries in the books, such as field notes, commissioners' reports, &c. &c., which require to be made, but the current business of the office is not in arrear. For the last nine years, however, the office has not had its full establishment; I have been required to perform the duties of surveyor-general as well as of chief clerk, instead of being kept to the latter duties only, and there has been no effectual superintendence of the office, owing to the same cause, except during the 15 months Mr. Chewett was acting surveyor-general. The office is in the same condition at the present time, as the present surveyor-general has other duties to perform, which occupy the whole of his time.

Richard

Richard Hill Thornhill, Esq., Chief Clerk of the Crown Lands Office.

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R. H. Thornhill, Esq.

860. WHAT are the duties of the Crown lands office?—The commissioner of Crown lands has the superintendence of the sale, and management of the Crown lands of the province.

861. Are there any other duties performed by the commissioner of Crown lands?—Yes; the duties upon timber throughout the province are collected and accounted for by the commissioner of Crown lands, as surveyor-general of woods and forests, and the sale and management of clergy reserves are under the control of the commissioner of Crown lands, as agent for the sale of clergy reserves.

862. How long has this office existed?—Mr. Robinson, the former commissioner, was, I believe, appointed to his office in 1827, but did not enter upon the duty of his office till April 1828.

863. Were the three offices created at the same time?—Yes, nearly so.

864. And vested in the same person?—Yes.

865. Were there separate salaries for the three offices?—Yes.

866. What was their amount?—The commissioner of Crown lands, 500 *l.* sterling; surveyor-general of woods and forests, 500 *l.* sterling; and by an order in council, as agent for the clergy reserves, 500 *l.* currency; the present commissioner of Crown lands, 500 *l.* sterling as such commissioner, and 500 *l.* currency as agent for the sale of clergy reserves, and he performs the duties of surveyor-general of woods and forests without salary.

867. By whom were the duties now performed by the holder of these three offices previously performed?—The duties can hardly be said to have had any existence previously; all Crown land was previously disposed of by grant, and the whole of this business was managed then, as now, by the surveyor-general; I believe the management of the clergy reserves was previously under the control of a corporation, but these reserves could not be sold.

868. How long have you held your present office?—I have been chief clerk since 1836, but have been in the office since November 1828, and performed the duties of chief clerk for some years previously to receiving that appointment.

869. Of what does the property of the Crown under the control of the commissioner of Crown lands consist?—Such portion of the vacant and ungranted lands of the Crown as are from time to time returned by the surveyor-general as open for sale, together with such of the Crown reserves surveyed since 1824, or not made over to the Canada Company, as are similarly returned.

870. How much has been returned to the commissioner of Crown lands in this manner?—About 300,000 acres.

871. Of this how much has been sold?—One hundred thousand three hundred and seventeen acres.

872. Were there not regulations in force for the sale of Crown lands previous to 1828, when the office for commissioner of Crown lands was established?—I understand there were.

873. Do you know if any sales of land took place under these regulations?—I do not.

874. By what regulations has the commissioner of Crown lands been regulated in the discharge of his duties?—By instructions issued to Mr. Robinson, the commissioner of Crown lands, by the Lords of the Treasury, dated 18 July 1827, a copy of which I beg to hand in.

875. But have not other regulations been subsequently issued by the Colonial Office for the sale and management of the Crown lands of the province?—Yes, in 1831, and subsequently.

876. Have these subsequent regulations been acted on?—To a certain extent, I believe, they have.

877. To what extent?—To the extent of abstaining from the sale of Crown lands, otherwise than by public auction, except in the case of selling to emigrants, under the sanction of a special order of council, according to the regulations of 1830, which allowed three years for the payment of the first instalment, under particular circumstances.

878. I perceive, by the instructions to Mr. Robinson, which you have put in, that the commissioner of Crown lands is directed to ascertain "the nature and particulars of all the Crown property within the province, under the following heads: waste lands in those districts of the colony which have not heretofore been surveyed or laid out; waste lands in those districts of the colony which have been surveyed and laid out, but no part of which has been granted; ungranted lands and Crown reserves in those districts where grants have been made; lands which have been granted in perpetuity, upon payment of quit or other rents; lands and reserves which have been granted upon leases for series of years, upon reserved rents or otherwise." Have these instructions been complied with?—They have not been complied with.

880. The commissioner is also required by the same instructions "to submit to the Governor or officer administering the government, a report of the total quantity of each district of Crown property, within each district, of the reserve, so far as he may then have ascertained the same, together with his opinion of the quantity of each description of property which it may be expedient to offer for sale in the ensuing year." Has this part of the instructions been complied with?—No, it has not.

881. What part of the instructions then has been acted upon?—Except in the particulars referred to in the previous questions, they have been acted upon, unless in cases where a departure from them has been sanctioned by the Governor, whose order under the same instructions the commissioner is bound to obey.

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882. The two particulars then in which these instructions have not been acted upon appear to be, that the commissioner of Crown lands has never obtained a return of all the ungranted lands within the colony, and consequently has never reported the same to the Governor?—I wish to say in answer to that, that partial returns have been obtained from the surveyor-general's office of such townships and lands as appear likely to be sought after.

883. But the quantity of surveyed and ungranted lands is 1,500,000 acres, while the whole amount returned to the commissioner of Crown lands, as open for sale, amounts to only about 300,000 acres?—Yes, but returns have been called for by the present commissioner of Crown lands, immediately upon his appointment in 1836, of the quantity of land located on which the duties of settlement have not been performed, and which would therefore have reverted to the Crown; but this return has not yet been furnished; these lands would form most probably the most valuable part of the property of the Crown.

884. But as the present commissioner of Crown lands is also surveyor-general, he is calling upon himself for this return, is he not?—The present commissioner of Crown lands only received the appointment of surveyor-general on 20th June 1838.

885. By the instructions to Mr. Robinson, it appears that the sale and management of all the Crown lands in the province were placed under his control as commissioner of Crown lands; it would seem however from your answers, that he has never been commissioner of Crown lands, or assumed the management of more than the 300,000 acres returned to him by the surveyor-general?—No, he did not assume the control of locations of lands remaining unreturned by the surveyor-general, except that as surveyor-general of the woods and forests he sold the right to cut timber on them.

886. But this had nothing to do with the disposal of the land?—No, it had not.

887. So that in fact the quantity and situation of the land to be put up to sale was determined not by the commissioner of Crown lands and by the Governor, as directed by these instructions, but by the surveyor-general?—The surveyor-general never made any returns, unless specifically called on to do so; and, therefore, the situation and quantity of land to be put up to sale was determined by the commissioner of Crown lands, by whom these returns are called for.

888. Why then did not the commissioner of Crown lands call for a return of the whole?—I cannot say.

889. But the management of all lands not included in these returns remained in the hands of the surveyor-general, who might at any time appropriate the most valuable portions to individuals entitled to free grants of land?—The control of lands not having been assumed by the commissioner of Crown lands, the surveyor-general was at liberty to locate them to such persons having orders for free grants of land as he thought fit.

890. What have been the proceedings of the commissioner of Crown lands in respect of the lands so returned to him?—Agents have been appointed throughout the province to carry the public sales into effect; when a sale of waste land took place, notice thereof was given in the official gazette and other newspapers published in the province; the purchaser at any such sale was required to pay the first instalment of one quarter into the office before he received authority from the office to take possession of his land; the remainder of the purchase-money was required to be paid by three equal annual instalments without interest, the patent for such land not issuing until the full amount of purchase-money was paid to the commissioner of Crown lands.

891. At what time were the first instalments required to be paid?—It was required to be paid down.

892. That is, at the time of the auction?—It was required so to be paid, but was not so paid in all cases; the sale was not considered to be completed until the payment of such instalment.

893. What proportion do you suppose was paid at the time of auction?—A very small proportion indeed; in fact, the auction sales were altogether nominal, in respect to a considerable number of lots; the persons to whom these lots were knocked down never completed their purchase by the payment of the instalment; such bidders, however, were not considered as having any right to the lands.

894. How long a time was allowed to elapse in these cases before the land was considered forfeited and put up to sale again?—No definite time was fixed by the late commissioner, who received the money at his discretion at any distance of time in cases where he considered the parties entitled to such indulgence; in other cases it was put up for sale at the next sale; but there was no regularity in this, and it did not often happen. Autumn sales generally closed in the month of November, and began about May in the ensuing year, and indulgence was always granted by the commissioner for this interval.

895. But in the mean time, the person who had been prevented from purchasing by being outbid by one of these nominal purchasers at a former sale, might have left the country, or have purchased land of private individuals, or determined not to purchase land at all?—It is possible such might be the case.

896. And in all cases the land was withheld from settlement during the interval between one sale and another?—Yes, it was.

897. In the year 1833, interest was required upon instalments after the first; under what authority was this required?—Under instructions from the Home Government.

898. Was this the only change introduced into the system of selling by those instructions?—It was the only alteration in this office.

899. Then the period at which instalments were payable was not altered in any respect?—Not in any

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900. Have any steps been taken to prevent the occurrence of inconveniences, such as you describe, arising from the practice of not requiring the instalment to be paid down?—Yes, upon the appointment of the present commissioner of Crown lands, Mr. Sullivan, persons bidding for land at public auction were required to pay the instalments into this office within 14 days from the day of sale, and agents were required to render to this office a return of the land sold at each sale, as soon as the same was closed. At the expiration of the period of 14 days, returns are forwarded to the agents in the different districts, of the persons who have complied with this condition, and the agents are directed to offer all lots not included in this return, for sale at the next monthly sale. It having also appeared to the present commissioner that, in certain cases, persons not intending to become purchasers were in the habit of bidding up the lots in opposition to individuals having the means and intention of paying for the land, and bringing settlers thereon, the agent was instructed to require payment of the first instalment of the purchase-money on the spot, in cases which appeared to him to require such proceedings, and in default thereof the lot was to be put up again, and the bid of that person not received, which precludes the possibility of a *bonâ fide* purchaser being disappointed in his attempts to obtain land for settlement. Mr. Sullivan also caused circulars to be prepared, giving notice to persons in arrear that they would be called upon to pay up the amounts due from them; but he did not issue it, as nothing of the sort had been done by his predecessors, and he was aware that the people of the country were in expectation of some favourable change in the land-granting department.

901. But under the former system lands in respect of which the first instalment had not been paid before the next sale, were in some cases put up again at that sale, does the present change therefore affect an improvement in many cases, except those in which the agent may imagine that the bidder has no intention of completing his purchase?—Yes, it does; sales were not always made at monthly intervals, and persons who bid off lands were in the habit of considering that they had a claim to such lands; the agents too, in most cases, did not make immediate returns of the sales, and therefore the further dealing with the parties bidding off, was not placed in the power of the commissioner, but was kept to a great extent in the hands of the agent, nor was any day fixed within the month after which the instalment could not be recovered; all these sources of irregularity are now put an end to.

902. Why do you return to the agent the number of those who have complied with the conditions of sale by the payment of the purchase-money?—Because it is much easier, their number being so much smaller.

903. What proportion of the purchasers of Crown lots are now in arrear?—A very large proportion.

904. What has been the amount of Crown lands sold in each year since the establishment of this office?—I beg leave to refer to a return furnished from this office on the subject.

905. Has any part of this land been sold by private contract?—Yes, a small portion of it has been sold under special instructions from the Governor, in cases where it was imagined that the individuals had a right to pre-emption, owing to their having improved a part of the lot, or in cases of broken lots lying between their farms, and water, or a public road, or in other cases which appeared to the Governor to require a deviation from the usual course, and also under the regulations of 1831 to indigent settlers recently arrived in the colony.

906. How much land has been disposed of in this way?—I am unable to answer this question, as there has been no distinction made in the books of the office between sales by private contract and sales at public auction.

907. What proportion of the 100,000 acres sold by the commissioner of Crown lands should you suppose has been disposed of in this manner?—Possibly about a tenth.

908. The remainder has been sold by public auction?—Yes.

909. Supposing an individual to arrive from England at the present time desirous of purchasing land, what would be his opportunities of selection; would he be confined to the land returned to you by the surveyor-general, or would he have choice among all the ungranted lands of the Crown?—He would be confined to the lots named in the handbills issued by this department, and which contain only such lands as are returned by the surveyor-general, unless he happened to learn from friends already settled in the country that lots not included in these returns were vacant, in which case, on application to this office, reference is made to the surveyor-generals's office, when, if such lot prove to be vacant, a requisition would be made that the same might be returned to this department, when the lot would be put up at the ensuing sale.

910. This proceeding must have involved considerable delay and trouble to the emigrant?—It unquestionably did, but cannot now be remedied until the returns called for by the present commissioner of Crown lands are furnished.

911. But it would never have existed if the instructions of 1827, requiring the commissioner of Crown lands to ascertain the nature and particulars of all the Crown property within the province had been acted upon?—Of course it would not; this delay will, however, be avoided for the future, by the appointment of the present commissioner of Crown lands to the office of surveyor-general.

912. But even now, after an emigrant has been at the trouble and expense of ascertaining the advantages of any particular lot, he is liable to be overbid by a speculator, who may be tempted to bid for the lot because he sees that a *bonâ fide* settler is desirous of purchasing it?—This is the case, and it is one of the injurious effects of the system of

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selling by auction, which, in my opinion, has worked very disadvantageously to the province, and is not at all calculated to attract emigrants.

913. Has the system of selling by auction any effect in increasing the average produce of Crown lands?—I do not not think more is obtained by auction than would be obtained if the lands were sold at a fair fixed price; and, in fact, the system of auction has a tendency to deter purchasers, and to diminish the actual revenue derived from this source; I do not know of a single advantage obtained from the system which might not have been obtained equally by sale at a known fixed price; the system of auction was probably introduced to prevent favouritism, but this might equally have been secured by other means.

914. And since the establishment of this system, nearly a twenty-fold quantity of land has been disposed of by free grant, to which no security against favouritism was attached?—So I understand.

915. Are there any difficulties or delays in the way of obtaining patents for lands upon which all the instalments have been paid?—I do not know that there are; a certificate is issued from the office of the commissioner of Crown lands immediately upon the payment of the last instalment, directed to the surveyor-general, upon which the description issues to the secretary of the province where the patent is granted; it is then sent to the office of the attorney-general for the signature of that officer, and is then ready for the signature of the Lieutenant-governor, when the patent is ready for delivery.

916. How much time is occupied in all these processes?—It is quite uncertain; I have known instances where the party remained in Toronto and went himself from office to office; it has been obtained in one or two days, but in other cases it has remained for a week to a month, or perhaps more, according to the business of the different offices at the time.

917. With ordinary diligence, might it be obtained in a week?—Yes, generally.

918. In the return that has been given in from the commissioner of Crown lands office, the receipts on account of the sale of land are stated at 33,858*l.*; is this the amount that has been actually paid into the hands of the receiver-general?—No, it is the gross amount received.

919. To what deduction is this amount subject?—To the salaries of agents and clerks, and necessary contingent disbursements of the department.

920. Under what authority are these payments made out of these receipts?—Under that of the instructions of the Lords of the Treasury, put in in answer to a former question.

921. Then the whole of this amount, after deducting these items, has been so paid to the receiver-general?—It has been in the case of Mr. Sullivan.

922. The whole of the sales of Crown lands since the appointment of the commissioner of Crown lands have been made subject to payment by instalment, have they not?—Yes.

923. What has been the effect of this practice, as regards the character and means of those by whom purchases have been made?—No doubt it had a bad effect; inducing persons to purchase land, with far less capital and means of improving it, than would have been the case had the whole amount of the purchase-money been required to be paid down; and it has induced persons to purchase, whose means were so limited as to leave them without the means of providing for their families; who have then been exposed to the greatest hardships for years. The small amount of the instalment, especially in the case of clergy reserves, induces persons of this class to purchase more land than they can conveniently pay for; and they are further encouraged by the knowledge of the fact, that Government have never taken any steps to distress persons who have paid one instalment, whether of a fourth, as in the case of the Crown, or a tenth, as in the case of clergy reserves, on account of the remainder. I think it would be a considerable improvement to the system, if the price of Crown lands was diminished, and the whole of the purchase-money required to be paid down.

924. Have there not been directions issued from the Colonial Office, directing that the whole of the purchase-money should be paid at once?—Yes; such a despatch was received during the administration of Sir F. B. Head, but it was received during the great commercial pressure in this country; and from that cause, as well as others to which I have referred, such as the expectation of the public that land would be granted upon more advantageous terms than formerly, the commissioner of Crown lands was instructed by the Government, not to act upon the regulation until further orders.

925. The commissioner has the power of fixing the prices at which Crown lands shall be put up?—He has virtually, but he cannot determine the price at which land shall be sold, as he is compelled to put it up for sale by action.

926. Was there not an act of the provincial legislature, introducing new regulations for the future disposal of waste lands, the property of the Crown?—Yes, such an act was passed in the session of 1837, which was reserved for the royal assent, and to which such assent has been since given; but the same has not gone fully into operation, in consequence of instructions received from Lord Durham; it was the less necessary, since the emigration this year has been very trifling, and very few applications, indeed, have been made for land.

927. In what way will this act affect the duties of commissioner of Crown lands?—The principal object of that act appears to have been to benefit the speculators in U. E. rights, and to curtail the necessary discretionary power which should be vested in the head of a department; the first object was accomplished, by authorizing the issue of a patent in the name of an assignee, instead of the U. E. claimant, as formerly; and also admitting the claim

claim of the assignee to a remission of 40 *l.* upon each right, in the purchase of public lands, whether Crown land, or clergy, ordnance or Indian reserves. It directs the appointment of agents in each district in the province, however small may be the quantity of public lands in the district, to whom all payments are to be made, and for whose due application of such payments the commissioner of Crown lands is made responsible; the securities which they are required to furnish being to him and not to the Government.

928. In what way are the agents to be remunerated?—By a per centage on the sales they may effect.

929. This would amount to a very small sum, would it not?—Very small.

930. Then it may be presumed, that few persons would be found to take the situation, for the sake of the emolument only?—I should think so.

931. Have these agents any power of locating claims for themselves or their families?—They have, and I should think this might be a reason for their taking the office; in connexion with the favour and patronage which such an office might give, which would be very great; indeed, their powers, as defined by the act, would leave the commissioner of Crown lands at Toronto, a complete cypher, placing him in the condition of an accountant, bound to audit the accounts of the commissioners for the provincial legislature.

932. What are the duties of the commissioner of Crown lands, as agent for the clergy reserves?—To ascertain the value of such lots as are under lease or occupation of individuals, and to sell the same upon application of the persons settled thereon; fixing the upset price to vacant clergy reserves, and selling the same by auction in the district where the lots are situated; receiving the amount of purchase-money, and accounting therefor to the Governor in council. The principal of the purchase-money, as it is received, is paid into the military chest, under instructions from Lord Goderich, and the interest is paid to the receiver-general.

933. Of what do these clergy reserves consist?—As I understand it, of one-seventh of the lands in the different surveyed townships in the province; at least I should judge this from the returns from the surveyor-general's office, which consist of one-seventh of the lands in the surveyed townships.

934. The reserves are offered for sale under an Act of the Imperial Legislature, are they not?—Yes, they are.

935. What proportion of them is the agent for clergy reserves authorized to sell?—One-fourth part, at not more than 10,000 acres per annum.

936. How much has been returned to the agent for clergy reserves, as the whole amount of such reserves?—Upwards of 2,350,000 acres.

937. How much of these have been disposed of in the whole?—Four hundred and sixty-six thousand seven hundred and forty-two acres up to June last, and 6,363 acres since that time; making 473,105 acres in the whole.

938. So that there are at the present time 120,000 acres yet to be disposed of before the amount which the Act authorizes the agent to sell will be exhausted?—Yes, there are; but about 157,000 acres of the total amount given above has not yet been surveyed.

939. In what manner are the reserves sold, by auction or by private contract?—They are sold, the vacant lots by public auction, the leased and improved lots by private contract, to the persons by whom they are occupied and have been improved, under the authority of an order in council, the parties so admitted to purchase producing documentary evidence of their right to pre-emption.

940. Of the 466,000 acres sold, what proportion was improved or on lease?—I am unable to answer this question, as in the official books no distinction is made between occupied and unoccupied lots, nor between private sales and sales by auction.

941. What is the total amount for which the land has been sold?—£.317,134. 8*s*. 1*d*.

942. How much of this has been received?—£.117,555. 14*s*. 7*d*.

943. Leaving a balance of £.199,578. 13*s*. 6*d*. still due?—Yes.

944. Is any difficulty found in collecting the instalments for clergy reserves as they become due?—Yes; a great proportion of them have been allowed from the commencement to remain in arrear, and for the last year and a half a greater proportion of arrearages have occurred owing to the pressure of the times; this will not appear by the accounts of the sums received as given above, but this is accounted for by the fact that several of the purchasers have paid their purchase-money and obtained their land before the instalments became due.

945. Do you know what is the ultimate disposition of the monies received on this account?—I have understood it is vested in the English funds, for the benefit of the clergy for whom these reserves are made.

946. Has not this been as yet practically for the Episcopal clergy?—I cannot say from my own knowledge, but I have understood so.

947. And this is the general understanding throughout the province, is it not?—Yes, it is, as far as I have observed.

948. Has this appropriation of the whole proceeds of these reserves produced any, and if any, what feeling adverse to the political tranquillity of the province?—I have reason to believe that it has produced a feeling of jealousy amongst the different religious denominations, and more especially the Presbyterian congregations, which has naturally tended to disturb the political tranquillity of the province.

949. In what manner are the timber duties collected in this province?—The usual practice has been to grant licenses to applicants for the privilege of cutting timber upon Crown lands, for a certain quantity specified in such a license; a bond is at the same time taken

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from the parties obtaining such license for the payment of the Crown dues thereon, and the raft, on reaching Quebec, is made liable for the payment of the dues, which generally amount to more than that specified in the license; the parties having cut more timber than their license authorized.

950. But this applies only to timber sent down the St. Lawrence; is there no timber cut in any part of the province which is not sent by this channel?—There is a small quantity of timber cut in townships laying remote from the St. Lawrence, in the interior, which is sawn up in the neighbourhood, and upon which it is found generally impossible to collect the duty.

951. Is there no timber of this sort sent into the States?—Not that I am aware of; the principal timber trade is upon the Ottawa river; a collector is appointed at Bytown to ascertain the amount of duties upon the timber which passes the place. Timber cut upon the Crown lands in other parts is in such small quantities, that it is difficult to discover whether it has been cut upon Crown land or not; the expense of collection would be far greater than the receipts.

952. What has been the gross amount produced by these duties since the appointment of the surveyor-general of woods and forests?—Up to the 30th January last it had amounted to 58,085 *l.* 4 *s.* 11 *d.*: since then there has been received 4,763 *l.* 4 *s.* 2 *d.*; to this must be added 8,567 *l.* 13 *s.* 6 *d.*, which the late collector of timber duties at Bytown, Mr. Sheriff, remained in default to the late surveyor-general of woods and forests up to the 10th of May 1837, when he retired from office; as also a sum of 1,080 *l.* 7 *s.* 8 *d.*, which the same collector was in default to the present surveyor-general of woods and forests. The present surveyor-general dismissed Mr. Shirreff as soon as his accounts could be made up, having previously placed the present collector, Mr. Stephenson, in charge, to prevent any further defalcations.

953. Was the whole of the amount received by the late surveyor-general duly accounted for?—I cannot state; the books of this office do not show how the account stands at present.

954. How did they stand when he left the office?—The last account current of Mr. Robinson was, I understand, rendered after he left the office, and is not entered in the books of this department, so that I am unable to answer this question.

955. Then you have no account for the year he left office?—None for 1836.

956. Nor for the beginning of 1837?—Not his account with Government.

Hon. *R. B. Sullivan*.

Honourable *Robert Baldwin Sullivan*, Member of the Executive Council.

957. YOU are, I believe, commissioner of Crown lands, surveyor-general of woods and forests, agent for the sale of clergy reserves and surveyor-general?—Yes, I am.

958. Most of these offices are of recent creation?—Yes; previously to the appointment of Mr. Robinson, the whole business of the land-granting department was conducted by the surveyor-general; the office of commissioner of Crown lands was then appointed; then the appointment of surveyor-general of woods and forests was made and conferred upon the same gentleman. The duties of this office are principally the collection of duties paid on licenses to cut timber; shortly afterwards, the Act of Parliament by which the sales of a specified portion of the clergy reserves is authorized was passed, and under that Act Mr. Robinson was properly, as I think, as it was a part of the sale of lands, appointed as an agent for the sale of these reserves. Upon his resignation of the offices of commissioner of of Crown lands and agent for the sale of clergy reserves, I was appointed to these offices.

959 What was the salary and emoluments of this office?—The commissioner of Crown lands, by his instructions, was authorized to receive 500 *l.* per annum, and also a per centage upon all sales of Crown lands effected by him, until the sum should have amounted to 1,000 *l.* per annum; he also received 500 *l.* per annum as agent for the sale of clergy reserves. I obtained the two offices; was to receive 500 *l.* as commissioner of Crown lands, without any per centage, and was to receive 500 *l.* as agent for the sale of clergy reserves. I have since been appointed surveyor-general of woods and surveyor-general; I perform the same duties in relation to Indian reservations, without any additional emolument. This consolidation of offices took place, partly on account of representations from the Home Government of the inutility of so many offices to perform what was in most respects the same duty, and partly in consequence of a report from the House of Assembly.

960. Under these appointments you have the whole superintendence of the Crown property in this province, as regards the sale and location of Crown lands, selling of licenses to cut timber; and you also have the exclusive management of the sale of clergy reserves?—Yes, I have.

961. By what regulations are you guided in the performance of these duties?—I am guided in the disposal of Crown lands by an act of the provincial parliament passed during the last session, by various orders from Her Majesty's Government received from time to time, and by a series of orders in council passed since the first settlement of the province; as agent for the sale of clergy reserves, I am guided by the act of the provincial parliament authorizing their sale, and by orders in council.

962. By the instructions given to Mr. Robinson, put in by Mr. Thornhill, the first instalment on account of the purchase-money is required to be paid down; this practice has not, however, been generally observed since your appointment, has it?—It has not been followed, because the sales have taken place simultaneously in different parts of the country, and I would not be accountable for the receipts of money by the persons appointed to sell; a reasonable

reasonable time is allowed by me for the payment of the money into this office, upon which an official receipt issues, and I have not treated the parties as acquiring any right until this payment is made. In the few sales which have taken place in town, I have directed the money to be paid on the same day into the office, and have attended myself for the purpose of receiving the money in case of any dispute; the Act of Parliament, however, to which I have referred, relieves me from this difficulty, since it directs payment to be made to the agents, who are to give securities.

963. But does not this act supersede all other regulations in respect to the sale of Crown lands?—Not altogether; it was not the intention of the parliament that this should be the case; certain commissioners had been, I believe, appointed by the House of Assembly of New Brunswick to negotiate with Her Majesty's ministers on the subject of the casual and territorial revenue of that province; a draft of a bill was made in London, with the concurrence of the Home Government, by which all disposition of Crown lands, otherwise than by sale by auction, was declared to be void; this Act was sent out to the Lieutenant-governor of the province, with directions that the subject should be submitted to the colonial legislature, and that they should be invited to legislate upon it with a view to the relinquishment of the Crown revenue to the disposal of the provincial parliament. The House of Assembly did not desire to abrogate all rights to land and pledges of the Government in the sweeping way proposed by that act; they passed the present modified bill, still leaving the claimants upon the Government the enjoyments of their rights, and to the Governor in Council the discretion given in the act, at the same time introducing such popular changes in the former system as they thought fit.

964. But this Act continues the system of sale by auction; are there any particular advantages connected with this system to overbalance the delay and uncertainty which appears to attend it?—The circumstances of the different parts of the province as locally affected by settlement and the consequent value of land, makes it difficult to give a general answer to this question. When lands are in the immediate neighbourhood of or surrounded by settlement, much discontent and many charges of favouritism are avoided by public competition. But this advantage, speaking of it as a general system, is far more than counterbalanced by the delay which takes place in the acquisition of lands by persons desirous of purchasing it, and by the impossibility of selecting in anticipation the lands on which individuals desire to settle. In my opinion, were it thought expedient that the local Government should be so far trusted, certain lands ought to be open for public competition; and in cases where large quantities of land were for sale, and no competition is likely, a certain price should be fixed, at which any persons should be able to acquire land on application. It is impossible to advertise all the vacant lands in the province for sale at one auction; and in any selection that can be made, lands upon which individuals may have fixed their attention are often unavoidably omitted, so that a freedom of choice to settlers is prevented, without any advantage to the Government; and I know of no instances in which, in the sale of large tracts of land, a greater sum than the upset price has been obtained, however low that upset price may have been. The bidders at these sales generally consider it a duty they owe to each other not to bid up these lands when there is so much choice; so that, in fact, the system of sale by auction is a cumbrous dead letter, from which the public receive no advantage, while the settlers are seriously delayed in their locations. The expenses of a man's family, even for one month, will amount to half, and in many cases to the whole of the purchase-money of a Government lot, and he may remain for several months before the lot he has selected can by possibility be put up, if the publicity required in any sale by auction is to be given. In my opinion it should be left to the local Government to decide what lands should be open to competition, and that this competition ought to be allowed in all cases where it was really probable it would occur, and it should also be left to the same authority to say what were the cases in which sales should take place at a fixed price, and that this should be the case where real competition was not probable. As respects the clergy reserves, which are generally valuable from lying scattered through the settlements, a good deal of competition is likely to take place at a public auction, and this probably would have been the case equally with the Crown reserves, had the same not been sold to the Canada Company.

965. Would not this, however, cause the evils of delay and uncertainty which you have described as resulting from the system of auction in respect of these lands, which it is most desirable to settle at once?—It will no doubt in some degree; but there is no other means of avoiding charges of favouritism which may be made, and which nothing but an actual trust in the integrity of the officers of Government, not liable to be shaken by the misrepresentations of interested or disappointed individuals, would enable those officers to withstand. The evil, however, is not of so great an extent, as these lands are so valuable as to be worth waiting for for a certain time; and, on the other hand, they may be of such very great value to persons in the neighbourhood that it would be unjust to them not to allow them the opportunity of competing in the purchase. It might also be obviated by a rule of setting these lands up to sale in the first instance by auction, and if not then sold, afterwards selling them at the upset price.

966. Your objections to the system of selling at a fixed price seem, however, rather to apply to the opinion which might be formed of the officers of Government than to any evils to be produced by such a system to the public?—With the best intentions an error may be committed in the valuation of a lot of land, and it would not fail to be set down to corrupt motives; but, generally speaking, a fixed price would work well for the public interest. I do not mean by this an uniform fixed value on all the lands in a province, district or township;

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township; because, in some cases, individual lots should be valued according to those circumstances which give value to lands, and which vary almost infinitely, and it should be left to the local authorities.

967. But would not this especially expose them to the charge of favouritism?—Possibly it would; but I am supposing that confidence should be placed in the Government.

968. You have read the evidence given by Mr. Thornhill; do you agree with him as to the effect which he has described as being produced by the practice of selling land, and allowing the purchase-money to be paid by instalments?—Where the object of the sale of lands is revenue, and the lands are valuable from being surrounded with settlements, the system of selling by instalments appears to me to be a very good one, because an industrious man can pay for his land out of their proceeds, and at the same time increase the value of his lot incalculably; or he can at any time sell his land at its improved value, and thus pay the principal and the large interest of six per cent. without any great inconvenience to himself; and from the lands being scattered, there is no probability of the combination of the purchasers against the claims of Government, which always takes place where lands are disposed of to a whole community, on credit, and when, because the whole community are debtors, they unanimously resolve not to pay. But as respect sales in remote places and new settlements, the effort to raise from the land itself the means of paying the purchase-money is generally unsuccessful. The improvement in the value of land is very much more than the original value as wild land, but in this improvement the exertions of the settler are generally expended, so that a man may be very industrious and successful, and become the possessor of a valuable property, and at the same time be quite unable to pay the purchase-money of the land by the sale of the produce he may raise upon it. In this case, if he owes a debt to the Government, it is almost hopeless to attempt to pay it, and he becomes a discontented person; he can neither be expected, within any reasonable time, to pay his instalments, nor to remain contented without a title to his land and improvements.

969. A considerable part of the purchase-money of Government land is still in arrear, is it not?—It is.

970. Have any attempts been ever made to obtain the payment of these arrears?—No, there have not; and in some cases I am afraid that it will be necessary to give them up; you cannot attempt to eject a whole community.

971. You are aware of the practice which has been pursued of setting apart one-seventh of the waste lands of the province for the support of a Protestant clergy; has it occurred to you that the portion thus set apart is larger than that directed to be made for this purpose by the Constitutional Act?—The Constitutional Act directs that a portion equal to one-seventh of the granted lands should be set apart and specified in the patent granting such land; this would actually not amount to one-seventh of the whole lands of the province; a proportion of one-eighth, I think, would be the legal reservation.

972. What has been the actual practice in specifying the reserve in the patents?—The reservation in each patent has never amounted to more than one-seventh of the quantity of lands granted by the same patent.

973. And would you not consider that, under the Constitutional Act, the portion thus specified is all that can be properly considered as clergy reserves?—Land is not legally a clergy reserve until it is legally specified in the patent; it has merely been designated as thus for the convenience of having it at hand where descriptions for patents were to be made out.

974. The practice, however, has been, has it not, both with the surveyor-general and with the agent for the sale of clergy reserves, to treat all this appropriated land as clergy reserves?—I find that the practice has been to treat the unspecified as well as the specified as clergy reserve.

975. But the Constitutional Act gives no authority for treating as clergy reserves any land that is not specified?—Certainly not; but I think no inconvenience can result from it, as it is a matter which depends upon calculation, and can be settled at any time.

976. Has any inconvenience been found to result from making these reserves?—The making the Crown and clergy reserves has caused the lands, in many instances, to remain vacant, and has added eventually to the greatest evil under which this country has been labouring, that is, the intervention of unsettled lots in the midst of settlement, and the consequent scattering of the population, and increase in the difficulty of providing the means of communication through the country.

977. There has been an Act authorizing the sale of the clergy reserves; has that put an end to the evils resulting from this cause?—The clergy reserves are very much sought after at present, because of their being interspersed amongst the settlements, and the sale of them, so far as it has gone, has tended to remove the evils I have described; but, as agent, I am restricted to the sale of one-fourth of the clergy reserves, which one-fourth is now nearly exhausted.

978. So that the Act in question will afford a very incomplete cure for the evils thus occasioned?—Very incomplete, indeed.

979. In this manner, therefore, the reservation of this portion of the land for the support of the clergy, appears to have been productive of injury to the country, by obstructing its progress in wealth, and wasting the resources of its inhabitants. Has the manner in which the proceeds of these reserves have been appropriated to the support of one church only, produced any and what feelings adverse to the harmony and tranquillity of the province?—It has produced a great deal of discussion and agitation of late years, both in the legislature and upon popular feelings; one party have been satisfied with it, and another against it, and both

both sides have maintained their cause with the violence and heat which always attend discussions into which religious differences are introduced.

980. Crown reserves are, I believe, no longer made?—They are not any longer made in effect, and those which have been made, and which have not been disposed of to the Canada Company, have been disposed of, or are open to disposal in the same way, as other parts of the Crown domain.

981. Have the evils which you have described as resulting in former times from the Crown, as well as from the clergy, reserves, been put an end to by the sale to the Canada Company to which you have referred?—So far as the Canada Company have sold their reserves, this has been done.

982. Are you aware to what extent these sales have been made?—No; I am not.

983. What effect has been produced upon the settlement of the province by the sale to the Canada Company of these reserves?—The effect promised by the institution of the Canada Company was the promotion of emigration and the improvement of the territory ceded to the company; they making it fit for settlement, and thus developing the resources of the province. The improvement of the territory has not however been promoted in the case of the reserves, because they are scattered as the clergy reserves are throughout the settlements; so that the company could not be expected, and did not make roads or other communications to them; the sale has consequently been solely one of speculation, the company purchasing at a very low rate, and selling at a very great advance. I think that if the lands were to be disposed of by Government at a low price, the encouragement to emigration would have been greater had they been so disposed of to individual settlers; and if revenue was the object of sale, the prices which have been obtained for clergy reserves will show that this object would have been obtained with a quadruple effect by a sale to individuals at what the land would fetch. I think the sale of the Crown reserves to the Canada Company has had a mischievous effect upon the grants to officers who were encouraged to emigrate in the hope of receiving, at the hands of Government, a place upon which they and their families could reside. The intentions of Government have in fact been rendered, in a great measure, abortive. Had the sale to the company not taken place, these settlers could have been permitted to take locations in the midst of settlement, and in the neighbourhood of schools and places of worship, and they, consequently, would have resided upon their grants, where their residence would have had a great beneficial effect upon the province. Since the allowance to officers has been changed from grants of a certain number of acres of land, without reference to situation or value, to an allowance of a certain amount of value in land, the saving of land to the Government would have been very great, inasmuch, as instead of receiving 1,200 acres in the back woods, at 5*s.* per acre, for 300*l.*, he would have been glad to receive, in many cases, 300 acres of these Crown reserves, at 1*l.* per acre; in the latter case he would have resided upon his grant, and improved the country, and increased its resources, while in the present case he is not able to reside, and it remains a wilderness, in the way of any effort of the Government to improve the neighbouring country. In many cases when officers have attempted settlement in the back country on these large grants, they have been impoverished and discouraged, and their families placed beyond society, and without any means of education.

984. Was not an attempt made to found a settlement of officers thus entitled to grants or remission in the neighbourhood of Lake Simcoe?—Yes, and in other parts of the province.

985. What has been the result of these attempts?—In many instances very unfortunate up to this time; the settlers have undergone innumerable privations, from which, however, a better state of things and increased emigration may relieve them.

986. Have not many of these individuals been compelled to abandon their locations?—Those who had the means of purchasing land in the settlements, and who had not exhausted their means in the attempt to settle in the back country, have, in a great many instances, purchased land near the frontier. Those whose means were exhausted by their attempts to improve their grants still continue to struggle against the difficulties of their situation.

987. You have stated that increased emigration might relieve individuals thus circumstanced from the difficulties of their present position; what means are there at the disposal of Government to encourage or promote such emigration at the present time?—The question of the appropriation of the hereditary revenue of the Crown has caused the cessation of all outlay for this purpose, and left the Government without funds at its disposal, either to encourage emigration or to make the country fit for settlement on the arrival of emigrants. When settlement was confined to the frontier along the banks of navigable rivers, or on the shores of the lakes, the intervention of Government to form or to maintain the means of communication was not necessary. But now that settlers have to go into the back country, it is in the highest degree necessary that this should be done.

988. But as one of the chief inducements to emigrate is the hope of obtaining land, and as there does not appear to be more than about 1,000,000 acres, and that chiefly of inferior land, at the disposal of Government, the Crown is deprived of the principal means of encouraging emigration?—In addition to the 1,000,000 of acres in the surveyed districts, there are about 3,000,000 acres of very superior land well situated for settlement, the Indian possession of which has been recently relinquished to the Government.

989. But even with this acquisition the quantity of land at the disposal of the Government is not equal to half the waste land in the province, the property of private individuals?—In addition to this, however, there is, I believe, a very large tract of land in the province which has been located since the early settlement of the province, but which has not been

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patented, and which either never has been settled, or the settlement of which has been abandoned, and which has consequently devolved to the Crown. As respects the lands in the hands of individuals, they are to be obtained upon very low terms, perhaps quite as low as the Government would be disposed to sell its lands; so that the inducement to emigration may be more easily ascertained by a comparison of the actual population of the province with its superficial extent, considering the province as generally fertile as far north as the latitude of Quebec, than by any comparison with the actual surveyed townships or the lots of land still in the hands of Government.

990. Have the casual and territorial revenues, including the entire produce of the sales of land been given up to the provincial legislature?—They have been offered to the provincial legislature on condition of its providing a permanent civil list. This condition has not, however, been complied with; the question still remains open.

991. If this offer had been accepted, the Home Government could have had at its disposal no means of improving the country?—The Government would have had no means, independently of the legislature; and the unpeopled part of the country not being represented in parliament, the probability is that the improvement of the back country would be almost neglected. It has always appeared to me that the legitimate means for the improvement of the Crown domain are the revenues produced by its disposal. I think they might be more advantageously employed in this manner than by any appropriation for general purposes.

Anthony Bowden Hawke, Esq., Chief Agent for Emigrants in Upper Canada.

A. B. Hawke, Esq.

992. WHAT have been your opportunities of becoming acquainted with the circumstances affecting the employment and settlement of emigrants in Upper Canada?—I have resided in the Canadas for nearly twenty-two years, and have held the situation of chief agent for emigrants since 1833. I have also been a magistrate during the last 12 years; I have consequently been brought a great deal in communication with the people of the country. Since I have been chief agent we have opened and partially settled 23 townships.

993. What is the nature of your duties as emigrant agent?—To furnish emigrants with information as to routes, distances and rates of conveyance to different parts of the province; to point out the Crown lands offered for sale in the several districts; to furnish free passage and assistance to indigent and pauper emigrants, and to enable them to proceed to places where they can obtain work, and where employment is scarce, to occupy them in opening roads, clearing lands, erecting shanties, &c. I have also to correspond with and issue instructions to the local agents who have charge of the different settlements, and to examine and report upon their accounts.

994. What have been the number of emigrants arriving in this province since the year 1829?—The numbers that have arrived in Quebec have been, in the year 1829, 15,945; in 1830, 28,000; in 1831, 50,254; in 1832, 51,746; in 1833, 21,752; in 1834, 30,935; in 1835, 12,527; in 1836, 27,728; in 1837, 21,500; in 1838, 2,702; making a total of 263,089: of these 175,390, or two-thirds, came to Upper Canada.

995. What were in general the character and circumstances of these emigrants?—The emigrants may be divided into three classes: those who are possessed of capital; those who are in indigent circumstances, but have emigrated on their own means; and the pauper emigrants, who are sent out by their parishes. In the years 1832, 1833 and 1834, a considerable portion of the emigrants consisted of the first class. Since 1834 the number of emigrants possessed of capital has been very inconsiderable, and the emigrants have consisted almost entirely of the two latter classes. In 1834 the proportion of pauper emigrants were one-eleventh, in 1835 one-eighth, in 1836 one-fifth, and in 1837 about two-sevenths.

996. For what proportion of the emigrants have you found employment?—It would be extremely difficult to answer this question; but probably it has never exceeded one-twentieth, and these have generally been those who have arrived late in the fall after the harvest.

997. In what manner have the remainder found employment?—A small proportion have found employment in the public works, but the great majority have been engaged by the farmers and mechanics through the province.

998. What funds have you at your disposal for forwarding and relieving emigrants, and for the employment of those emigrants who cannot obtain employment from private individuals in the province?—The Government is empowered by a despatch of the Secretary of State for the Colonies to expend out of the casual and territorial revenue the sum of 5,000 *l.* sterling per annum for these purposes.

999. What amount has actually been expended in each year under the authority of this despatch?—In 1831 the expenditure amounted to 5,720 *l.* currency; in 1832 to 18,820 *l.* During these two years the emigrant department was under the superintendence of the commissioner of Crown lands; in 1833 I was appointed agent for emigrants, and the expenditure has since been as follows: In 1833, 2,686 *l.*; in 1834, 4,530 *l.*; in 1835, 4,743 *l.*; in 1836, 2,720 *l.*; in 1837, 2,973 *l.*

1000. In what manner was the large expenditure of 1832 produced?—In consequence of the appearance of Asiatic cholera, the people of the country were afraid to employ the emigrants, as they supposed the disease to be contagious, consequently the Government was obliged to find work for them at the public expense; it was also needful to erect hospitals for the reception of the sick who were very numerous, and this formed a considerable item in the year's expenditure.

1001. As a general rule, however, I understand from you that the emigrant labourer finds little difficulty

difficulty in procuring employment?—There is generally very little difficulty except with those who arrive late in the fall; more difficulty was experienced last year in consequence of the derangement of the monetary system of the colony.

1002. In what state as to health have the emigrants generally been on their arrival in the province?—Emigrants who enter the province by the way of the St. Lawrence, in consequence of being exposed in open boats, are frequently indisposed on their arrival at Prescot, where however there is an hospital provided for their reception; the proportion however of those who are so indisposed is small; the expenses of last year at Prescot, Kingston, Hamilton and Toronto for medicine, medical attendance and comforts for sick emigrants, did not amount to more than 250 *l.* for an emigration of upwards of 21,000 persons, the majority of whom were in indigent circumstances.

1003. Of the emigrants who have arrived in the province during the last 10 years, what proportion do you suppose have remained?—I should say at least three-fourths; of the remaining fourth a great proportion have probably settled in the States, and some have returned home; the public works which are constantly being carried on in the United States offer considerable inducements to a certain class of emigrants.

1004. How long do these indigent emigrants to whom you have referred generally remain in the condition of labourers?—With the more prudent of them it generally happens that in the course of two or three years they have money enough to pay the first instalment on a Government or Canada Company lot, or to purchase a small quantity of land of some private person; this is the course generally pursued by those who are not settled in towns or employed on public works.

1005. You say many of these emigrants contrive to pay an instalment on a Government or Canada Company lot; what proportion of the whole purchase-money does this instalment generally form?—Crown lands, and lands belonging to the Canada Company, are sold upon the following conditions; viz. one-fourth of the purchase-money is required to be paid down, and the remainder with interest in three annual instalments; on clergy lands one-tenth is required to be paid down, and the remainder in nine annual instalments with interest.

1006. What prospect do you conceive that an emigrant labourer, who has purchased in this manner, has of paying the remaining instalments out of the produce of his farm?—My attention has been most particularly directed to the settlers who purchase of Government, and it is my opinion that very few persons of this class succeed in paying the remaining instalments; I might mention, as an instance of the effects produced by the method of taking payment by instalments, that in 1832 a number of settlers who had been sent out by the Petworth Committee were located in Adelaide and Warwick, on 100 acres of land each, which was valued at 10 *s.* per acre, they were to pay the first instalment in three years with interest; provisions and implements were furnished by the Government, for which acknowledgments were taken, in which they engaged to repay the amount before receiving the patent of their lands; there has not been a single instance in which they have fulfilled their engagements from their labour, or the produces of their lands; there have only been two instances in which any payment has been made; in these cases the individuals have sold their improvements to wealthier settlers. In the Bathurst district a number of indigent settlers were located upon free grants of lands, to whom the Government made advances of provisions and implements, taking acknowledgments for the amount thus advanced; the whole of this sum, amounting to nearly 30,000 *l.* currency, has been abandoned by Government; and not to dwell upon these perhaps exceptional instances, I believe that in fact a very large proportion of those who have purchased land of Government have not paid their instalments as they became due.

1007. Do you know if any means have been adopted to enforce the payment of such arrears?—I believe not in a single instance.

1008. The individuals who purchase land in this manner, and have paid only the first instalment, have not however obtained a satisfactory title to their land?—They have not; the deed never issues until the whole of the instalments with the interest has been paid up.

1009. Are sales of property thus circumstanced recognized by Government?—Under an act of the last session of the provincial parliament a transfer of these rights has been authorized.

1010. These settlers, however, although hitherto permitted to remain upon their lands, are of course liable to be ejected at any moment by the Government, and can have no security from year to year that this may not be done, in which case they would necessarily lose the benefit of their labour?—They are so.

1011. What effect does this state of uncertainty as to the ultimate enjoyment of the fruits of his labour produce upon a settler?—It naturally has, in many instances, a most disheartening operation, especially in the case of the poorer settlers. As an individual of this class finds the instalments, with interest, accumulating on him, he is apt to despair of ever being able to pay for the land, and is induced, in many instances, to abandon his improvements, or sell them for a trifling consideration. Another great disadvantage which appears to me to result from this plan of selling by instalments, is the creation of a class of national debtors.

1012. Then you imagine that the plan of selling land by instalments, and thus encouraging individuals prematurely to become settlers, is neither beneficial to the individual nor to the province?—Yes, that is my opinion; I think it has the effect of converting a number of useful labourers into indigent and useless farmers, who from want of capital are unable to bring their lands into cultivation.

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1013. In addition to the difficulties under which these individuals labour, from want of capital, are there no other difficulties arising from the manner in which the lands in the province have been disposed of by the Government?—There are many other difficulties.

1014. Will you be so good as to describe the nature of these difficulties?—The principal evils to which settlers in a new township are subject result from the scantiness of population. A township contains 60,000 acres of land, one-seventh is reserved for the clergy, one-seventh for the Crown, consequently, five-sevenths remain for the disposal of Government, a large proportion of which is taken up by grants to U. E. loyalists, militia-men, officers and others; the far greater part of these grants remain in an unimproved state; these blocks of wild land place the actual settler in an almost hopeless condition; he can hardly expect during his life-time to see his neighbourhood contain a population sufficiently dense to support mills, schools, post-offices, places of worship, markets or shops, and without these civilization retrogrades; roads, under such circumstances, can neither be opened by the settlers, nor kept in proper repair, even if made by the Government. The inconvenience arising from want of roads is very great, and is best illustrated by an instance which came under my own observation in 1834. I met a settler from the township of Warwick, on the Caradoc plains, returning from the grist-mill at Westminster, with the flour and bran of 13 bushels of wheat; he had a yoke of oxen and a horse attached to his waggon, and had been absent nine days, and did not expect to reach home until the following evening; light as his load was, he assured me that he had to unload, wholly or in part, several times, and after driving his waggon through the swamps, to pick out a road through the woods, where the swamps or gullies were fordable, and to carry the bags on his back, and replace them in the waggon. Supposing the services of the man and his team to be worth two dollars per day, the expense of transport would be 20 dollars. As the freight of wheat from Toronto to Liverpool is rather less than 2 *s.* 6 *d.* per bushel, it follows that a person living in this city could get the same wheat ground on the banks of the Mersey, and the flour and bran returned to him, at a much less expense than he could transport it from the rear of Warwick to Westminster, and back, a distance less than 90 miles. Since 1834 a grist-mill has been built in Adelaide, the adjoining township, which is a great advantage to the Warwick settlers; but the people in many parts of the province still suffer great inconvenience from the same cause.

1015. The instance which you have just related is, I suppose, an illustration of an evil of every day occurrence, though not often to the same extent?—Yes, the evil is universally complained of in all newly settled parts of the country.

1016. Which comprises probably the greater part of the province?—I should imagine two-thirds of the surveyed townships are subject to this evil.

1017. This is, however, an evil for which, under the circumstances which you have detailed of the chief part of the land having been placed beyond the disposal or control of the Crown, Government can at present afford no adequate remedy?—It has been suggested that if the statute labour had been commuted for a money payment, a sufficient fund might be raised to put the leading roads in the province in a good state of repair.

1018. Would this be sufficient to provide an effectual remedy to the evil?—I should apprehend not; in the new townships the population is not sufficiently dense to keep them in good order.

1019. And even if this were done only one class of the evils which you have described, namely, those resulting from a want of the means of communication, would be remedied, and the settlers would still be without the means of education for their children, as well as without post-offices, markets, &c.?—I am of opinion that the improvement of the roads would induce many persons to settle on new lands, provided the private individuals to whom the lands belong would sell them at a reasonable rate.

1020. You have stated that part of your duties as emigrant agent is to point out to emigrants the Crown lands offered for sale in the several districts; from what source do you derive your information on this subject?—From the diagrams and maps in the surveyor-general's office, and the reports of the surveyors; I also generally give the parties letters of introduction to the resident agent for the district where they wish to settle.

1021. Are there any complaints of difficulties experienced by emigrants in the selection and acquisition of Crown lands?—Yes; but most of them are inseparable from the situation of the lands offered by sale by the Government; the person wishing to purchase is generally compelled to take a guide, who is accustomed to the wilderness, to point out the lots, but after he has selected a lot, he frequently finds himself outbid at the public auction; this however refers to the system before the recent act of the provincial parliament for the disposal of public lands.

1022. Among the emigrants to this province, has there not been a considerable number of commuted pensioners?—Yes.

1023. What was the actual number?—I am unable to give a precise answer to this question, as they are classed in the surveyor-general's office under the general head of "discharged soldiers," but from the best information I have been able to collect, upwards of 800 came to this province in 1832 and 1833.

1024. What proportion of these do you suppose have settled upon the lands assigned to them by Government?—The major part of them took possession of their lands, but very few continued to occupy them, and even those who continue to reside upon their lands are constantly petitioning Government for assistance, as they are not able to raise sufficient grain to support themselves.

1025. Those

1025. Those who have not settled upon their lands have, I presume, in most instances, sold their grants?—When they succeed in obtaining the deed for their land, they generally sell it.

1026. Will you describe generally the condition and ultimate fate of these individuals?—The plan which the Government pursued with regard to these individuals, was to give them a certain amount in money, and a specified quantity of land; one half of the money was paid to them in England, and the remaider in Quebec or Montreal; with scarcely an exception, all of those who arrived in this province had spent the whole of their money, and were in a state of the greatest destitution; they were sent to their lands at the expense of Government, or employment was offered them for six or eight months; as the expense, however, could not be continued, it was put a stop to, and a great number abandoned their lots and repaired to the town, followed by their families, where many of them continue to reside, and pick up a precarious living by begging and other less creditable means. In order to relieve this city, I was directed by Sir John Colborne, in 1834, to send upwards of 40 persons of this class with their families to Penetanguishene, where they receive rations in the expectation that a time would arrive when they would be able to provide for their own wants; more or less assistance has been granted every year since their landing in Canada, and so far are they from having bettered their condition, that the necessity of relieving them is as imperative as ever. Their distressed situation is to be attributed to their habits and infirmities. They are not able to bring their grants of lands into cultivation to an extent that will supply them with food, or able to earn their bread as labourers, while their habits preclude the possibility of employing them as domestic servants. They are with very few exceptions a burthen to the country.

Charles Shirreff, Esq., of Fitzroy Harbour, Upper Canada.

1027. YOU are the owner of a considerable tract of land in the township of Fitzroy?—I am; of nearly 6,000 acres. *C. Shirreff*, Esq.

1028. In what manner was that land obtained?—On my arrival in this country from Scotland, in 1819, I brought with me an order addressed to Sir Peregrine Maitland, governor of the province, directing a grant to be made to me of 3,000 acres of land; the remainder has been acquired partly by grant and partly by purchase.

1029. Was this grant of 3,000 acres subject to any consideration?—To the usual condition of settlement; that is, of clearing a certain portion of land before the patent issued; and it was not until after performing these duties that I obtained my patent.

1030. Fitzroy harbour was at that time, was it not, considerably above any settlement on the Ottawa?—It was nearly 30 miles.

1031. What was your inducement for locating yourself at that distance from any settlement?—It was partly because I was enabled to obtain my lands in one block, and partly because on account of its position; and possessing water privilege, it appeared a desirable place for the formation of a settlement, which was one of the objects I contemplated in applying for so large a grant.

1032. Did the settlement of the township of Fitzroy proceed with rapidity?—No; its settlement was retarded by the greatest part of the best land in the township being given away, by the land board at Brockville, to persons who were the holders of militia claims, and who were themselves settled in other parts of the country. But for this circumstance, the township must have settled with rapidity, as the land in it is generally good, and its position on the Ottawa affords great facilities for sending produce to market.

1033. Were no precautions taken to prevent so large a portion of any township being taken up in this manner, by persons who made no attempt to settle?—As soon as I was aware of the fact that the land in this township had been so taken up, I applied to Major Hillier, secretary to the Governor, complaining of the injury that would be inflicted on the township by the manner of disposing of the land, and he assured me that positive instructions had been given that no more than one-third of any township should be disposed of in this manner, and therefore that the land board must have exceeded their authority; as, however, the grants had been made, the mischief was beyond remedy. The establishment of the township was, however, for many years almost stopt, and is still greatly retarded by this cirstance; and townships in the rear of this, with no better quality of land, and the settle ment of which was begun at a later period, are at the present time thickly settled, while hardly a fourth of Fitzroy can be considered as settled.

1034. But these absentee holders are, I presume, ready to dispose of their land to purchasers upon reasonable terms?—This is the case sometimes; but generally, when they can afford to hold their lands, they are reluctant to sell, under the impression that some improvements will be made in the navigation of the Ottawa, which would give a greatly increased value to the lands of this township.

1035. What effect has the state of things which you have been describing upon the state of the roads in the township?—The small number of settlers in the township have been quite unable to make, I will not say good, but even passable roads during a considerable portion of the year. And owing, I presume, to the scanty population of this part of the country, which prevents them from having any influence in the legislature, the grants for the improvements of the roads have been very small, even in comparison with those in other parts of the country, where a similar necessity did not exist to any thing like an equal extent; in consequence of this state of the roads, the settlers in Fitzroy, and the neighbouring townships, will frequently take their grain to mills a considerable distance, although there is a mill in the township to which they would more naturally come if they were able; and the prosperity of the settlers is greatly retarded by the circumstance.

Evidence.

C. Shirreff, Esq.

1036. Is the township of Fitzroy the only township bordering on the Ottawa in which such a state of things as you have described exists?—I do not know of any other townships which were granted in this way to militia claimants; but in all the townships between Bytown and Montreal, the lands fronting on the Ottawa have been shut up by old military grants, the proprietors of which are absentees, and the land still a wilderness; in this way settlement has been forced up at least 60 miles to places where land still remains in the hands of Government, and is open for location.

1037. I presume that the lands fronting on the river, being in this manner withheld from settlement, must virtually shut out from settlement a considerable tract of land in the rear?—Yes, such has actually been the case.

1038. What, in your opinion, would be the effect of such a tax upon wilderness land as would make it the interest of proprietors to improve it, or dispose of it to actual settlers, and the whole produce of which should be specially applied to improving the communications and facilitating the settlement of the country?—The effect of such a tax would be, in my opinion, to cause a very rapid settlement of the lands upon the banks of the Ottawa, which would naturally spread back upon land at present locked up from settlement by these old unoccupied grants, and would tend very generally to develop the resources of the country; the population of Fitzroy, the greatest part of which is settled upon my grant, would have been probably threefold, had such a system been pursued.

1039. Have any injurious effects been produced in your township by the reserves for a Protestant clergy?—I am not aware that there is any injurious effect, since these reserves at first formed only a portion of the wilderness appropriated land, and they have been practically more open for settlement than land which has been granted to private individuals.

1040. Then a portion at least of the clergy reserves in the township of Fitzroy have been disposed of?—They have.

1041. The settlement of that township was begun 19 years ago?—It was.

1042. What is the population of the township?—About 1,000.

1043. To what religious denomination does the population chiefly belong?—They are chiefly Presbyterians from Scotland and the north of Ireland.

1044. Have any part of the proceeds of the clergy reserves been applied in providing religious instruction for the inhabitants of the township?—No, not in any way.

1045. Does this appropriation of so large a portion of the lands of the township to a purpose from which the inhabitants have received no benefit, produce any feeling of discontent?—I am not aware that it does, further than the general feeling, that these reserves should not be reserved to the support of one church only.

1046. From the evidence given to this commission by Mr. Radenhurst, chief clerk in the surveyor-general's office, it appears that there does not remain at the disposal of the Crown in the surveyed districts more than about 1,500,000 acres; have you, from any circumstances, been led to form any opinion as to the quantity of land available for settlement in the unsurveyed parts of the province?—In addition to a block of land situated to the north of the Canada Company's Huron Tract, and which must contain from 2,000,000 to 3,000,000 acres, there is a large unsurveyed tract between Lake Nipissing and the ridge which runs in a north-east direction from Lake Simcoe, which would contain, probably, from 5,000,000 to 7,000,000 of acres of good land. I have been particularly led to turn my attention to the latter tract of land, in consequence of my having for several years been engaged in endeavouring to carry into effect a plan for making a navigable communication between Lake Huron and the Ottawa, and improving the navigation of that river; were this effected, the latter tract of land would be opened for settlement, and would be nearer to England than any part of Upper Canada to the west of Lake Ontario; in addition to rendering accessible for the purpose of purchase and settlement this large tract of valuable land, the plan to which I have referred would make Upper Canada the outlet for the increasing trade of the fertile regions of the north-west portion of America, which it would at once bring 500 miles nearer the ocean, and would secure to Montreal and Quebec the larger portion of the trade of that region.

1047. From the accounts which you have received, do you imagine that the tract of land in question is, by the circumstances of soil and climate, fitted to maintain a large agricultural population?—From the report of my son, who travelled through this part of the country with a view to discover a navigable communication to Penetanguishene, by order of Colonel By, in 1827, and from traders who have traversed that region in almost every direction, and who concur in expressing the same opinion, I have no doubt that the soil is sufficiently fertile for all agricultural purposes, and the climate and situation healthy. I have no doubt that, to the westward of Lake Nipissing, even to Lake Superior, the country is perfectly fit for settlement and agriculture; in fact, to the north of what has yet been considered the boundary line of Upper Canada, I have no doubt that an agricultural population of several millions might be most advantageously settled.

William Warren Baldwin, Esq., M.D., formerly M.P.P.

W. W. Baldwin, Esq.

1048. HOW long have you resided in this country?—Nearly 40 years; I came into this province in 1799.

1049. During your long residence in the province you have had many opportunities of observing the various systems pursued in the disposal of the waste lands in the province?—I have no official knowledge on the subject, but from the occurrences of the times, as they have presented themselves to my notice, I have had those opportunities.

1050. Did

1050. Did not the Government at one time offer to grant whole townships to individuals who would undertake the settlement of them?—Yes, they did.

1051. Will you describe the proceedings that took place in consequence of these offers, and the result which they produced, as far as they came under your knowledge?—The only townships I recollect as having been assigned in this manner were those of Markham, Whitby, Hope and Cramahe; the township of Markham was assigned to Mr. Berczy, on condition of bringing 60 heads of families and settling them on the township. The township contained, I believe, about 60,000 acres. Mr. Berczy brought in his settlers, as he informed me, but after having done so, the provincial Government considered that this township system was an unwise method of granting land, and determined not only to refrain from making any more grants for the future, but also to rescind the orders in council in favour of the township nominees. I believe all these nominees, with the exception of Mr. Berczy (who refused it as inadequate to his losses), accepted the compromise offered by the Goverenment, which was, as I understand, 1,200 acres for themselves, and the same to the several members of their families. Mr. Berczy has informed me, that in the formation of the settlement he had expended $60,000, the whole of which was necessarily a total loss. Some other individuals made great exertions to settle the townships assigned to them, and the result of this township system was to forward the settlement of the country.

1052. When this township system was abandoned, what system was substituted in its place?—I believe the power of granting land was vested in the Governor and Council, and that they gave lands to almost every body who applied for them, without any condition beyond that of paying fees, merely upon a verbal statement that the applicant was going to live in the country.

1053. This statement, I presume, was only required from emigrants?—It was. From those who resided in the country no conditions whatever were required.

1054. The greater part of these grants were made, were they not, to persons who did not settle on their lands?—I cannot give any accurate answer to this question, but I presume it was so.

1055. When an emigrant arrived in this country did he find any difficulty in the selection of his land?—I have frequently heard that individuals did find great difficulty in the selection of their locations, and I can say for myself, that in the location of the 1,200 acres, granted me by an order in council, I was compelled to wait for many years for the completion of my location, in the hopes of making a favourable selection, and I have found that other persons have obtained locations in townships, where I had been given to understand, in the surveyor-general's office, that there were no locations to be had. And, if I, as a resident in the country experienced these obstacles, I can imagine they were felt in a far greater degree by strangers on their arival. It was generally stated, and believed through the province, though I do not know with what degree of authority, that it was the practice in the surveyor-general's office to put a fictitious name on favourable lots, in order that they might be reserved for some persons whom the persons doing this desired to benefit.

1056. What has been the course of late years?—I do not pretend to say; I have not had any thing to do with the office for many years.

1057. Were there any difficulties in the way of obtaining patents for these grants of land, or any unnecessary delay experienced in passing them through the different offices?—I do not know that there was any more constant subject of complaint on the part of individuals against the Government than the delays of office, especially in connexion with the land granting. It frequently happened to myself, and I believe to others also, that during the time when free grants of lands of small amount were made to actual settlers, persons who had spent their money in waiting for completion of the grant have applied to me for employment while the patent was being perfected, and I have furnished it for a short period.

1058. Do you know of any striking instance in which any individual was injured by the delay to which he was exposed in this respect?—The most striking instance that occurs in my knowledge was that of a man of the name of Burnes, who, in Sir Peregrine Maitland's time, having fallen in debt to some persons whom he had employed, was pressed by them for the money. At this time a patent was in progress through the offices for him. He applied to his creditors to give him time till his patent was completed, which would enable him to raise money to pay them. The creditors were willing, and waited for some time, but at last became impatient and they arrested him, and he was compelled to go to prison. The patent had passed through the offices, but he was compelled to remain in prison a fortnight while the patent was sent over to the Governor for his signature, at his residence, near the Falls of Niagara; when the patent was obtained he at once obtained his release. I do not mean to represent this as a matter of ordinary occurrence, but as an illustration of the difficulties and delays of obtaining a patent under the most pressing circumstances.

1059. Has it never happened that individuals applying for land have left the colony in disgust at the difficulties thus thrown in their way?—I cannot give any instance of it, and therefore cannot say that such was the case, but I believe that many instances of the sort have occurred.

1060. What effect do you imagine has been produced upon the progress of settlement in the country by the profuse manner in which land has been granted?—The progress of the country has not been as prosperous as it ought to have been; the grants of land to actual settlers would have filled up the country, but these settlers were checked by the interposition of Crown and clergy reserves, and of large tracts of granted but unoccupied land.

 1061. The

Evidence.
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W. W. Baldwin, Esq.

1061. The Crown reserves have been sold to the Canada Company; do you know if the evils that were formerly experienced from them have been in any way diminished in consequence of the means adopted by that company?—Of late years I have heard no complaint of Crown reserves, and therefore would presume that, being blended with the Canada Company property, they are included in whatever public sentiment is expressed in reference to the proceedings of that company.

1062. The clergy reserves still remain; what effect have they produced upon the prosperity of the country?—A very injurious effect indeed; they have not only retarded, in the way I have described, the settlement of the country, but they form an enduring subject of complaint, not only with regard to the agricultural interests of the country, but also to its political relations. So far as I have had an opportunity of observing, no cause was more influential in produing the discontents which ended in the late rebellion than the existence of these reserves, and this was aggravated by the establishment of the rectories. There will be no public tranquillity nor any confidence in the British Government so long as these rectories are upheld and the reserves appropriated to the support of one church only. I do not believe that any appropriation of these reserves which did not include every class of the community would restore peace to the country; the apparent general wish of the community at large is that they should be devoted to purposes of education.

1063. You have referred in your answer to a previous question to the feeling entertained with regard to the Canada Company; what is the nature of the feeling?—It was felt in the first instance to be a violation of the rights of the provincial legislature that the Imperial Parliament should have vested so large a portion of the public lands in the hands of a company over which neither the provincial legislature nor the provincial courts have any power. I believe the inconveniencies which have been felt from the latter cause have been removed by an Act under the authority of which the company can be sued in the provincial courts.

1064. Have there been any complaints that the power given to the Canada Land Company, by intrusting them with the superintendence of the settlement of 2,500,000 acres of land has been exercised in a manner injurious to the colony?—I do not know if such complaints have been made; but I am myself of opinion, and I believe that it is an opinion which prevails extensively, that a company which has obtained so large a tract of country, from the sale of which it is to derive profit, but in the improvement of which, as I understand, it has expended no money of its own, cannot be otherwise than injurious to the country, by taking from it large sums of money for which it has given no consideration.

George Strange Boulton, Esq., M. P. P.

G. S. Boulton, Esq.

1065. WHAT have been your opportunities of observing the effects of the plan pursued by Government in the disposal of the waste lands the property of the Crown?—I have resided in the province 30 years; I have had a great deal to do with the lands of the province, and am a large landholder myself.

1066. What, in your opinion, has been the operation of the system pursued by the Government in the disposal of wild lands?—I think that without any doubt it has retarded very materially the settlement of the country. The plan of granting large tracts to gentlemen who have neither the muscular strength to go into he wilderness to cultivate it, nor perhaps the pecuniary means to improve their grant, has been the means of a large part of the country remaining in a state of wilderness. I think the system of granting land to the children of U. E. loyalists has not been productive of the benefits expected from it; a very small proportion of the land granted to them has been occupied or improved from the following reasons, viz. a great proportion of such grants were to unmarried females, who very readily disposed of them for a small consideration, frequently from 2 *l.* to 5 *l.* for a grant of 200 acres. The grants made to young men were also frequently sold for a very small consideration; they generally had parents with whom they lived, and were therefore not disposed to move to their grants of land, but preferred remaining with their families. I do not think one-tenth of the lands granted to the sons and daughters of U. E. loyalists has been occupied by the persons to whom they were granted, and in a great proportion of cases not occupied at all. Many persons have purchased very largely of these grants. I know of two instances in particular, where the purchase has amounted to 20,000 acres. Grants to officers and soldiers, although intended as a benefit to the parties, have, in many instances, proved injurious to the country, as well as to the parties themselves. Very large grants have been made, sometimes to officers, who had neither the inclination nor the means to settle upon their grant or improve it, and it has either remained a wilderness in the hands of the original granter for a great number of years, or has been sold for a trifle and still remains a wilderness. The officers of the navy have, in most instances, proved valuable settlers, being better adapted to the improvement of land than officers of the army. The grants to officers have invariably been by orders from home. By the late alteration in the law they have had the alternative of purchasing land from the Crown, on which they are entitled to a remission of purchase-money according to their rank, or they may transfer their claim to the amount of remission-money to some one else who may purchase land from the Crown to the amount; in cases where they do not intend to settle upon the land, the latter has been a beneficial alteration both to themselves and the country, as the Government saves so much which would otherwise have passed out of their control, and would probably have remained altogether unimproved. The grants to privates have been particularly disadvantageous to this colony; a great proportion of these were pensioners and infirm, and altogether

altogether unsuited to settle upon wild lands; they received in England four years' pension, and a grant of 100 acres on their arrival in this country; the greatest part of the money was spent in coming, and the land was in most instances of no use to them, as they were incapable of tilling it. Grants of land have also been made to clergymen, lawyers, surveyors and other gentlemen who had no intention of becoming settlers on it. In many instances, also, large tracts have been granted to individuals who have contracted for surveys of townships as a remuneration for surveying, which in most instances have remained a wilderness.

1067. By all these methods, I suppose it has happened that a very large proportion of the lands of the province are now in the hands of individuals who have made no improvement on them?—That is the case.

1068. What effect do you suppose is produced upon the prosperity of the province by this state of things?—I think I stated before, that the settlement of the province has been very much retarded, and I also think we shall not have good roads or settlements in the province unless some measure is devised by which the proprietors of unoccupied lands should contribute more in the way of assessment upon their lands to the revenue of the country. I think the present assessment is a great deal too low, and might, with great justice to the landholders, be increased.

1069. You contemplate, I suppose, that the produce of such increased tax should be specifically applied to the improvement of the country, by opening roads and increasing the means of communication?—I do; I think also, in connexion with such a measure, that it is very desirable to have a commutation of statute labour upon roads, which, with the other funds just mentioned, would afford ample means for making good roads. It is discouraging to British emigrants coming to the country, and visiting their friends in the interior of it, to find the roads so exceedingly bad, and even dangerous; and this alone sometimes deters them from settling in the country.

1070. And I suppose it would be in a high degree unwise in such emigrants to settle in some parts of the interior, on account of the impossibility, under the present system, of having good roads?—I think so.

1071. In addition to the land which has been granted to private individuals, and which remains in a state of wildness, there have been large appropriations for public purposes, such as the support of the Protestant clergy, and the endowment of the university and schools; have you any idea whether any and what proportion of the land thus appropriated has been improved?—I think nearly all the clergy reserves in the settled parts of the country have been taken up and improved.

1072. These, however, have been sold, have they not, under the Act authorizing the sale of a portion of the clergy reserves?—A large proportion of them have; some are now under lease. A large proportion of the lands granted for the universities have also been sold, and are now in the course of improvement. The terms adopted, both for the sale of the clergy reserves and university lands, seem favourable to intending settlers; many of them have been purchased by emigrants from the mother country. I do not consider that the clergy lands or university lands have impeded the settlement of the country, inasmuch as they have been open to be purchased or leased when sought after, and have afforded to the British emigrants frequently an opportunity of procuring a lot of land in a settled part of the country, near their friends, when otherwise they might have been discouraged by the prospect of going into the wilderness, and abandoned the country.

1073. But in order that this result should be produced, the lot in question must have been previously reserved from settlement?—Though reserved, it was frequently occupied under lease; and persons holding land under lease generally disposed of their interest in it upon more advantageous terms than land could be obtained from other individuals. Land generally reserved for the clergy and university could be obtained with more facility than land granted by the Crown to private individuals, not under cultivation. Land can be obtained from the university with greater facility than either from the Crown or private individuals.

1074. What effect do you suppose has been produced upon the settlement and prosperity of the country by the disputes as to the appropriation of the produce of these clergy reserves, which have arisen between the different religious sects in the country?—One effect has been, great injury to the Church of England; I do not think that emigrants coming out from the mother country know any thing of the subject before their arrival in the country, or are influenced in any way in determining to settle in the country by this question. I think a great deal of the ill-feeling has arisen from bad management; in many instances, the rents of these reserves have been lost; there has been no efficient management; no one of late years seems to have had the control of them.

1075. Has not the system of free grants of land, the effects of which you have described, been abandoned, and a system of sale substituted in its place?—Land is no longer granted to private individuals having no particular claim, such as that of officers and U. E. loyalists.

1076. Then all those who have such particular claim can obtain lands upon the same terms as formerly?—They can substantially, though there has been an alteration in this respect, viz., officers are now entitled to a remission of purchase-money in proportion to their rank, instead of a grant of land; and the children of U. E. loyalists, instead of taking their grants of land, may transfer their right to another person, and such person purchasing land of the Crown is entitled to a credit of 40*l.* for every claim.

1077. But, with these exceptions, no land can be obtained without purchase?—No, it cannot.

Evidence.

G. S. Boulton, Esq.

1078. Are the present regulations for the sale of Crown lands, in your opinion, calculated to advance the settlement of the country?—I think that the present regulations are an improvement on the old system. I have formerly heard numerous complaints of the delay in obtaining land from the Crown: there was a great deal of expense and difficulty in ascertaining what land was open to purchase; purchasers had to apply to various offices; if a clergy reserve, they had to apply to the surveyor-general's office and the office of the corporation, as well as of the commissioner of Crown lands; and frequently, on being informed that a lot was vacant, and after inspecting it, they have discovered there was some insuperable difficulty to obtaining it, and had to look out for another lot, or purchase of an individual. Formerly at the sale of Crown lands only particular lots were set up, so that many lots which might be vacant were not offered for sale. There was also formerly both delay and expense in obtaining a title to land purchased of the Crown: it was generally necessary to employ an agent for the purpose. By the present system, however, a schedule of all the vacant lots is to be transmitted to an agent, to be appointed in each district by the commissioner of Crown lands; and all such lots as are returned in the schedule will be open for sale in the district where the land lies; all vacant lands belonging to the Crown are now, without any reserve, open for sale in this manner, and immediately upon the payment of the whole of the purchase-money the purchaser is entitled to have his patent forwarded to the agent of the district free of expense.

Charles Ranken, Esq., Deputy Land Surveyor.

Charles Ranken, Esq.

1079. HOW long have you been practising land surveying in the province?—Since 1820.

1080. During that period, you must have had many opportunities of observing the effect of the system of disposing of waste lands, the property of the Crown?—I have.

1081. Will you describe the general results of that system so far as you have had an opportunity of observing?—The system of making large grants to individuals who had no intention of settling them has tended to retard the prosperity of the colony by separating the actual settlers, and rendering it so much more difficult, and in some cases impossible, for them to make the necessary roads. It has also made the markets more distant and more precarious. To such an extent have these difficulties been experienced as to occasion the abandonment of settlements which had been formed. I may mention, as an instance of this, the township of Rama, where, after a trial of three years, the settlers were compelled to abandon their improvements. It should be noticed that the settlers in this instance were not of a class fitted to encounter the privations of the wilderness, being half-pay officers. In the township of St. Vincent almost all the most valuable settlers have left their farms from the same cause, the townships of Nottawasaga and Collingwood, the whole of the land in which had been granted, and which are almost entirely unsettled (Collingwood, I believe, has only one settler), intervening between them and the settled township, and rendering communication impossible. There have been numerous instances in which, though the settlement has not been altogether abandoned, the most valuable settlers, after unavailing struggles of several years with the difficulties which I have described, have left their farms.

1082. You were at one time deputy-surveyor, employed in the western district?—Yes, I was, for 10 years.

1083. What, in your opinion, is the proportion of land in that district granted by the Crown now occupied by actual settlers?—I should imagine one-tenth.

1084. Then the remaining nine-tenths are still in a state of wilderness?—Yes, necessarily.

1085. Of course, the roads through this district must necessarily be very inadequate to the wants of the people?—Yes, exceedingly so; the resources of the settlers are altogether inadequate to the making of roads, and there is no public provision for making them.

1086. Do you know if in this district the Crown has any large quantity of land yet remaining at its disposal?—I believe it has very little.

1087. Then the Crown has no means at present of locating actual settlers in this district, and thus of removing the difficulties complained of by those who are now settled there?—No, it has not. It appears to me that the remedy is in the hands of the Legislature by imposing a tax on wild lands.

1088. But there is a tax upon wild lands, is there not?—Yes, but so trifling as to be quite insufficient for making roads, especially in the absence of statute labour; the tax upon settled land is higher than the tax upon wild land, and in addition to this, the settler has to perform statute labour upon the roads, from which the owner of wild land is altogether exempt.

1089. Are the proprietors of this unsettled land residents in the province or absentees?—They are generally residents in the province, and, to a great extent, members of the Assembly or Legislative Council, which, perhaps, affords a sufficient explanation of the continuance of those evils, without effectual means being adopted for their removal.

1090. Are the present holders of this wild land the original grantees of the Crown?—In very few instances; they are generally persons who have purchased the claims of U. E. loyalists and others, and now possess, in many instances, tracts of upwards of 10,000 acres; I believe in some instances 40,000 acres.

1091. But do not these individuals make any effort for the improvement and settlement of their property?—I know of only one instance in which this has been done, and that to a limited extent; they generally hold for sale, but at prices that, under the circumstances, it is unfair to expect that a settler can pay.

1092. Do

Evidence.
Charles Ranken, Esq.

1092. Do they then ask higher prices than those at which land is sold by Government?—In general they do not; but an individual purchasing of Government knows the Government land will be open to settlement on the same terms as those on which he has purchased; while in the case of private individuals, he has no security that it will be open for settlement at all, and he is assured that the price will be raised in proportion as settlement increases in the vicinity; in fact, his settling upon the land will induce the proprietor to put a higher price upon the adjoining lots, and thus will retard the settlement of the tract.

1093. Are there no other obstacles to the settlement of the province than those arising from large tracts of wild land held by individuals?—Yes; the plan of apportioning Crown and clergy reserves in the different settlements, by intermixing them with the lots opened for settlement, and thereby separating the settlers, have caused injuries of precisely the same description as those to which I have alluded as being occasioned by the grants to individuals.

William Benjamin Robinson, Esq., M.P.P.

W. B. Robinson, Esq.

1094. YOU are I believe a native of this province?—I am, and have always resided in it.

1095. You are acquainted with the township bordering on Lake Simcoe to the eastward?—I am.

1096. Can you state what is the population of these townships?—Not exactly, but they are very thinly settled.

1097. What is the state of these township as to their internal communication?—The roads are very bad, probably among the worst of the province, the soil being very rich and the land level.

1098. Does not this state of the roads tend very much to retard the progress of settlers?—It certainly does more than any other cause.

1099. Do you know if much of the land in these townships remains in the hands of Government or of the clergy corporation?—I think not, with the exception of clergy reserves.

1100. Then the land is for the most part owned by non-resident proprietors?—It is; but the non-residence of many of the proprietors is attributable to the badness of the roads, many of those who had settled there having been compelled by this cause to abandon their locations.

1101. What public funds are there available for the improvement of the roads?—None now, except one-third of the wild land assessment tax in each township; special grants of from 30*l.* to 100*l.* sterling for each township have in former years been granted by the legislature for the improvement of the roads; in addition to these there is the statute labour required by law. These funds though inadequate have still effected considerable improvements. Since the land-tax has come into operation there has been a very perceptible improvement.

1102. Are the evils which you describe peculiar to these townships, or do they affect the province generally?—They are generally felt throughout the province.

1103. Has any plan suggested itself to your mind by which any effectual remedy might be applied to these evils?—I have for many years given the improvement of roads great consideration, and would suggest, 1st, that the whole of the wild land-tax should be appropriated to the improvement of roads; 2d, a general commutation of statute labour; and 3d, an uniform and improved system of spending the funds thus produced on the roads under the superintendence of competent persons.

1104. Do you imagine the produce of the present land-tax and the other resources mentioned by you would under any management be sufficient for the objects to which you would have them applied?—I think they would, with occasional small grants from the Legislature for such works as bridging extensive swamps, &c.; these remarks apply generally to the roads throughout the province, but leading roads and thoroughfares can in my opinion be kept in proper repair only by a toll upon the traffic upon them.

Henry Hyndman, Esq., of the township of Colborne, in the County of Huron, London District.

Henry Hyndman, Esq.

1105. HOW long have you resided in this country?—I arrived in May 1834, and immediately proceeded to Goderich, and from there to my present residence, which is within three miles of the town, and in the heart of the Canada Company's Huron Tract.

1106. Have you any particulars to communicate to this commission as to the manner in which the Canada Company have settled their lands, and the effects produced upon the prosperity of the settlers by their proceedings?—I conceive that the management of the company is not of a description to induce settlers to come to their lands, and that it has materially retarded the prosperity of the country and its advance in population; their agents do not conceal their opinion that the old settlers are not the object of the company's solicitude, but that their great business is to attract new ones, and they act upon this principle in what appears to me the most unjustifiable manner. Induced by the representations contained in the publications issued by the company, and by the statement of the agents, I took up land from the Canada Company in 1834, and purchased 800 acres of land in one block upon which I am now settled; but I have found that the promises and inducements held out by their agents, their advertisements and their publications, are very far beyond the reality. The land that I purchased was to the north of the River Maitland, on the south bank of which is situate the town of Goderich. On the plan which was shown to me by the company's agent, the original of which is deposited in the surveyor-general's office, there was laid down a bridge across the Maitland and various lines of road;

Evidence.
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Henry Hyndman, Esq.

road; and it was generally understood among the residents in the neighbourhood upon the faith of this plan, and asserted by the officers of the Canada Company, that the bridge in question would be built, or at least commenced, in the course of that summer. Fully impressed in the belief that this would be the case, and that the lines of road as laid down on the map would be opened, I selected land upon the main line of road from Goderich to the Government land in the north, communicating with this bridge; this was in 1834; the bridge is not yet finished, and was not actually commenced till this spring, and I do not believe there can be any means of communicating by it this year.

1107. Is this bridge of importance to persons settled on the north of the Maitland?—We have no certainty of being able to cross the river without it, except in winter, and then we cross the river on the ice, at the mouth of the harbour. The commissioners too, since the bridge has been commenced, have refused to open a road on the north side of the river, to unite the bridge with the road leading through the township. During a considerable part of the year we can neither take our produce to market nor obtain goods. I have known the river absolutely impassable, either on horseback or on foot, for three days together; in fact, it is scarcely possible to describe the inconvenience to which we have been and are exposed to for want of this bridge. In addition to this neglect of the company to fulfil what was certainly an implied if not an express contract, I have to complain of a positive infraction of a similar engagement. I have mentioned that I purchased land upon the main line of road from Goderich to the north, and other settlers did the same; when, however, contracts were given out for the lines of road through the township, they entirely deviated from the great lines as laid down on the map, along which, upon the faith of the map, settlers had established themselves; and were to be carried through the least settled parts of the township. When I represented this to Mr. Jones, the company's commissioner, he stated broadly that the land through which the great lines were laid down according to the map were all taken up, and the company had no further interest in them, and it was their great object to attract new settlers. Mr. Jones made a similar statement in a letter on the subject of the bridge, when, giving a reason why the company did not make it at once, he mentioned that they had little interest in that township, having disposed of nearly all their land in it. A portion of the road offered to be contracted for passed where no road was laid down in the map; the remainder passed along lines of road that had been laid down, but which were laid down as concession roads and side lines. I applied to Mr. Jones to change the line in such a manner that I might reap that advantage from it which I had contemplated in making my purchase, to which he at last agreed, but on condition that I executed two miles and a half of road at the price of two miles, for which I was to be paid in land.

1108. Are the company, then, in the habit of disposing of their lands in this way, and not for money?—Yes, they frequently pay for similar works in land; in some cases, contracts of this nature are taken by persons who have previously purchased land of them, and upon which all the instalments have not been paid, and their labour goes in payment of their instalment, the company almost always fixing the rate; this has been the case with myself: in such cases it is productive of no inconvenience; but when the task is taken by mechanics and others living in the town, large quantities of land get into their hands by this means, and they do nothing to improve it.

1109. This applies, I suppose, to the work performed at the expense of the company?—Quite the contrary.

1110. Do I then understand you to say, that in those works which the company are entitled to pay out of the third of their purchase-money they pay in land, and retain the money in their own hands?—Such is the case, at least, with the greater part of such works. In the contract which I have taken (which is to be paid for out of the purchase-money), the whole is to be paid in land, and this is part of a contract of upwards of 20 miles, all of which is, I believe, to be paid for in the same way.

1111. At what rate per acre is the land valued?—It varies from two to three dollars.

1112. Is this land so to be taken wild land?—Yes, it is.

1113. In the same state in fact as when it was purchased from Government?—Yes, the land is in the same state; but it has the advantage of a population and leading roads, the expense of making which roads is, however, charged to the Government.

1114. What is the price per acre which they pay to Government?—About 2*s.* 9*d.*

1115. So that they require their contractors for this Government work to take land at 15*s.* per acre for which they are paying 2*s.* 9*d.*, or about one-sixth?—They do; with regard to manner in which the company have performed their contract with Government, and thus procured the advantages to the colony which were held out as the inducement to grant them a charter, I may state, that the objects referred to in the charter to which one-third of the purchase-money was to be applied, were to make roads, build bridges, erect wharfs, piers, churches, schoolhouses, mills, &c. &c. Two good roads have been formed, leading from Wilmot and London to Goderich; no bridges have been built, excepting those in the line of the roads; neither wharfs nor piers have been built (the harbour at Goderich is erected under a provincial act authorizing the levying of dues). There are no churches; they have contributed something towards the erection of a Presbyterian church at Goderich, and another place of worship at the distance of about 13 miles from that. They have also contributed, in a small degree, to the erection of a school in Goderich, and another in Stratford-upon-Avon. There are four mills in the Huron Tract, only one of which, that of Stratford-upon-Avon, is sufficient to supply its neighbourhood with flour.

The Honourable and Venerable *John Strachan*, D.D. Archdeacon of York.

Evidence.

J. Strachan, D.D.

1116. HOW long have you resided in this country?—Thirty-nine years.

1117. You are, I believe, a member of the corporation for the management of clergy reserves?—I am, but that corporation has not met for the last four years, and it never had any power but that of merely leasing clergy reserves, subject to the approbation of the Governor in Council.

1118. Of what do these clergy reserves consist?—They consist of a portion equal to one-seventh of the granted lands in the province, and they amount to about two and a quarter millions of acres.

1119. A portion of these reserves has, I understand, been sold, under an Act of the Imperial Parliament; has this sale been conducted in any manner to affect injuriously the interests of the clergy?—I can hardly say it has been; the commissioners, on the whole, have acted fairly.

1120. Have there not been very frequent complaints of the injurious tendency of these reserves, as regards the prosperity and improvement of the province, by interposing blocks of wild land among the settled parts, thus impeding the means of communication and of transporting produce in the country?—Such complaints have frequently been made, but, I believe, unjustly, as, from my inquiries a few years ago, on the occasion of the attempted sale to the Canada Land Company, I found a greater number of inhabitants, in proportion, on the clergy sevenths, than upon the granted lands of the Crown, as they offered facilities to settlers which cannot otherwise be obtained.

1121. Has the reserve of this portion of the lands of the province for the support of the clergy of one denomination produced any, and, if any, what state of feeling adverse to the peace and tranquillity of the province?—For the last 18 years a question has been raised by the ministers of the Kirk of Scotland claiming an equal right in the reserves with that of the Church of England; this has excited a great deal of trouble, because all denominations joined the Kirk of Scotland, in the hopes of obtaining a share, as they contend that, if the clergy reserves are not given to the Church of England exclusively, they have all an equal right.

1122. But am I to understand that, in your opinion, if these reserves were given to the Church of England exclusively, all denominations, with the exception of the Kirk of Scotland, would be satisfied, and the troubles which have been occasioned by the agitation of this question, put an end to?—Had the Imperial Parliament, at an earlier period, given a firmer decision upon the subject, or had the true meaning of the Imperial Act been settled, by a judicial proceeding, little or no excitement would have been raised in the province by any denomination, not even excepting the Kirk of Scotland; but, leaving the question unsettled, it has gradually acquired greater and greater importance, and from the opinions respecting the intention of the Act, given by the Crown lawyers in 1819 and by a Committee of the House of Commons in 1828, neither confirmed by any judicial proceedings, hopes have been raised among the members of the Kirk of Scotland, and among all denominations (not even excepting the Roman Catholics), that the provision set apart for the Protestant clergy by the Constitutional Act would be entirely broken down and distributed among all parties.

1123. Would any disappointment tend to endanger the peace of the country?—It does not appear to me that a grave and constitutional proceeding upon the subject would create more excitement in the province, than other disappointments where a great interest affecting a number of people is involved. It has always been my opinion, since the question of the reserves was agitated, that it should be referred to the Imperial Government, in whose decision, I have always believed, and still believe, there would be a general acquiescence.

Rev. *William Turnbull Lynch*, a Minister of the Church of Scotland, Toronto.

Rev. *W. T. Lynch.*

1124. HOW long have you resided in this country?—I came out in 1832, and have been in this country since then, with the exception of six months spent in England.

1125. What have been your opportunities of ascertaining the state of feeling in the country, and the causes which have affected its tranquillity and prosperity?—In addition to the general opportunities which occur during a six years' residence in the colony, I was engaged for 15 months as missionary, and during that time I travelled extensively through the province.

1126. What, in your opinion, has been the effect produced on the prosperity of the province by the existence of the clergy reserves?—I am not of opinion that they have acted injuriously with regard to the cultivation of the country, or that they have affected injuriously the interests of the community, certainly not in the settled districts, though they may have done so in the back settlements.

1127. What effect has been produced with regard to the peace and tranquillity of the country by the appropriation of the clergy reserves for the benefit of one religion only?—I believe it has been one of the chief causes of dissension and dissatisfaction, and to have tended materially to produce the late unhappy disturbances; nor do I think tranquillity will be restored until the present destination of those lands is changed.

1128. What course would you, from your observation of the state of feeling in this country upon this subject, be disposed to suggest for the future disposal of these clergy reserves?—I should recommend an equal division among the leading Protestant sects, Episcopalians, Presbyterians of the Church of Scotland and the Methodists; at the same time,

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Rev. *W. T. Lynch.*

it may perhaps be advisable that the Roman Catholics should not be omitted in the distribution, though their numbers seem to me not so considerable as to require an equal portion. It would be altogether contrary to my principles, but I believe that an appropriation of the clergy reserves for educational purposes only, would give satisfaction to the great mass of the people, though not to the most influential classes of this community.

Rev. *Egerton Ryerson,* Minister of the Wesleyan Methodist Church of Toronto.

Rev. *E. Ryerson.*

1129. HOW long have you resided in this province?—I am a native of this province, and have resided here the greatest part of my life.

1130. You are a minister of one of the most numerous and influential denomination of Christians in the province?—Probably the most numerous.

1131. You must have had many opportunities of knowing the general feeling, both religious and political, of this province, and the circumstances that have affected its prosperity and tranquillity?—From my long residence and extensive acquaintance with the inhabitants I have had such opportunities.

1132. What in your opinion has been the effect of clergy reserves, considered only as a means of withholding a large portion of the country from the acquisition of settlers, and thus keeping it waste?—I think they have tended very materially to impede the settlement and improvement of the province in these respects; by being interspersed among those parts which were open for settlement, they exposed the settler to great inconvenience in making roads, and they reduced the value of the neighbouring farms by their remaining in a wild state; it is true, I understand, they might be obtained on lease, but in general settlers would not occupy clergy reserves on such terms, when they could obtain land in fee simple.

1133. Do you imagine the appropriation of clergy reserves, to the support of the clergy of one denomination exclusively, has produced any effects injurious to the peace and tranquillity of the province?—I think the peace of the province has been and is most seriously affected, and that it must continue to be so as long as this cause is allowed to remain. The vast majority of the inhabitants are opposed to this appropriation of the clergy reserves, and their numbers and the strength of the feeling on this subject are constantly increasing. There has perhaps been no period at which the dissatisfaction arising from this cause was greater than at present.

1134. In what manner should you be disposed to recommend that these reserves should be appropriated in future, with a view to prevent the continuance of such a state of feeling as you have described?—I should recommend that they should be appropriated entirely to educational purposes, and this I believe to be the general opinion of the province; I do not see any prospect of a peaceful adjustment of the question in any other manner; there would probably be found insurmountable difficulties in the way of division amongst different sects, and the feelings of a large portion of the community would be altogether opposed to such an application of the funds which the reserves might produce.

Rev. *John Roaf,* Minister of the Congregational Church, Toronto.

Rev. *J. Roaf.*

1135. How long have you resided in this province?—I have lived here a year.

1136. What have been your opportunities of acquiring information?—I am agent for the Colonial Missionary Society, and am therefore called upon to spend a great deal of time in travelling to visit churches of our order throughout the province.

1137. What has been the effect of the clergy reserves, in your opinion, as regards the settlement and cultivation of the province?—I am unable to speak from my own experience, but I have heard almost every where complaints of the evil which they have occasioned in this respect; persons have been prevented from settling in the neighbourhood of clergy reserves because they would have to make roads round them to get to their own property, and because they afford a retreat to wild beasts; and in this way I believe them to have operated most injuriously.

1138. What effect has been produced on the peace and tranquillity of the country by the appropriation of the clergy reserves to the use of the Church of England only?—It has produced a great deal of bitterness towards the members and clergy of the Church of England, and has been the cause of dissatisfaction and distrust of the Government.

1139. What course would you adopt in the future disposal of clergy reserves?—I should recommend that they be entirely appropriated for the purposes of education; I believe this is the general opinion, but in failure of this measure I would rather see them invested in the Crown than divided among the different religious sects.

The Reverend *Robert Hill Thornton,* Minister of a Presbyterian Congregation in *Whitby,* U. C., in connexion with the United Secession Church.

Rev. *R. H. Thornton.*

1140. HOW long have you been a resident in the province?—I have resided here since July 1833.

1141. What opinion have you been led to form, during that period, of the operation of the system of clergy reserves, as regards both the prosperity and tranquillity of the province?—I think that they have been one of the greatest barriers to the prosperity of the province; they stand in the way of roads and other public improvements, and impede the operations of the settlers in the neighbourhood of such lots; in many cases these lots intervene between the settlers and mills and markets, and the roads through them must remain unmade, or be

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Rev. *R. H. Thornton.*

be made with great sacrifice by the poor settlers in their rear. In fact, it keeps them poor; for I have known instances where persons might have brought their grain to a good market but for this state of roads, and where, as it is, they are compelled to wait till the frost has formed a road, when they can bring out some small portion of their produce.

1142. But the clergy reserves are not, I presume, the only lands which are thus kept waste, to the injury of the settlers, and the retarding the advance of the province?—No, any large block of land would have the same effect; but the injurious effects of the clergy reserves are most felt in the settled part of the country. These reserves have been a constant subject of irritation throughout the province, and their disposal has frequently been brought before the House of Assembly. In fact, it is impossible to describe the interest which has been excited upon the subject whenever the matter has been under discussion, the people anticipating a final adjustment of the matter. The constant agitation of this topic, has produced a very injurious effect upon the feelings of the country. Anticipating a division of this property among different sects, they have become more embittered towards each other; and this bitterness has been transferred to general politics. Since I have been in the province, I have marked public opinion changing upon the subject. At first the general opinion appeared to be, that it should be divided among all religious sects; but latterly there has been a preponderance of feeling in favour of its appropriation to purposes of general benefit, such as education, &c. One main cause of this change of opinion has been, that the people have become more alive to the miserable state of education throughout the province, and the growing conviction among people well-disposed to religion, that however liberally a priesthood may be endowed, they can do nothing effectual without an educated people. There is, in fact, not the slightest chance of tranquillity in the province, so long as this question remains unsettled; it has made almost every man in Canada a politician; and all alike declare that there can be no peace until the clergy reserve question is settled. I do not wish to be understood as representing this feeling as unanimous throughout the country, but I believe it to be decidedly the preponderating feeling.

Reverend *William Stuart*, of Brockville, Minister of the United Synod of the Presbyterian Church of Upper Canada.

Rev. *W. Stuart.*

1143. HOW long have you resided in this province?—Twenty-eight years.

1144. What have been your opportunities of ascertaining the operation of the system of clergy reserves upon the prosperity of the province, and the feelings with which that system is regarded by the inhabitants?—From my long residence in the country, and general acquaintance with every part of the province, having travelled as a missionary over the whole of it, I have had very extensive opportunities of observing the effects of the system upon the prosperity of the country, and the sentiments with which it is regarded.

1145. You have heard the evidence of Mr. Thornton; do you concur in the opinion he has expressed upon this subject?—Decidedly.

1146. Are there any circumstances that you would wish to state in addition?—I should desire to state that the body with which I am connected would be generally perfectly satisfied with the appropriation of the clergy reserves for the purpose of general improvement, but, in case of a division, they would require that the proceeds should be equally divided among all sects alike.

The Right Reverend *Alexander M'Donnell*, Bishop of Regiopolis.

Right Rev. *A. M'Donnell.*

1147. HOW long have you resided in this province?—For 35 years.

1148. You are, I believe, the head of the Catholic Church in this province?—I am.

1149. What, in your opinion, has been the effect produced upon the peace and prosperity of the province of Upper Canada by the application of the clergy reserves to the exclusive support of the clergy of one denomination?—The effect of it is to have raised a very great agitation among the people of all classes, and especially the Presbyterians; I do not imagine it possible that the agitation thus produced can subside until the question is settled one way or the other.

1150. But do you imagine that the agitation thus produced would be allowed to subside if the question were determined in favour of the Church of England?—I am sure that it would not; it would, on the contrary, be increased, and could not fail to produce a general discontent in the province; I think the only way in which the question could be settled with safety to the province is by their being allowed to revert to the Crown, and in this I think all parties would agree.

NOVA SCOTIA.

J. S. Morris, Esquire.

Evidence.

J. S. Morris, Esq.

1151. YOU are surveyor-general and commissioner of Crown lands in this province? —Yes.

1152. How long have you filled those situations?—I was appointed commissioner of Crown lands 4th May 1827, and I was appointed surveyor-general the 6th April 1831, on the resignation of my father.

1153. Were you in the department previous to the above time?—Yes; I entered the surveyor-general's office in 1816; the office of commissioner of Crown lands was only constituted in 1827.

1154. What was the system of settling public lands in this province previous to the formation of the Crown land office in 1827?—Land was granted in lots, on the application of individuals to the Lieutenant-governor and council, either in townships or in separate allotments, upon certain conditions of improvement, and upon the payment of an annual quit-rent of from 2*s.* for each 100 acres, or about a farthing per acre.

1155. Were any grants of land made on other terms than the above, previous to 1827?—A very small proportion of land was granted by license to individuals at the pleasure of the Governor for the time being; some of those lands have been disposed of and sold by the original settlers; some have been confirmed to them by grants, and the title of others has been confirmed by acts of the House of Assembly, giving title to occupants of certain standing.

1156. Does this system continue at the present time?—No, the power of the Governor was altogether suspended by the general instructions of 1827.

1157. What quantity of land was granted in townships?—About 1,563,070 acres.

1158. What quantity was granted in separate allotments?—About 6,380,000 acres.

1159. What were the conditions of settlement and improvement required of proprietors of townships?—The townships were granted on different terms.

1160. What were the conditions required of proprietors in separate allotments?—They were also granted on different terms of tenure, according to the period the grant was made. It is the duty of the surveyor-general to prepare the plans and description, but the terms of the grant rested with the secretary of the province and the attorney-general.

1161. Were the conditions generally conformed with?—Not strictly in any case, in the townships, particularly.

1162. Which are the lands generally situated on bays or harbours?—There are settlements having frontage on navigable waters, where improvement has been commenced, which has been determined as sufficient to justify the right of possession in point of law as respects the unimproved portion of the grant.

1163. Has there been any question raised as to escheating any of the above townships and grants for want of non-compliance with the terms on which they were granted?—Yes, the question of escheat has been raised more than once, and it was determined that the improvements made on a portion of grants, such as those settlements on the coast, were sufficient to protect the title to the whole property.

1164. Does the system of granting large blocks of land to individuals tend to promote the general interest and improvement of the province?—Certainly not; on the contrary, it had a very great tendency to obstruct the settlement of the country, as the individuals holding the large grants neglected to advance improvement.

1165. Such grants having been made, what, in your opinion, would be a remedy for the evil complained of?—A general tax on all wild lands would seem to be the only remedy, unless the Crown was to escheat grants when conditions were not fulfilled.

1166. Have lands been escheated in the province at different periods?—Yes; about 2,200,000 acres have been escheated for not having planted and cultivated the land in compliance with the conditions of the grant.

1167. At what period did the greatest portion of the escheat take place, and does the system of escheat continue in operation to this time?—A great portion of the escheat took place about 1783, on the arrival of the Loyalists from the United States; a considerable portion of land was escheated between 1816 and 1820: since that period there have been some few allotments escheated, and the last escheat took place in 1834.

1168. Did the forfeiture of land by the above escheat cause any additional exertions to be made in promoting improvements by remaining proprietors?—It does not appear to have produced much effect.

1169. Were these escheats generally contested by the parties concerned?—In most cases they were, and there were many attempts to obtain escheat without success.

1170. What is the system followed in escheat cases?—It is required that a party should petition Government to escheat a grant of land, in consequence of non-fulfilment of conditions on the part of the proprietor; the parties are referred to the surveyor-general, who reports on the case, and, if found to be one calling for interference from Government, the attorney-general gives directions to have public notice given, that at a period embracing upwards of 12 months an inquest will be held, and the case brought before a jury for their opinion.

1171. In

1171. In such cases is there a reference made to the proprietors of the land?—I am not aware of any other notice than the public notice given in the Gazette.

1172. Is there any objection to this mode of proceeding in cases of escheat?—Yes; the expense and delay are sufficient to deter many persons from prosecuting an escheat. The cost of escheat for one acre is as much as for 10,000 acres, when contained in one grant.

1173. Who are the parties that incur the expense?—The informant, who is also the person that applies for, and, with few exceptions, has obtained the land. In some instances the informant has only obtained a portion of the same, from its being a large block, and in other cases information has been given by the public generally, who have instituted the process in order to rid themselves of a nuisance, by removing a monopoly and a check to improvement.

1174. Can you state the amount of cost in cases of escheat?—The whole expense is about 20*l.* when the land is escheated without opposition.

1175. Was there any payment of quit-rents previous to 1827?—Not that I am aware of

1176. All the lands granted previous to 1827 were liable to escheat at that period, from non-payment of quit-rent?—Yes.

1177. What has been done in reference to the above since 1827, when the office of commissioner of Crown lands was instituted?—In 1827, all former proceedings as to grants of land were put an end to, and a new system was instituted; lots of land were ordered to be laid out in different parts of the province, to the extent of from 100 to 200 acres each allotment. The upset price was fixed at 2 *s.* per acre, to convey the fee-simple of such land without any reservation, except as usual in cases of mines and minerals; all previous grants remaining just as they were, without any authority in the new regulations to interfere with them.

1178. What steps were taken to carry out the new system?—The instructions were published, and land was advertised for sale the same year; but no sales were effected; the people had been getting land on such easy terms, that there was an objection to the new system, and they did not come forward to purchase.

1179. What was done in subsequent years?—The commissioner of Crown lands was authorized, in the following year, to grant licenses to poor settlers to the extent of from 100 to 200 acres, on payment of certain fees which were regulated by Her Majesty's Council. The land so allotted was subjected to an annual quit rent of 5*s.* per 100 acres, and the grant was made on conditions of actual settlement, which required, that the proprietor should build a house and reside on the ground within six months from the allotment being made. This was evaded in many instances, by the parties leaving their land after a short residence.

1180. Have any lands been sold under the regulations of 1827?—Yes; altogether about 120,000 acres have been disposed of.

1181. Can you furnish a list of the quantities sold in each year, with the price obtained?—They have been as follows:—

	Acres.		Amount Paid.	
			£. s. d.	
In 1828 - -	5,485	At 2*s.* to 2*s.* 6*d.* -	140 – 6	Nova Scotia currency.
„ 1829 - -	2,835	„ - - „ -	89 9 5	
„ 1830 - -	2,470	„ - 2*s.* 0¼*d.* -	99 19 5	
„ 1831 - -	10,411	„ - - „ -	647 11 6	
„ 1832 - -	14,879	2*s.* - 2*s.* 3*d.* -	1,063 8 1¼	
„ 1833 - -	11,451	2*s.* 3*d.* - - -	1,076 – 3¾	
„ 1834 - -	13,221	„ - - „ -	802 6 4¾	
„ 1835 - -	24,942	„ - - 3*s.* -	1,349 9 5½	
„ 1836 - -	14,884	„ - - „ -	1,354 19 4¾	
„ 1837 - -	17,419	„ - - „ -	1,638 – 7½	
	117,997	£.	8,261 10 7½	

The accounts for 1838 are not made up; about 5,000 acres supposed to be sold at an average price of 2*s* 3*d.* per acre.

1182. Has the upset price of Crown lands been the same in all parts of the province?—Yes.

1183. Have the payments been punctually made by purchasers of Crown lands?—No; it has been necessary in many instances to grant indulgence as to payment for three years. The seasons have been more than usually bad, but this only refers to sales made before January 1837; since then the terms have been cash within 14 days after the sale. The lands have been disposed of quarterly, having been advertised in the Gazette, and small lots of land have also been disposed of to individuals, at the upset price, between the regular periods of public sale; there has been little or no competition at the public sales, as will be seen by the above list.

1184. What is the greatest quantity of land disposed of in one lot since 1837?—1,000 acres.

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1185. Is there a quantity pointed out as the utmost to be disposed of in one lot?—Yes, 1,200 acres.

1186. Has the greater portion of the land disposed of by sale since 1827 been occupied by the purchasers?—It has not.

1187. What has led parties to acquire this land which they do not occupy?—For the purpose of obtaining a future supply of fuel, and to make use of the timber growing on it. In some cases for speculation.

1188. Is the upset price of 2*s.* 3*d.* currency the best in your opinion for the interests of the country?—I think a higher price would in a great measure put a stop to the sales of Crown land, as individuals are selling lands at not more than the upset price, and in some cases for still less money.

1189. Have you an increasing demand for Crown land?—The demand has gradually increased, but I do not think a higher price than 2*s.* 3*d.* could be obtained at present.

1190. Has the quit rent applicable to grants previous to 1827 been extended to the lands sold since that period?—Not to lands sold.

1191. What arrangements have been made respecting the quit rents alluded to?—In 1835 the House of Assembly commuted the quit rents for the sum of 2,000*l.* annually, to be paid by the province towards the Governor's salary.

1192. Is it to be understood that no quit rents or tax on lands at present exist in the province?—There is not either.

1193. Are the proprietors of land by the arrangement altogether relieved from the obligation of quit rents?—The House of Assembly, I conceive, might levy a quit rent; at present no quit rents exist. All claims for arrears of quit rent are understood to be disposed of. I do not know in what light the House of Assembly may view it.

1194. When grants are made to purchasers of Crown lands, how are the parties put in possession?—A surveyor proceeds by direction of the surveyor-general to mark out the land appropriated to the party; he commences at some known boundary, and from thence finds out the lot in question, and marks all its angles and boundaries.

1195. When you speak of a known boundary does it imply the nearest place already appropriated to that intended to be located or granted?—It is the angle of some former grant, the boundary of which is marked, or it is some natural boundary that cannot be mistaken; when the survey is completed, it is entered in the surveyor-general's office.

1196. From the above system it follows that, by one lot being imperfectly surveyed or misplaced, all those measured from it must be in error?—Great pains have been taken to avoid error in surveys, but from previous surveys the above mischief is very likely to occur.

1197. Are there many instances of litigation in consequence of inaccurately defined boundaries?—Very many.

1198. Does this system tend to check settlement and improvement in the country, and to prevent transfer and settlement of property?—I do not think that it has any effect as yet, in Nova Scotia, because wild lands are not yet sufficiently valuable; but it may be apprehended that at a future period great difficulties will occur in reference to the boundaries of land.

1199. Would such apprehension have weight with persons desirous of investing capital in this province in the purchase of land?—No doubt it would.

1200. What would you recommend as a remedy for the evils of the present system?—The surveyor-general ought to be authorized to employ persons to run such lines as he should point out as necessary; to renew the boundaries of old grants, and to form the boundaries of grants and townships that have not yet been surveyed. It would be necessary also to stop the practice of persons employing unqualified surveyors, many of whom are probably also incapable; these persons do the business on any terms, having no responsibility in what they do.

1201. Are there a sufficient number of qualified surveyors in the province to do all the work required?—There would be if they were protected by proper law, but at present there is a difficulty to find persons to lay out the Crown lands, the deputy-surveyor having to combine other occupations with this office in order to get a living, and it is considered quite a secondary occupation.

1202. What expense is incurred for surveys?—From 3*d.* to 5*d.* per acre, depending on circumstances, such as distances and nature of the country, and difficulty in ascertaining the lot in question.

1203. Has the system of granting lands to leaders and associates at any time been in duration in this country?—There was a system of the kind originally, but nothing of the kind of late years.

1204. When the system was practised, had it the effect of causing lands granted to leaders and associates to pass into the hands of leaders?—Yes, it had.

1205. Do you know in any cases what price land was purchased for, from the associates?—I do not know; it was frequently something very trifling.

1206. In what sized blocks was the land of the province disposed of?—From blocks of from 1,000 to 150,000 acres.

1207. Were there many grants of the larger quantity?—Many of 100,000 acres.

1208. Are there any proprietors at present in possession of any such property?—I do not believe there are any proprietors who now possess more than 15,000 acres in the province, and that quantity divided into different blocks, except in the instance of Messrs. Lyons and Wright,

Wright, and others whose original grants have not been escheated; I have no means of knowing the present state of those lands.

1209. How were the other large grants disposed of by the proprietors?—The greater portion has been escheated for non-performance of conditions.

1210. Is there much land now liable to escheat from neglect and non-fulfilment of the terms of the grant?—I should think upwards of 1,000,000 acres.

1211. What was the extent of the grants to Messrs. Lyons, Wright, and others?—150,000 acres.

1212. What is the quantity of all the land which has not been escheated?—675,576 acres.

1213. You have stated that you think there are 1,000,000 acres liable to escheat; is any portion of that land contained in this list?—Some of the land is contained in this list, but a great portion of it is not; a great proportion of it is grants of 500 acres and under that quantity.

1214. In remarking on the quantity of land liable to escheat, you allude to lands more immediately known to yourself?—Yes.

1215. Besides the land you suppose to be liable to escheat, there may be large quantities of the original grants also liable to forfeiture for non-fulfilment of conditions?—Yes.

1216. The quantities liable to escheat in the province cannot be ascertained without an examination of each grant, in order to know if settlers are on it?—The examination must be made.

1217. In case of squatters being on land without a knowledge of proprietors, would the liability to escheat be removed?—I know that squatters have escheated lands, but I am not aware of the above case ever being decided on.

1218. You have stated, in a former part of your evidence, that the best remedy for advancing the general improvement of the country would be by a tax on wild lands; if such were determined upon, and the whole proceeds of such tax applied to purposes of improvement and promoting emigration to the province, what amount do you think it would be desirable to levy on each 100 acres of unimproved land?—On any grants of land where no improvements whatever have been made, I think 5*s.* per 100 acres would not be too high a tax; on lands where partial improvements have been made, but not such as might be expected from long possession, a partial tax might be levied.

1219. Is it your opinion that large quantities of land are held with a view only to future benefit, without the proprietor regarding the immediate interest of the province?—I should consider a very large quantity of land is held in that way.

1220. What is the superficial area of Nova Scotia?—About 10,000,000 acres.

1221. What part of that do you consider to be covered with water?—About one-fifth.

1222. Leaving 8,000,000 acres of land?—About that quantity.

1223. It has been stated that about 5,750,000 acres of land have been granted in Nova Scotia; what portion do you consider of the land appropriated is in cultivation?—There are about 400,000 acres of land in Nova Scotia under cultivation.

1224. What portion of the unappropriated land do you consider as capable of cultivation?—About one-eighth.

1225. What is the general character of the remainder?—Chiefly barren land.

1226. Has there been any revenue arising to the Crown from timber, or other sources than the sale of Crown lands?—None from the sale of timber; there is a revenue from the mines, which goes through the receiver-general's office.

1228. What has been the extent of emigration during the last five years?—There has been no extensive emigration at any time to this province; there has been a yearly arrival of emigrants at Halifax, but none at Picton and Cape Breton.

1229. Have the emigrants who have come to the province been able to establish themselves?—Many have, particularly the agricultural portion of them, at Picton and Cape Breton; many of those who came to Halifax have gone to the United States.

1230. What prevented the settlement of those emigrants in this Province?—Those who came to Halifax were not desirous to go into the country, and in the immediate neighbourhood there is no eligible land for settlement in right of the Crown; in the country the sale of Crown lands requires cash payment, and the greater part of the emigrants being poor, they could not acquire land without a considerable residence in the country to obtain means of purchase.

1231. On what terms do private individuals part with lands to settlers?—Generally from 3*s.* to 3*s.* 6*d.* per acre, if purchased, and in many instances for less.

1232. Are there instances of persons taking wild land on lease, or other terms than by purchase?—I am not aware if it is done in any instance.

1233. Do persons generally succeed who settle on wild lands?—In cases where the parties have been industrious they have succeeded very well.

1234. Are you acquainted with the road system pursued in the province?—There is no system; the practice has been to make roads from one point to another as they have been required; and this has been done generally at the expense of the province, by grants of the legislature: there is also three days' statute labour required of each person, or money in lieu of it.

1235. Is the mode of proceeding generally approved of?—It frequently brings forward

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an inferior person, hired at a low rate, to supply the place of a robust man, or it causes labour only to be half done by those who work themselves.

1236. Are the roads as well kept up as they ought to be?—Certainly not; neither the main roads nor the cross roads are as they ought to be; the funds are misapplied, and the statute labour is improperly performed.

1237. Who are the persons who have the management of road funds?—There are no regular persons; there are commissioners appointed annually by the Governor and Council to attend to roads.

1238. Do those persons attend to the laying out and making of the roads?—They attend to both.

1239. Are they engineers, or persons acquainted with such works?—With very few exceptions they are not.

1240. Who are the most active of those parties?—Messrs. John M'Kenzie, Peter Creans, and James M'Kenzie.

1241. Is there any contribution from proprietors of wild lands towards formation of roads?— None.

1242. Is this complained of by settlers, and is it detrimental to the settlement of the colony?—There is a very general complaint throughout the province of the mischief arising from the system.

1243. From your experience, and with your knowledge of the different systems that have been followed, in reference to disposing and settling Crown lands in the province, have you any opinion to offer as to the best mode to pursue in future?—The course most proper to be taken in order to settle the waste lands in Nova Scotia would be, for the Crown first to get possession, by process of escheat, of all the lands hitherto granted, the conditions of which have not been complied with. It would involve a heavy expense to the Crown if the escheat of land took place at the instance of the Government, who in such a case must employ persons to examine minutely each grant, in order to furnish the proper evidence. In order to effect this, the Crown should permit applicants to have the lands at something less than the upset price upon certain conditions, that is to say, provided they effected the escheat, and settle upon the land, that they should be allowed to purchase to the extent of 200 acres each person, at the rate of 1*s.* per acre, they paying for the survey, or the rate of 1 *s.* 4*d.* in order to cover that expense. That no grant should pass to them of the land sold until they had been actually living upon it, for at least 12 months; that they should be allowed two years to pay the purchase-money, and should deposit one-fourth of the amount at the period of securing permission to occupy the land. That in order to prevent delay, there should be no reference required to Her Majesty's Council, but the Lieutenant-governor, or, in his absence, the commissioner of Crown lands, should decide at once upon the application, agreeable to the royal instructions of 1832; but in cases of difficulty, and when the lands are involved in dispute, it would, of course, be proper to refer to the Council. That the waste lands of the Crown fit for settlement should be held at the fixed rate of 2*s.* 3*d.* per acre, and individuals allowed to obtain them without a reference to public sale; but in all cases certain conditions of improvement should be insisted on, and the grant should not pass until so many acres have been put under cultivation, and the purchaser actually settled upon the land. It would be necessary to make roads through these waste lands in order to connect them with other settlements; and a careful survey should be made, and the bounds properly marked, of every lot, which should not exceed 200 acres. It is proper to remark, that in Nova Scotia, and particularly upon the Atlantic side of it, there is a certain description of land not at all adapted for cultivation, but still of value to the fishermen, as it supplies them with wood for a variety of purposes; no valuable timber grows upon it, nothing but small spruce and firs, and a small growth of hardwood which serves them for fuel; now, such land as this should not come under the operation of the foregoing regulations, but where land is bought for the wood only, prompt payment should be required.

Sir *Rupert George*, Bart., Secretary of the Province of Nova Scotia.

1244. BE so good as to describe the different systems under which the Crown lands in Nova Scotia have been disposed of?—From the first settlement of Halifax, in 1749, until 1760, the disposal of the lands of the Crown was in a great measure left to the discretion of the Governor. During this period little was done towards the settlement of the interior, the alienation of the Crown lands having been principally confined to the neighbourhood of the seat of Government. In the year 1760, instructions were issued for the Governor's guidance in this respect, but they are not on record in my office. About this time a very general disposition prevailed, both in Europe and America, to speculate in the lands of this country, and various projects for its settlement were submitted to his Majesty's Government by numerons companies and associations formed for the express purpose of entering into such speculations. Unfortunately for the province, these ill-considered schemes were encouraged by Government; and from 1760 to 1773, the whole of Prince Edward's Island, which then formed part of Nova Scotia, as well as numerous townships of 100,000 acres each, and vast tracts of land containing the most fertile portions of the province, were granted to adventurers of this description; who engaged to cultivate the whole within a limited period. All these speculations entirely failed, and those engaged in them, discouraged by the heavy losses which they had sustained in endeavouring to settle

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settle their lands, abandoned and left them desert; but as they still retained their grants, poor settlers were deterred from resorting to the province, knowing that the most valuable lands were monopolized; and thus, emigration from the mother country being at the same time discouraged as ruinous to its interests and security, the province remained in a hopeless state of depression for many years.

At length strong representations were made to his Majesty's Government of the injury which the province suffered from settlers not being able to obtain lands, except as the tenants of or purchasers from these extensive proprietors; and instructions were given in 1773 to vacate these improvident grants, in order that the same lands might be granted to persons who would engage to settle on and improve them, on such terms as, it is said, would shortly be promulgated.

But this project for the better settlement of Nova Scotia, however well intended, failed, in consequence of the powerful remonstrances of the original grantees, among whom were some of the first men of the kingdom.

The attention, however, of Government having been thus turned to the evils resulting from these large grants, an order from the King in Council, issued on the 20th July 1773, declaring that the state and condition of his Majesty's colonies and plantations in America did, both in justice and expediency, require that the authority for granting lands therein should be further restrained and regulated; and ordering the Lords Commissioners for Trade to take the subject into consideration, and suggest such alterations as they should think fit to be made in the instructions: and all Governors were directed, in the meantime, not to issue any warrant of survey, or pass any patent for lands in the colonies.

In February 1774, an additional instruction was issued by his Majesty, founded on the report of the Lords of Trade, annulling all former instructions, and establishing an entirely new mode of disposing of the lands of the Crown.

It required the Governor to cause such parts of the province as might be more advantageously settled to be actually surveyed and divided into lots of from 100 to 1,000 acres each, and then to sell them at public auction to the highest bidder, at an upset price of 6*d.* per acre. The purchaser, on payment of the purchase-money, was to obtain a bill of sale, upon producing which to the Governor, he was to receive a grant in fee-simple, on payment of the usual fees, subject only to the reservations of precious metals, and to an annual quit rent of $\frac{1}{2}d.$ an acre: and the Governor was directed not to dispose of any lands in the province on any other terms under any pretence whatever.

In pursuance of this instruction, upwards of 83,000 acres of the best land then remaining in the right of the Crown were surveyed and divided into lots of suitable dimensions; but though a long public notice was given, not only in this, but the neighbouring colonies, now the United States, of the intended sale of those lands, not a single purchaser offered; and thus a well-intended project for the settlement of the country proved abortive.

Shortly after the breaking out of the revolutionary war, a letter was received from Lord Dartmouth (dated 1st July 1775), stating that his Majesty considered that Nova Scotia might become a happy asylum for many unfortunate families under the necessity of abandoning the rebellious provinces, and directing the execution of the instructions for the sale of lands to be suspended, and gratuitous grants to be made to such loyalists as might take refuge in the province.

The Governor took this occasion to represent the impossibility of providing suitably for their accommodation, unless steps were taken to re-invest the Crown with the extensive tracts before alluded to as having been left desert; and instructions were consequently given to escheat such of those lands as were not settled according to the terms of the patents.

The non-resident proprietors, however, more than ever anxious to retain their lands, when they saw a prospect of their acquiring an increased value from the expected influx of numerous new settlers, vehemently opposed the measure, and in too many cases with success.

Nevertheless, large quantities of land were escheated, and regranted shortly after to actual settlers, who were chiefly refugee loyalists; and the province now begun to prosper.

In 1782, its whole amount of population was only 12,000; while in 1784, Governor Parr reported that grants had passed for 4,882 families, amounting at four to a family to 20,120 souls. And that many more of the newly arrived families were settled on their lands, whose grants were delayed for want of surveys.

In 1790, certain grants having been made which were disapproved of, his Majesty thought proper to forbid the further granting of lands, which prohibition continued till 1808. During this period numerous emigrants resorted to this province; many settled without authority wherever they could find lands vacant, and some obtained licenses of occupation during his Majesty's pleasure.

In 1808, the prohibitory order before mentioned (but which does not appear to have been very strictly attended to) was removed, and a new set of instructions issued; the prominent points in which were, that the quantity of land to be granted to any individual should be restricted to 100 acres to the head of a family, and 50 acres for each child, but not to exceed 500 acres in the whole, without the permission of His Majesty; that the

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grantee should improve, within five years, three acres for every 50 granted, or keep three neat cattle for every 50 acres of barren land, and erect a house, and should pay annually 2*s.* sterling quit rent for every 100 acres after two years from the date of the grant; the grant to be void in failure to comply with these conditions within five years.

Under the operations of these instructions, the settlement of the province went on rapidly.

Still many irregularities, productive of serious evils, were committed. Notwithstanding the ease with which an authority to settle could then be obtained, and the moderate expense of a patent, numerous unauthorized settlements continued to take place; and it not unfrequently happened that the local Government, from having no knowledge of these unlawful proceedings, were induced, by false representations, to assign or grant lands held in this irregular manner and under improvement, to others than than the occupants, in the belief that they were in a wilderness state.

Thus disputes arose, and endless and most embarrassing representations of conflicting claims to lots were made to the Lieutenant-governor.

To remedy these irregularities, to facilitate the location of emigrants and natives in poor circumstances, and to promote all objects connected with the settlement of the country, a board of commissioners, consisting of the principal magistrates and members of the agricultural societies, was appointed in every county in 1821.

All petitions for land were, in the first instance, presented to these boards, who forwarded them to the Lieutenant-governor with their observations; but if the applicant were an emigrant, or other poor person in want of an immediate settlement, the board had authority to grant him a ticket of location without any previous reference to the Lieutenant-governor, the allowance at this time being, in all cases, to a married man 200 acres, and to an unmarried man 100 acres.

In this manner the settlement of the country was conducted until 1827, when the existing system of disposing of the Crown lands by sale was established.

1245. Did this change in the system give satisfaction?—No. Previous to its adoption, Sir James Kempt received an outline of the plan from Sir Wilmot Horton, and this having been submitted to the Council for their opinion, as to the expediency of adopting it in Nova Scotia, a report on the subject was transmitted to the Colonial-office, showing the inapplicability of the proposed system to this province, and Sir James Kempt, fully concurring in this opinion, earnestly recommended that his Majesty's Government would pause before they extended the new regulations to Nova Scotia.

1247. What reply was given to it?—None, to my knowledge. Sir James Kempt soon after received a despatch from Lord Bathurst (1st March 1827), stating, that it was desirable that an uniform system of disposing of the Crown lands should be established in the North American colonies, and directing the strict observance of the instructions which were at the same time transmitted for the sale of Crown lands.

1248. What proceedings took place on the receipt of these instructions?—Sir James Kempt immediately gave publicity to them, and declared, that thenceforward unappropriated Crown lands could only be obtained, according to the new regulations, by purchase. In justice, however, to the numerous persons settled under the authority of Government with incomplete titles, notice was given, that all settlers so circumstanced would be allowed to obtain grants on the accustomed terms, provided the fees for the same were lodged at the proper offices before the 1st Jannary 1828, but not otherwise. And the commissioner of Crown lands did all in his power to give effect to the new instructions.

1249. Did many persons take out grants in consequence of this offer?—Yes, about 1,820 persons availed themselves of it in Nova Scotia Proper, and have since received their grants, containing in the whole about 200,000 acres; and in Cape Breton, about 1,120 persons did the same; but many of these grants still remain incomplete for want of surveys, for which the settlers, in most cases, are unable to pay.

1250. What fees were payable on grants under the old system?—The expense of a separate grant to an individual, of from 100 to 150 acres, was from 12*l.* 10*s.* to 13*l.* 5*s.* currency; but, to save expense to the grantees, it was the invariable practice, unless otherwise requested, to include five persons in a grant, whereby each grantee's proportion of the expense was, for 200 acres, about 3*l.* currency, including every attendant charge, except that of the survey of the land.

1251. What is the expense of the grants under the new system?—The upset price of land being from 2*s.* 3*d.* to 2*s.* 6*d.* an acre, the price of a grant of 100 acres varies from 11*l.* 5*s.* to 12*l.* 10*s.*, and of 200 acres, from 22*l.* 10*s.* to 25*l.* 10*s.* currency, including the cost of survey.

1252. When is the purchase-money paid?—Under the instructions originally received, it was permitted to pay the purchase-money by four instalments, without interest, the first being payable at the time of sale, and the second, third and fourth at intervals of a year; but, in 1837, this arrangement was abolished, and purchasers are now required to pay 10 per cent. of the puschase-money on the day of sale, and the remainder within 14 days.

1253. How has this regulation operated?—Very injuriously in this province, especially in the island of Cape Breton.

1254. What

1254. What reasons were assigned for making it?—In a despatch from Lord Glenelg, 24th February 1837, the tendency of the practice of paying by instalments is said to lead settlers to buy more land than they require, and consequently to disperse them over a wider extent of country than they can beneficially occupy; and, in the cases of timber-land, the system is declared still more injurious, as it induces speculators in timber to purchase the land on which it grows, by the payment of the first instalment, who, after stripping it of its timber, abandon it, whereby large tracts of land are for a long while left uncultivated and unoccupied.

1255. Do these reasons apply in Nova Scotia?—No; there has not been, I believe, a single instance here (certainly not more than two or three) of persons buying more land than they want for their own use, and not a single instance probably of parties buying land for the purpose of despoiling it of its timber; on the contrary, the greater part of the purchasers in this province had been long previously settled on their lands.

1256. In what respects has this rule operated injuriously?—By checking the sales of Crown lands, few settlers being able to pay the full price at the time of purchase, and by occasioning the continuance and increase of the unauthorized occupation of the lands of the Crown; for example, the emigrants who resort to this province arrive utterly or nearly destitute, and, in almost all cases, disembark where there is no demand for labour; these poor people, of course, cannot purchase, and they are consequently compelled, for the preservation of their lives (their neighbours, nearly as badly off as themselves, being little able to afford them assistance), to take possession of the first piece of unoccupied land, granted or ungranted, they discover, whence they raise a few potatoes, on which, for the first two or three years, they solely depend for their miserable existence; if the land is private property, they are probably turned off, losing their improvements, or obtaining a very inadequate compensation for them; if it belongs to the Crown, they are doomed to remain as long as they live (provided the existing regulation continue), without any hope of obtaining a title, suffering, in addition to their many and almost intolerable privations, the painful anxiety which an insecure tenure commonly occasions. In this manner, Nova Scotia is, or soon will be, overrun by unauthorized settlers; and I learn, from the commissioner of Crown lands in Cape Breton, that they are crowding into all parts of that island in such numbers, that persons desirous of purchasing can scarcely select one lot to which some self-constituted settler does not set up a claim.

1257. How would you propose to remedy these evils?—In the first place, the extent of such irregular occupation of the Crown lands, and the exact position of every lot held without authority, or under some incomplete title, with the name of the occupant, should be ascertained, in order that steps may be taken to quiet all such possessions, and secure to every settler so situated 100 acres of land, including his improvements, on condition of his taking out a title within a specified period, suppose three years; the acquisition of this information would be a work of great labour, and attended with much expense; but it must be obtained, or the consequence will be deplorable; in Cape Breton alone, it is estimated that 20,000 persons, or one-half the population of the island, are seated on and maintained by land for which they have no title, or merely a license to occupy; then, presuming that no departure from the principle of sale will be allowed, I would recommend that the practice of paying by instalments be again permitted; that the first instalment should not be required from settlers now in the occupation of Crown lands for three years from the date of an official notice requiring them to take out grants; the three other instalments being payable at intervals of a year.

With respect to emigrants and natives in indigent circumstances, I would recommend that, on the payment of a moderate fee to the surveyor-general, they should receive tickets of location, and be considered as the future purchasers of the lots assigned to them, at the upset price, care being taken that their lots be duly surveyed, and plans thereof made and returned before they are put in possession.

The expense of the survey should, in the first instance, be advanced by Government, but would ultimately be paid, as forming a part of the price of the land, by the settler, in four instalments, the first not being payable until four years after the date of the ticket of location. At the same time, ready money payments, if deemed expedient, might be required from those who could command the full price at once. But if some such plan as this were adopted, the Crown lands would produce little or no revenue for three years, and not enough to pay the ordinary expenses of the land department for eight years.

It would be necessary, therefore, to provide salaries for the commissioners of the Crown lands, which might be made chargeable on some other branch of the casual revenue.

The present question, however, involves so many difficulties, that I am not prepared to answer it fully; but of this I feel persuaded, that if the task were left to the Governor and Council (and I do not see how it could be successfully accomplished, except by persons possessed as they are of an intimate knowledge of local peculiarities), they would, with the assistance of the commissioner of Crown lands, have it in their power to frame some effectual plan for curing the existing evils, for the protection of illegal occupants of the Crown lands, and for the better conduct of the settlement of the province in future.

2258. What was done in Cape Breton under the instructions of 1827?—If those instruc-

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tions were inapplicable to Nova Scotia Proper, they were doubly so as regards Cape Breton, inasmuch as that island was, in a greater degree than the rest of the province, occupied by irregular settlers, whose poverty had prevented their making application for the land on which they were settled, and who, consequently, could not be expected to purchase under the new regulations; and, on referring a copy of the instructions to Mr. Crawley, to whom the Lieutenant-governor then (1827) offered the situation of commissioner of Crown lands, that gentleman so forcibly expressed his opinion that their tendency would be to retard the lawful settlement of the country by the increased expense of obtaining grants, and to create much suffering among the numerous class of the popuation I have just alluded to, that it was not deemed expedient to extend a new system, in the whole, to Cape Breton; but authority was given to the surveyor-general to grant licenses of occupation under the 11th section of the Instructions, to the benefit of which saving clause the island was considered to be entitled, as no part of its ungranted land had been surveyed; and it might, therefore, be considered, to use the words of the document, "a distinct district not surveyed." A great number of persons were settled under that authority till 1832, when the Secretary of State, having expressed his surprise at finding that the system of sale had not been introduced, Sir Peregrine Maitland appointed Mr. Crawley commissioner of Crown land, and directed him to carry the instructions into full effect. From that period to the 31st December last, he appears to have sold 34,388 acres; but the proceeds have not exceeded the expenses of his department.

1259. Your opinion as to the defects of the present system of sale may be collected from your former answers; what were the chief defects of the former one of 1808?—The want of some regulations sufficient to enforce the survey of lands assigned to settlers previously to their going into possession, and to oblige them to take out titles without delay. Many years commonly elapsed between the dates of the warrant of survey and patent, though the former was received by the settler on condition of his taking out a grant within six months. Many disputes and much litigation have arisen, and will yet arise, from this cause.

1260. Was the operation of the boards of land commissioners beneficial?—The advantages expected from their establishment were not fully realized. A very laudable degree of attention was paid by some of the boards to the business referred to them, and the information they afforded was frequently of much use in enabling the Governor to decide between the pretensions of contending parties. My opinion, however, is, that the appointment of these boards did not conduce to the more regular settlement of the province, and that their operation was not, in the whole, beneficial. One of the objects strongly recommended to their attention, was to urge settlers, without titles, to take out grants, the greatest evils having arisen from delay in this respect. It appears, however, that while in the six years preceding their establishment, 2,733 persons received grants, amounting in all to 589,383 acres, only 182,724 acres were granted to 1,010 persons during the six years of the existence of these boards.

1261. I have heard that large quantities of land heretofore granted are liable to escheat; have you any thing to say on this head?—I regret not being able to add to the information you have already received on this subject. It may be well, however, to state that, in some cases, I apprehend it would be found that lands, which have been wholly neglected by the grantees or present proprietors, have been improved by persons without their knowledge or authority, sufficiently to exempt them from forfeiture.

1262. Has it been determined that such improvements would bar an escheat?—Not judicially; but the attorney and solicitor general here recently gave it as their opinion that improvements so made by unauthorized settlers, if to the extent required by the terms of the patent, would have that effect.

1263. What is the expense of escheating a grant?—About 20*l.* currency; the expense being the same whether the grant be of 100 or 500 acres.

1264. Who pays the expense of the escheat?—The person petitioning for it, who does so in expectation of obtaining a re-grant of the land, or part of it, for himself.

1265. Are such applications for escheats frequently made?—Very seldom of late; probably not more than once or twice in the year.

1266. What quantities of land have been escheated in the whole?—About 2,154,000 acres, of which 1,945,373 were escheated for the loyalists between 1774 and 1782.

1269. What is the amount of the nett proceeds of the sales of Crown lands paid into the casual revenues since the first establishment of the system in 1827?—One thousand and forty-two pounds twelve shillings and eight-pence currency; 834*l.* 2*s.* 2*d.* sterling. From the sale in Cape Breton nothing has been received.

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1271. HAVE you been long a resident of this province?—Since the year 1783.

1272. Am I right in supposing you have considerable information on the subject of agriculture, and have remarked on most parts of the province?—I have, on every district of the province. My object in visiting them was to remark on the lands most desirable to be brought into cultivation, and on the lands incapable of improvement. I was employed by

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by Government for this purpose. One object of the inquiry was to avoid running roads over a country not capable of improvement.

1273. Will you favour me with the result of your observations on each district of the province in reference to the soil and to capabilities for agriculture?—The province is divided into 14 counties. Digby county, until within a year or two, formed part of the county of Annapolis; it is the west portion of Nova Scotia, and contains about half a million of acres. One half the county is a low mountain range of solid rock, with broken stones and patches of earth, and some deeper earth that admits cultivation. The parts of the country bordering on the sea admit of considerable cultivation. There is a large tract of good land at the west, and which is not settled for want of roads.

1274. What portion of this county would admit of cultivation?—About half of it is, in some degree, capable of cultivation.

1275. Has all the land capable of cultivation been granted?—All the blocks are; the isolated pieces are not.

1276. How much of the granted land do you think is occupied?—About one half is in some degree settled.

1277. What portion of the occupied land is in cultivation?—But a small part is under the plough; there is a great deal of pasture, which is necessary in order to keep a small spot well manured. A farm requires cultivated land to produce hay for winter; and there is a great deal of corn required for cattle; the cultivation would be improved with more labour, and the land would be capable in proportion of maintaining more inhabitants.

1278. Is there a large portion of land in possession of farmers left altogether out of use by occupiers of land?—Numbers have large tracts in wood uncleared.

1279. How long would it take an industrious man to bring 50 acres into cultivation?—Some industrious men would do it in eight or nine years.

1280. Is it a common thing to have a farm of 100 acres cleared?—It is a much more common thing to have the cultivated ground not to exceed 25 acres.

1281. In cases where there are 25 acres cultivated on a farm, what quantity of land would be required besides?—About 50 acres for pasture, and about 25 acres for wood.

1282. What is considered a fair price for good lands in a wild state?—The Government upset price is 2*s.* and 3*s.* per acre; it sometimes brings 5*s.* per acre on public roads. Good lands in a desirable situation, 14 miles from Halifax, have brought 10*s.* per acre. Land in this country is very variable in its price, and is much an object of speculation; but with all the changes, land has risen in its price within 41 years double; within the last 10 years I think land has not increased at all.

1283. What wages are paid for labour?—If paid in money, labourers 2*s.*, exclusive of keep; in some cases they receive 3*s.*; in winter there is a want of work; the highest price I think is 3*s.* 6*d.*

1284. Is there any want of labour in the country?—There are plenty of hands everywhere.

1285. What would be the price of a comfortable house for a settler?—A log house would cost 20*l.*; a four-roomed, two-story house, well furnished, would cost 150*l.*

1286. What is given for clearing an acre of wild land?—The average price for cutting down would be 35*s.* per acre, and it would cost as much more to roll and burn.

1287. Would that prepare land for cropping?—Yes.

1288. How much more an acre would it cost to take out the stumps?—On hard wood land stumps might be taken out in eight years, at little expense; in soft wood land they might not decay under 20 years; in spruce land they would decay in seven or eight years.

1289. You have said half the lands in this district are granted, and only a portion of this is in actual cultivation; how do you account for the remaining portion not coming into a state of improvement?—The want of roads. Settlers cannot go far from roads; they cannot afford to make roads for themselves.

1290. What do you consider the expense of making roads per mile?—A road sufficient for first settlements could be made at 100*l.* per mile, including bridges.

1291. Do these remarks apply generally to other parts of the country?—I believe they will, pretty generally; at times there may be a little variation in wages from extra business, but things soon find their level.

1292. What description of persons inhabit the county of Digby?—A considerable number of French, descended from the old Acadians, who live very much to themselves, a quiet harmless people; the remainder of the inhabitants are American loyalists.

1293. What is the character of Annapolis county?—Annapolis county borders on the Bay of Fundy, and all that part towards the bay contains a considerable portion of land capable of cultivation; about half the land in this country is worthless land, in solid hills of granite on a kind or species of trap or slate; on some of the hills on the granite land there is hard wood, and soil for cultivation.

1294. Can any part of trap or slate land be brought into use?—It is quite useless, I think.

1295. Can you form an estimate of the portion of this county capable of cultivation, and the quantity that is granted and that is barren?—More than one-third is capable of cultivation; half the remainder is granite, with parts capable of cultivation; and the rest is trap, but having parts capable of cultivation.

1296. Are any large portions of the good land as yet unsettled?—There are no large portions unoccupied.

1297. Is there much good land ungranted, and remaining in the possession of the Crown?

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—Very little in this county ; what there is, is in isolated pieces and separated by useless land, which could not be used without previous communication being made and kept up.

1298. It has been said, that the county of Annapolis comprises 100,000 acres, and about half is granted ; is that according to your computation ?—I have no made computation of actual surface ; but this agrees sufficiently with my observation.

1299. What portion of the granted lands do you suppose is in a state of cultivation ?—About one-quarter is in some kind of cultivation ; I question if more than one-tenth has ever been ploughed.

1300. Does the county of Annapolis advance as much as might be expected in improvement ?—It has advanced but little of late years.

1301. What is the cause of the slowness of improvement in this county ?—To a check in the fishery at one time, and to a general depression which has existed in the province for some time ; things are coming round.

1302. What is the principal cause of neglect, and want of roads, in certain parts of the county more than others ?—The mode of arranging the road money. Each individual in the House of Assembly wishes to have as large an appropriation of money to his district as possible ; and those parts not inhabited are too much neglected.

1303. Is there a good harbour for shipping at Annapolis ?—There is a good harbour for coasting vessels ; I do not know about large vessels.

1304. Is there much ship-building in this district ?—A number of small vessels are built here.

1305. Are there any minerals supposed to be available in this county ?—There is much iron ore. I do not think it has been properly worked, although attempts have been made to work it.

1306. Has this county any other particular quality ?—In the herring fishery there is a great deal done.

1307. What is the character of the inhabitants of this district ?—They are partly descendants of American loyalists, and partly Americans, who settled previous to the revolution.

1308. What did you observe as to King's county ?—King's county is situated on both sides of the Basin of Mines ; more than half of this county is capable of cultivation, the other part is of granite hills chiefly.

1309. Is this county much improved ?—It is better improved than Annapolis.

1310. Is there much good land in this county still unsettled ?—There is very little I believe unoccupied.

1311. Is it still capable of much improvement and of increase of population ?—About Parsborough there is room for considerable improvement, and the land might support double the number of persons now in the county.

1312. Has this county any other resources besides agriculture ?—There is some fishing, chiefly of shad ; there is a native copper found here, but I do not think it goes to any extent ; there is a native copper scattered, but no ore.

1313. Is there much land still in possession of the Crown capable of cultivation ?—Very little indeed in this county.

1314. What country people settled this part of Nova Scotia ?—The majority of them were descendants of English families from New England.

1315. What county bounds King's county ?—The North is bounded by Cumberland, which is the most northerly county of Nova Scotia.

1316. What is the character of Cumberland county ?—There is a great deal of dyke marsh in the north of this county, bordering on New Brunswick ; there are 80,000 acres in one marsh ; the remainder of the county is a mixture of poor land and granite hills ; there is good land on the gulf shore.

1317. Are there many inhabitants in this part of the province ?—There is a considerable number of inhabitants who inhabit the head of the bay and the gulf shore.

1318. What are the recommendations of this district ?—There is not much agriculture except on the marshes ; there are considerable coal mines which can be worked with advantage at any time ; there is also a considerable trade in grindstones with the United States ; those grindstones are thought to be superior to any from Europe.

1319. How is this part of the country supplied with harbours ?—The want of safe anchorage near the grindstone quarry and coal mines is a great drawback.

1320. Could this not be remedied ?—I think a good harbour could be made at no great expense ; there is abundance of stone at hand which they are constantly working.

1321. Have you crossed the neck of land which divides the Bay of Fundy from the St. Lawrence ?—Yes.

1322. What is the distance ?—About 14 miles.

1323. What is the nature of the country ?—A low, flat, sandy country.

1324. Is the country much above the level of the sea on either side ?—I do not think any part is more than 25 feet above the level of high tide at Cumberland.

1325. At high tide is the level of the water of both sides supposed to be the same ?—At the top of high water I should think that the water would be 27 feet higher at Cumberland than the bay.

1326. What is the rise of the tide at Cumberland, and what is it at the Bay Verte ?—I think seven feet is the rise of the tide at the Bay Verte, and 60 feet is estimated to be the highest rise of tide at Cumberland.

1327. Then you suppose at half tide there would be an equal level ?—Yes.

1328. Through what soil would the bed of a canal require to pass connecting the Bay of Fundy with Bay Verte?—Generally sand with more or less loam.

1329. Would such soil retain the water sufficiently for the purpose of having a canal?—I think it probable clay would be found below the sand, if not, clay would require to be brought three or four miles from the marshes, but I think clay would be found nearer.

1330. What is the nature of the coast where the canal would terminate?—It is shallow at the Bay Verte; it is deep enough for ships at the Cumberland side.

1331. How would the country suit for a railroad?—I think remarkably well, it might be a straight line; the country is almost level; it is the easiest place in Nova Scotia for a railroad.

1332. In what part of the country are the coal mines situated?—They are in different parts, and on the shore of the Bay of Fundy, as well as on the Gulf of St. Lawrence side.

1333. Is there much room for increase of population in this district?—The county is capable of great improvement, and of great increase of population.

1334. What is the character of the inhabitants of this district?—There are some French who are the least respectable of the inhabitants; the rest of the inhabitants are generally industrious, and are descendants of Yorkshire people.

1335. Is there much of the district remaining in the possession of the Crown?—I believe very little worth having remains in the possession of the Crown.

1336. What remarks have you made as to Hants county?—About Windsor it is very thickly settled, and the land is excellent, probably half fit for cultivation; the remainder of the country is composed of granite and low land, a great deal of the land is considered fit for settling, and a great deal of the low land is poor soil resting on plaster, but to be improved with cultivation, and may eventually be better than what is now counted richer land; a good part of this county is kept back by being settled with a bad class of settlers.

1337. Does this district offer any recommendation besides that of agriculture?—There is a great trade in plaster of Paris with the United States, all along the basin of the Bay of Mines, which employs a great many people.

1338. Is there much of this district remaining ungranted?—I believe a considerable part.

1339. Does this part of the county admit of much improvement and increase of settlers?—The settlers might be increased, and the county would benefit much by steady settlers. The land in this district requires care, and runs out of cultivation when neglected.

1340. What is the character of Colchester district?—It is very populous, there is a good deal of valuable marsh round the head of the Bay of Cheguod, and good land on the River Stuviaeke; there is also a mixture of timber land and land fit for cultivation; there is no extensive waste or barren in this district, and the county is settled with an industrious people, the descendants of Irish Presbyterians from New England, and loyalist families.

1341. Is there much of this district remaining ungranted?—Not much that is good for anything.

1342. Is the land so held as to admit of much division and increase of population?—Yes, there may be great improvement, and the population might be doubled.

1343. What is the character of the Pictou district?—There is a good deal of good land in this district, some near the shore; and on Hard Wood Hills there is a valuable mine of coal near the harbour, which is rapidly increasing in importance; there is also plaster of Paris, but not near enough to the shore to be worked; they have also tried to make salt.

1344. What description of settlers are to be found in this district?—The great majority are the descendants of the Highlanders; a good many neglected their farms, in consequence of the lumbering business, and are not so well off now.

1345. Is there much land in this district still ungranted, and capable of cultivation?—Not much, I should think.

1346. Is the land improved as it might be?—The most of the settlers have more land than they require, and there is room for great improvement.

1347. Does Sydney county possess good land?—It is much such a district as Pictou as to agriculture; but no coals have been found in it.

1348. Is this county well settled?—Some parts of it are; the southern coast has a great deal of bad land; there are many good harbours on the shore, and the people prefer coasting and fishing to farming; there is also a coasting wood trade.

1349. Is there much opening for improvement in this county?—There is considerable.

1350. What class of people are settled in this district?—Acadian French, Highlanders, and some of Irish descent, with some American loyalists.

1351. Does Halifax county possess much good land?—No.

1352. Is all the land capable of cultivation occupied?—Chiefly, except in isolated spots, and when a want of roads prevents settlements.

1353. What portion of the whole county is applicable to agriculture?—About a fourth part.

1354. What is the remaining portion of the county composed of?—Large tracts of almost naked granite, trap and slate rocks, capable of producing very little.

1355. Is the good land in the county of Halifax pretty generally occupied?—Yes, pretty well.

1356. Is there room for many more settlers?—Yes, particularly on the coast, where there is a great neglect on account of the fishery; there is excellent mackerel and herring fishing off the township of Halifax shore.

1357. What kind of land is to be found in Luxenburgh county?—About one-third is worthless, on account of being naked granite; the remainder has some good land, parti-

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cularly about Luxenburgh; in this county the people are frugal and industrious; they are of German descent.

1358. Is this county well peopled for the proportion of the land at the disposal of the inhabitants?—It has almost treble as many inhabitants as any other portion of the province of a similar character.

1359. Have you been on the Lahave river?—Yes.

1360. Is that portion of the country well filled and improved?—It is, pretty generally; this county is pretty well peopled every where; the south-west part is not so much settled; this part will be more thickly settled, and will improve yet more; the land there requires a good deal of manuring.

1361. Are there any mines or minerals in this district?—There is a probability that iron ore may be found here.

1362. Has coal been found in the vicinity of Lahave river?—No, it is not the kind of country to produce coal.

1363. Is any part of the southern coast of this province likely to contain coal?—No, there is no probability of it.

1364. What is the character of Queen's county?—The fourth of it may have a portion of land fit for cultivation; one-half of it is totally worthless; floating bogs and barrens, and unfit for any thing; the other fourth is timber land.

1365. Are there many inhabitants in this county?—Not many; the town of Liverpool is the most important place, and has a good harbour for shipping; and there are several good harbours for coasting craft.

1366. What are the productions of this county?—The timber used to be good, but it is nearly exhausted; the Liverpool people have been carriers, and are so still; there is also considerable fishing carried on from Liverpool.

1367. What is the character of the people of this county?—They are descendants of people who came from America before the war; there are also many descendants of American loyalists.

1368. Are they not an agricultural people?—No, there is not much room for agriculture.

1369. What portion of the county of Shelburne is capable of cultivation?—About a fourth of it is fit for cultivation and pasture.

1370. What is the character of the remaining portion?—Of the remainder, more than half is barren, unfit for timber; the rest of the country has some timber, especially some oak, fit for ship-building.

1371. Are there many inhabitants in the county?—Shelburne and Barrington are the principal places; at Shelburne there is a trade of granite, which is increasing; Barrington is getting a fair fishing business and carrying trade; the rest of the county has few or no inhabitants, except on the sea board. If this province ever becomes a manufacturing country, the numerous streams of water in this county fit for mills will make it valuable.

1372. What class of people inhabit Shelburne?—Most of the people are descendants of American loyalists.

1373. Is there any part of Nova Scotia not yet described by you?—Yes, Yarmouth county, which was a portion of Shelburne county till lately; this county is rather less than half barren, and the remainder has a large proportion of habitable land intermixed with swamp; the shore is pretty thickly settled; the interior has few inhabitants; the people lumber a great deal, but, if roads were made in this county, the agricultural population have succeeded so well, that much improvement would be made.

1374. How was the county settled?—Yarmouth Town was settled from Americans, before the revolution; the remaining part of the settlers in this county are descendants of loyalists, except a small settlement of Acadian French.

1375. What is the principal occupation of the inhabitants?—Fishing, ship-building and carrying lumber; the people are stirring and industrious.

1376. Is the prosperity of the province much checked for want of roads?—There is a want of roads in some parts, and in other parts roads are not kept in repair; I have seen such beneficial effects produced by good communication, that I am sure the prosperity of the country depends upon it.

1377. What system is now provided for road-making?—There is a statute labour of six days to each householder, and for labourers and other persons two days; the labour is under the direction of overseers and commissioners.

1378. Does this system of statute labour work well?—In many places the people do not work as they ought.

1379. Does the system of statute labour cause a proper division of labour or improvement throughout the country?—The overseers generally attend to parts of roads and to particular districts.

1380. What is the case when 10 miles or more of a road require to be run through unoccupied land?—This must be entirely done by grant from the House of Assembly.

1381. Does it sometimes happen that a road runs a distance through land capable of improvement, but having few or no settlers?—Yes; between Shut Ham and Musquidabit, I passed over 20 miles of land capable of cultivation, with only one settler.

1382. How do you account for this?—The land belongs to people who do not intend to settle on it themselves, but who hold the land on speculation.

1383. Would this land be occupied if people could procure it in small lots?—I do not doubt but that it would.

1384. Would not the proprietors part with this land on moderate terms?—A great many people have false ideas about land, and think it worth a good deal more than it really is.

1385. Are there many parts of the country kept out of cultivation, in the same way as the portion you mention?—A considerable portion in many places.

1386. You consider that the large blocks of land, being in the hands of proprietors, and not undergoing improvement, a decided check to the advancement of the country?—Yes, I do.

1387. What do you propose as a remedy for this evil?—We have an escheat law; but in cases of 100 acres, the expense of escheat and obtaining a fresh grant is so great, as, in many instances, to prevent application for escheat being made; if lots were escheated at the expense of Government, and then disposed of as Crown lands, there would be many lots applied for settlement.

1388. What would be the expense of escheat for 100 acres as at present?—People have paid 25 *l.* for 100 acres for escheat and grant.

1389. What, in your opinion, would be the effect of a tax in the form of a penal tax on lands not improved?—A tax would cause those lands to be settled or disposed of.

1390. What ought to be the amount of such tax, provided the same was judiciously applied towards the improvement of the country?—For each 100 acres or land capable of making a farm, there should be a tax equal to the price of six days' statute labour, say 15 *s.*

1391. Do you consider that farms settled, and other improving properties, should contribute to the same tax?—They should contribute in the same proportion of six days' work for 100 acres, the work now given to count.

1392. Has much money been granted towards roads by the House of Assembly, of late years?—Considerable sums; last year, I believe, 10,000 *l.* was granted; some years, I believe, 24,000 *l.* has been granted.

1393. Is this money, in your opinion, well appropriated to meet the purposes intended?—It has done much benefit to the country, but might have done much more; it is very often spent much more where it is not wanted than where it is; it is frequently given to populous districts, where the people can make their own roads; the uninhabited country gets but little; it is also frequently divided into small sums, and put into the hands of a a number of commissioners, who generally know little about road-making.

1394. And why is this the case?—Great part of our representatives think it their duty to oblige, as much as possible, their constituents.

1395. Is it the case, that absentees and persons holding lands not occupied or in cultivation, do not contribute, in any way, to making roads?—I believe they do not now at all.

1396. Have you occasionally done duty as surveyor?—Yes.

1397. Can you state the mode in which you put a settler in possession of his ground?—I take the nearest angle or boundary of a lot already appropriated, or a lake, or some known place, and run off the lot from that.

1398. Can such surveys be depended on?—Several of them cannot, in some places, 10 per cent. must be allowed; the grants on the shore are not to be depended on; the old surveys are very inaccurate.

1399. Does it ever occur that the same land has been granted twice over?—Frequently it has been the case.

1400. Is there much litigation caused by inaccuracy of surveys?—A good deal.

1401. What expense does a settler incur in obtaining possession of land, including fees, but exclusive of purchase-money?—He pays nothing for survey, but assists the surveyor with his labour.

1402. When a settler is desirous of possessing Crown lands in the country, how long would it be before he could get possession of his land?—If he knows what piece of land to apply for, he might be located in a month.

1403. How much money ought a man to have to settle down with good prospect of success, supposing he has five in family (not including the purchase of the land)?—He ought to have 100 *l.*; some would get on with less; a man would the first year require to cut down, the following year he must crop the land.

1404. Could a man so settling afford to pay any rent, after a few years?—He might pay some.

1405. Could he pay 3 *d.* an acre the fifth year?—I think he might.

1406. Could he pay more the following year?—He might, 6 *d.* an acre.

1407. How much could he pay the seventh year?—He could probably pay 9 *d.*

1408 What do you think would be right to ask for the remaining years?—I should say 9 *d.* an acre would be enough.

1409. Do you think the above conditions would hold out such encouragement, with permission to buy at any time, at 20 years' purchase, and would those terms, in your opinion, be such as to lead to improvement in the country?—I think it would, when the land is worth settling, if the tenure is for 999 years.

1410. Would any security be required to prevent persons abusing such offers as those by cutting timber, and deserting the properties?—It would be necessary to have security.

1411. What would constitute a sufficient security in such cases?—Persons ought to be prohibited from selling timber, unless they purchase the land; this would prevent many from taking land on the above terms; the surveyor ought to report if it is timber land, or land fit for cultivation.

Evidence.

Titus Smith.

1412. Would a survey of the country, such as could be depended upon, and one that would enable land to be accurately ascertained, advance the general welfare of the country? —It would cut off a great deal of ground for litigation; besides it would afford facility for acquiring new possessions for settlers coming to the county; it would particularly, if old grants were escheated.

1413. How would you describe the province of Nova Scotia, as to its geological character?—The greater part of the province is a low mountain range, running the length of the province, resting on solid rocks of granite, trap and slate alternately; the trap forming broad and the slate narrow bands; the average amount of soil, mixed with broken stone above the rock, would be about three feet; the best lands on this are inferior to good lands on a different formation; the shore of the Bay of Fundy, from Long Island to Cape Split, is a different rock, the basis of which is almost every where amygdaloid. That is separated from the ancient rock above named, by St. Mary's Bay, Annapolis Basin, the valley through which Annapolis river runs, and the Cornwallis river; in addition to this, you must except all that part of King's county, which is east of the Basin of Mines, and the half of the counties of Hants, Cobequoid, Sydney and Guysborough, the greater part of the counties of Cumberland and Pictou, and a very small portion of the county of Halifax or Musquidabit; these lands rest upon sand-stone, greywacke, gypsum, limestone, porphyry and many other kinds of rock, and the soils of the good lands on these are deep; barren portions are chiefly sand and clay; in this district all our coal is found; in the neighbourhood of gypsum, salt springs are very frequent, and also a species of magnesian limestone, containing abundance of the shells of young cockles, all about one size, something less than half an inch diameter, appearing to be the same species as a cockle now living on the shores, which, when full grown, is about two inches in diameter, seeming to indicate that the material which formed these masses of limestone was raised from the sea at one time, as the cockles they contain are about the size of the young cockles of four weeks old; there are strong indications of copper ore in this district, as from Cumberland along the gulf shore to Picton, copper ore is frequently found in small quantities in the sandstone; the intervale, or alluvial soil is only found on those rivers which have gypsum at the head, and often at the sides of the intervale-streams in many instances above the gypsum, passing over such barren and rocky ground, that it appears they could hardly have brought any soil from the part above the gypsum.

1414. Within the last 20 years, in your opinion, has the population of the province increased in a fair ratio?—Taking the whole province, there is no doubt there has been an increase.

1415. Has the increase been from the natural growth of the province, or from emigration?—From both.

1416. Has there been any emigration from the province?—There has been from Halifax.

1417. Has there been much from other parts of the country?—There has been some.

1418. Do you consider the improvement of the country has been so great as it might have been, had roads been made with more skill, and if that part of the revenue appropriated for roads had been well laid out for the settlement of wild lands?—Certainly not.

1419. What portion of the land of the province, available for the purposes of agriculture, is at present occupied?—Including improved pasture, I should think one-half.

1420. Is that portion of land described by you as occupied capable of further improvements, and what further population would be required?—It would support twice the number of inhabitants by improvement better than it does the number at present on it.

1421. Is there any great room for the extension of the fisheries now carried on in this province?—I think there is great room for improvement; we ought to succeed better than the Americans, who, though double the distance from the fishing grounds that our fishermen are, carry on a more extensive business than we do.

1422. In reference to the mineral productions of the country, is there, in your opinion, room for any great increase of business?—There are more coal-mines than could be opened; the grindstone business is increasing rapidly, and the plaster of Paris offers an inexhaustible supply of that material; we are also beginning to export granite to the United States.

1423. Is there much opening for the continuance of the timber trade of the province?—The timber trade is diminishing very much, and there is no probability of an increase at any time in the business.

1424. Are the memoranda you are referring to those which were made at the time of your making those observations on the country in question?—They are my journals, which were written every night, while I was making those observations.

Richard Brown, Esq., Mining Engineer.

R. Brown, Esq.

1425. HAVE you resided long in the province of Nova Scotia?—Since 1826, except for a short interval.

1426. What part of the country have you principally resided in?—Pictou and Sydney.

1427. You have given attention to the geological character of the country; will you be kind enough to state what you have remarked on this subject in the island of Cape Breton? —The most valuable mines yet discovered in Cape Breton are the coal seams. Several other minerals have been reported, but are not yet attended to from want of sufficient encouragement after investigation has been made. There is a salt spring, which I think may be brought

brought into operation, and which would in connexion with the fisheries be very valuable, and would afford a market for coal of a description that cannot be shipped.

1428. How long have the coal mines been in operation?—About 50 years from the first beginning.

1429. How were the mines worked in the first instance, and by what parties?—They have always been leased by the Crown, and worked by different parties; the leases were of short duration, and no great advancement was made in improving the working of the mines. In the year 1827, the mines at Sydney were let by the Crown to the General Mining Association for 60 years; the parties pay 3,000*l.* sterling per year per 20,000 chaldrons, Newcastle measure, and 2*s.* currency per every Newcastle chaldron above that quantity: the terms to embrace all the coal mines of the province, and granted to the same parties.

1430. How did you find the mines at taking them in 1827, and what was their produce?—They could not have worked them much longer on the plan then pursued; the produce was about 4,000 Newcastle chaldrons per year. The company that leased them at this period introduced steam machinery, and opened new pits; and the mines have of late years been regularly increasing, and last year they produced about 70,000 tons.

1431. In your opinion is this increase likely to go on?—There is every probability of it. The demand is increasing; and we are expending new capital, for the purpose of extending the work to meet it.

1432. Is there any doubt as to coal being in the country, so as to meet future demands?—There is coal enough in Cape Breton to supply the world for centuries.

1433. What is the price of coal at the place of shipment?—At Sydney it is 14*s.* 6*d.* currency per ton. Bridgeport, 14*s.* delivered on board the vessels.

1434. What is the quality of the coal?—It very much resembles the Newcastle coal, and I consider it quite as good for domestic purposes.

1435. Has it been much used for steam machinery?—It has not been so much used for this purpose, as there is a superior coal for steam purposes worked at Pictou, to be obtained rather cheaper.

1436. What are the principal markets for Sydney coals?—More than half goes to the United States, the remainder to Newfoundland and Nova Scotia.

1437. Does the annual demand exceed the means of supplying?—Last year we were scarcely able to supply the demand, but we shall have more than will be wanting this year.

1438. Is there any want of labour at the island?—There are a sufficient number of labourers, but we feel a want of colliers.

1439. Are you acquainted with the character of the coal produced in the United States?—The only mines available, and worked to any great extent in the United States, are the mines of Pensylvania, which are anthracite coal, and in my opinion never can come into competition with the Nova Scotia coal for steam purposes.

1440. What is the duty in the United States on coal imported from British America?—It is an *ad valorem* duty. It is now about 8*s.* currency per American chaldron of 22 hundred weight.

1441.* Are the harbours at Sydney and Bridgeport safe, and adapted for shipping of large dimensions?—Sydney is without exception the first harbour in the province, and is capable of admitting vessels of any burthen and to any number. Bridgeport is a bad harbour, of only 11 feet of water; it is quite safe for vessels that can enter it.

1442. What is the extent of manual labour now employed in connexion with the mines in Cape Breton, and what extent of machinery?—There are about 500 men constantly employed, and during the shipping season about 100 men more. There are also one engine of 80-horse power, one of 30-horse power, and three of 20-horse power each, and about 90 horses.

1443. Has Cape Breton much capability as an agricultural country?—There is a great deal of very good land, but it is generally occupied by settlers with little spirit of industry or improvement, The climate of Cape Breton is not so favourable to agriculture as Prince Edward Island and some part of Nova Scotia.

1444. Is there much good land remaining unoccupied?—Most of the land having a frontage on water is occupied. There is a large lake in the middle of the island communicating with the sea, which is navigable for ships, and affords access to almost every part of the island. I do not think that above a fourth of the land capable of cultivation remains unoccupied in the interior for want of roads to it.

1445. What do you consider to be the population of Cape Breton?—About 35,000 souls.

1446. Has there been much emigration to the island of late years?—Not a great deal lately.

1447. Does Cape Breton grow sufficient produce for its consumption?—No; they import a great deal of flour annually, and also Indian corn and other produce.

1448. Is there any difficulty in procuring labour at Picto?—There are plenty of common labourers, but we are obliged to bring out colliers from Scotland at a great expense.

1449. What are the wages given to common labourers?—From 3*s.* to 4*s.* per day, finding themselves; the colliers earn from 7*s.* to 10*s.* per day.

1450. Has Cape Breton any other natural resources than the mines you have mentioned?—There is abundance of limestone in various parts of the island applicable to agricultural purposes; there is also building stone (freestone), and gypsum exists to great abundance in the island in places favourable for shipping: all these might be turned to account.

1451. Are

Evidence.

R. Brown, Esq.

1451. Are there fisheries in the island to any extent?—There are very fine fisheries; the principal are at St. Peter's Bay, Gabrees, Pieirt Neuva, Ingauche, Cape North and Margaria. The fisheries are not by any means carried to the extent they might be.

1452. You are also connected with the coal mines at Pictou; will you be kind enough to state how they are worked, and on what plan, and to what extent?—They are worked by the General Mining Association, under the same lease, on the same terms, as the Cape Breton mines. The company got possession of them in 1827, before which time the product did not exceed 1,500 Newcastle chaldrons. There has been a regular increase of produce since that time, and during the last year 48,000 tons were exported, principally to the United States.

1453. What is the quality of the coal?—It is bituminous, well adapted for steam purposes, and for manufactories of all kinds; it is also an excellent coal for producing gas.

1454. From the demand of this coal of late, is there a probability of any great increase?—Decidedly we cannot keep pace with the demand; but we are now greatly extending the works, so as next year to be able to double the present produce.

1455 Is the increased demand principally for steam navigation?—Yes, it is; the coal is becoming more generally known for its good qualities in this particular; and I have a report from the captain and engineer of the Sirius, which used Pictou coal on her last voyage from New York to England, and they consider it preferable to Liverpool coal, but no equal to Swansea coal, which is considered the best of all English coal for steam-boats.

1456. Do you employ steam-engines at the mines at Pictou?—We have one engine of 70-horse power, two of 30-horse, one of 20-horse, one of 14-horse, and two of 8-horse power each employed at the mines, also about 100 horses and 350 men in regular employ, and at present 500 men. There is an iron-foundry, where we manufacture steam-engines; we have also two steam-boats employed in duties connected with the mines.

1457. What is the price of coal at this place?—Thirteen shillings and sixpence currency per ton, delivered on board.

1458. Is there a large field of coal at this place?—There is a very extensive field of coal, and no probability of its being exhausted for centuries.

1459. Is the harbour at this place favourable for shipping?—It is considered a safe and good harbour for vessels of all sizes.

1460. Are there any other articles of export from Pictou besides coal?—There are grindstone and freestone quarries, of very good quality, and worked, but not to a great extent; there are also a few cargoes of timber exported annually from Pictou, and occasionally some agricultural produce.

1461. Is the land generally settled about Pictou?—It is pretty generally settled for 20 miles round Pictou.

1462. Have you visited other parts of the province?—Yes; I am pretty well acquainted with, and have visited, the northern and eastern portions of the province.

1463. Have you observed on the mineral productions in those parts of the country?—There is an extensive coal field in Cumberland county; there are also very fine grindstone quarries in this county, which supply the United States; beds of gypsum, also, of good quality, and very fine quarries of freestone. There are salt springs, but they are in the interior of the country.

1464. Are all the other productions you mentioned accessible to shipping?—A few beds of inferior coal are situated on the water; but the best seam of coal is about 12 miles from a shipping place. The gypsum, the grindstone and freestone quarries are all near to places of shipment.

1465. Have other minerals been discovered besides the above in the province?—Casual deposits, of small extent, of very rich ore of copper have been found at Tatinagoucha, Touey's river, Caraboo river, and on the west river of Pictou; but we have never been able to trace them to a regular code. The company are now continuing their researches more particularly for copper and lead, on the Shubenacadie river, with very good hopes of success. There is a large iron vein near Pictou, but it has not been found of a quality to encourage working.

1466. Have you examined the part of the county of Cumberland between the Bay of Fundy and Bay Verte?—Yes, I have.

1467. Have you made any examination asto the possibility of cutting a canal?—I consider the ground is very favourable for such a measure, and that the project is practicable.

1468. What is the nature of the ground?—Generally red earth and clay, and it would be quite impervious to water.

1469. Does the country rise to any height?—No, it does not. It is nearly a level country.

1470. Do you know the rise of the tide at the extremity?—The rise in the Bay of Fundy is 68 feet; at the Bay Verte it is seven to eight feet.

1471. What is the nature of the soil of the country through which a canal would pass?—It is a rich, red soil, highly productive, and the country in the vicinity is generally well settled by people who are doing well as farmers.

1472. Are you acquainted with the depth of water on the coast on either sides?—On the Bay of Fundy side there is plenty of water, on the Bay Verte side the coast is shoal, and the mouth of the canal would require protection by a breakwater.

1473. What would be the length of the canal?—About 15 miles; but by taking advantage of the An Lac river, the distance would be shortened four or five miles.

1474. In

1474. In observing on the province generally, do you consider there is as much improvement of late years as might be expected in a new country with the resources that are available?—Decidedly, there is not.

1475. To what do you attribute the want of improvement?—The present settlers occupy too much land; they have more than they can improve; the country wants opening out by roads through lands capable of cultivation; a great drawback also arises from large tracts of land lying in an unimproved state belonging to persons not settled on them.

1476. What remedy do you think could be applied to remove the evil above mentioned?—By adopting some plan for the bringing the good land now in a wild state into improvement.

1477. Do you consider a penal tax on unimproved land, with a remission of the fine in proportion to improvement, would have that effect, provided the amount of such tax was judiciously applied to making roads, and to other improvements in the country?—I think that would be the best remedy.

1478. What in your opinion ought to be the amount of such a tax?—Five shillings per hundred acres.

1479. To your knowledge is there a deficiency in the surveys in the province?—There is a want of a good map of the country, and at a future day, I am afraid there will be much litigation on account of the inaccuracy of old surveys; in purchasing land, I have made surveys and have found great errors in the original surveys that have been made.

1480. Have you any remarks to make as to management of road-money and the system of road-making?—The present system is very defective; about 10,000 *l.* are voted annually for the roads, which is generally expended in small sums by persons wholly unacquainted with road-making. I understand there are this year 800 commissioners appointed to spend 8,000 *l.*; we shall never have good roads in the province under such a system. I would recommend a large sum, sufficient to make all the main lines in the province to be borrowed, and the interest to be paid out of the annual grant that is now made; we should then have in two or three years good roads throughout the province, and wilderness lands opened out and brought into cultivation. I think it would advance the province at least half a century, taking its present rate of progress. The determination of the lines and control of the expenditure should be managed by three or four commissioners.

1481. What is your opinion as to the system of working roads by statute labour, as now acted upon?—I think the whole of the labour is thrown away; this kind of work is abused, and thought lightly of; there ought to be a tax in money in lieu of labour.

James M'Kenzie, Draftsman in Surveyor-general's Office.

1482. HAVE you resided long in the province?—Twenty-five years.

1483. During that time have you visited different parts of it?—I have visited most parts.

1484. What have been your principal occupations?—Until within seven years I followed the farming business, and since that time the surveying business, both in the field and in the surveyor-general's office.

1485. Have you attended to settlers, on their first arrival in the province, in obtaining grants of land, and getting them into possession of the same?—I have done so, particularly in Cape Breton.

1486. Will you state the mode of proceeding in the above cases in Cape Breton, and also in Nova Scotia, as far as the latter has come under your attention?—The lots, after being surveyed, were set up at public sale, and sold to the best bidder, and in some cases individuals were allowed to obtain them upon paying the upset price; in Nova Scotia most of the lots sold have been in detached situations, and particularly applied for by the parties who purchased them.

1487. You are acting in this province as an authorized surveyor?—Yes.

1488. Have you in many instances found it impossible to make correct surveys in consequence of inaccuracy as to former lots of land, which of necessity you measure from?—I have; and also from surveys being inaccurately made by persons not qualified: in the latter cases, I have ascertained the inaccuracies that could not be altered, in consequence of improvements made on them; in many cases, also, the boundaries of lands granted have never been surveyed or laid out at all.

1489. Is the present state of surveys inadequate and injurious to the settlement of the land?—Yes.

1490. Are there a sufficient number of qualified surveyors in the country to answer all purposes that might be required of them?—There are well-qualified surveyors to act, if sufficient encouragement was held out; but at present any person is allowed to survey, except in Crown lands, and this prevents qualified persons entering into the business.

1491. Have you given attention to roads in the country?—I have taken surveys of roads, and have acted as overseer in constructing roads.

1492. What is the application of the system of road-making by statute labour?—The cross roads are generally made by statute labour, and the people have their interest so much at stake, that they enter heartily into it; but in the neighbourhood of farms, some people pay persons to work for them; there is much abuse in the system, by inadequate or inferior persons being employed; there is also great mischief from the non-employment of adequate persons to manage the labour on the roads; in my opinion money is frequently quite thrown away from the above causes.

1493. Is there any defect in the mode in which grants are made for the construction or

Evidence.

James M'Kenzie.

improvement of roads?—Yes, great defect; the money is given in such small quantities, that roads are not completely made throughout; if money was given to complete roads at once, those roads would be brought into immediate use, and would confer benefit on the country; but, at present, probably one-tenth of a road is made each year till the whole is complete; the communication throughout cannot be taken advantage of; the waste of money and the injury caused by this system must be too evident.

1494. Taking a distance of road, what would be the average expense of constructing it per mile through wilderness lands?—One hundred and fifty pounds.

1495. What would be the average rate of making roads through clear land?—Eighty pounds.

1496. What is the average quantity of cleared land generally made use of by settlers?—Between 50 and 70 acres cleared is considered a good farm.

1497. Is that quantity all under plough?—Only part of it, occasionally; this quantity includes pasture.

1498. In what number of years would a farmer be expected to have this quantity of cleared lands?—In about 20 years this quantity would be brought from a wilderness state.

1499. How much wood land would serve a family for the year's consumption?—Including fences, about one acre and a half, if cut in one contiguous piece.

1500. What capital, in your opinion, is necessary for a settler, to give him every chance of success?—About 50*l.*, exclusive of the land.

1501. Provided a man commenced on the above terms, how long, in your opinion, would it be before he could pay instalments towards liquidating his debt?—In three years I should say, he could pay 10*l.*, and he could continue to pay the same each year following (this to include taxes).

1502. Are there any large blocks of good land in the province that still remain unsettled?—Yes, several.

1503. Do these tracts belong to the Crown?—Very few; they belonging in almost all cases to private individuals.

1504. How are roads made through such tract of country?—Chiefly by statute labour by the persons residing in the neighbourhood of these places.

1505. Does the non-settlement of such tracts materially check improvement in the country?—Yes, I knew of one tract of land between Marygomish, in the county of Pictou, and Antigonist, in the county of Sydney, where a road of eight miles passes through with only two or three settlers on the road. The same objection does not so fully apply to Crown lands, as in these cases, where roads are made, property can be obtained on application being made for it.

1506. Do the parties possessing those large blocks of land contribute in any way towards roads, or other public works?—Most of those large tracts are old grants, and generally remain in the wild state, and until settlement is made they do not contribute to public improvement.

1507. Have you observed any large tracts of country possessing capabilities for improvement and settlement, and for which no steps are taken to accomplish such objects?—The present year I have surveyed part of the township of Clare; I found one grant, containing 35,510 acres granted in 1817, to French Acadians residing in that township, containing as good land for cultivation as any in that part of the province, and on this grant only about five acres are cleared. In the adjoining grant, containing 21,300 acres, with but few settlers upon it, probably nine, there is also good land, and it was granted in 1793.

1508. Are these grants made on condition of settlement?—Yes.

1509. Those conditions have not been fulfilled?—No.

1510. To what do you attribute the want of improvement in this country?—The proprietors of those grants are following other occupations than agriculture, or are wealthy people; they look to a rise of price in the value of lands.

1511. Is any large portion of any of those lands the property of the Crown?—None of those tracts I mention.

1512. Are there any large tracts of good land in the province, the property of the Crown?—There are no large tracts, but there are detached pieces of good land in many parts of the province.

1513. What do you consider to be a large tract?—I consider a large tract 10,000 acres; I consider it would be difficult to get above 5,000 acres of good land, the property of the Crown, in one tract.

1514. You have stated, the want of roads is the bar to improvement, and the chief obstacle to having roads to the quantity of unoccupied lands; what do you consider would be a remedy for this evil?—To escheat lands liable to escheat for non-fulfilment of conditions of improvement, and to require parties holding wild lands to pay a tax towards general improvement.

1515. Provided such tax was employed in the improvement of the country and to settling it, what, in your opinion, ought to be its amount?—Generally a farm occupying 200 acres pays equal to 18*s.* towards roads. I should say, the tax on wild lands should be in the same proportion, with exceptions where improvements are begun.

1516. Do you consider there is room for much improvement and increase of settlement?—There is much room for improvement; first, by a subdivision of lands now held by occupants, and also by occupation of wild lands which are not yet in cultivation.

1517. You have been some years a resident in Cape Breton, can you give any information as to the capabilities existing in that island for improvement?—There are extensive

extensive tracts of good Crown land about the head of River Inhabitants, between the Mahon rivers and the road leading from Indique to River Denis, about Margaree or Lake Ainslie, and near Cape North, and a few detached pieces in other parts of Cape Breton. There are a great number of large pine trees on most of the tracts which I mentioned.

1518. What class of inhabitants reside at Cape Breton?—Chiefly French, and fishermen from the western islands of Scotland.

1519. On what terms do they principally hold their lands?—This information can only be obtained at the office of the secretary of the province.

John Fairbanks, Esq.

1520. ARE you a native of Nova Scotia?—Yes.

1521. You have had cause to give attention to the fisheries; will you be kind enough to state what in your opinion would best forward the interests of the province in respect to this measure?—Compelling the Americans to observe strictly the limits to which they are confined by treaty.

1522. Will you state the outlines of this treaty, and where it is abused?—The report of the Committee of the House of Assembly of Nova Scotia, 1837, will give all the detail connected with this question; it will be seen that the Americans come on our coast, and in the out harbour, quarrel with our fishermen and prevent the increase in our fishing that ought to take place.

1523. What portion of the inhabitants of the province do you suppose are engaged in the fisheries?—Probably one-half; our fisheries extend round the whole coasts of Nova Scotia.

1524. Do you consider the fisheries capable of any great extension?—We find it extends annually by our dealings. Our supplies to fishermen five or six years ago did not exceed 5,000 *l.* a year, now it extends to three times the amount. I conceive this business is capable of being increased to an unlimited extent.

1525. To what do you attribute the circumstance mentioned in this report of Americans being successful competitors in fisheries carried on on our own coast?—To the great demand and consumption in the United States, and the high prices.

1526. Do not the Americans also supply foreign ports, to the injury of our fishermen?—They do.

1527. How do you account for this?—There is more capital required in this province to be invested in the fisheries. The American government, holding out better encouragement, induces some of our best men to join their service.

1528. Is there any want of population on our coast to meet the demand for fisheries?—I should say decidedly throughout the whole coast.

1529. Have you observed the system of agriculture carried on along the coast?—Yes, it is limited on the fishing stations; the men are engaged in fishing, and the women are obliged to attend to agricultural pursuits.

1530. Do agricultural pursuits as well as fishing employ and offer sufficient encouragement to separate the above occupations, and would such a measure be beneficial and further the fisheries of the province?—There is room for both, and the mode now pursued injures the fishing; there might be a vast quantity of sheep kept on the eastern shore of the province as well as the coarser kind of grain raised, also hay and potatoes.

1531. The general character of the coast of Nova Scotia is rocky, and thought to be discouraging for agriculture, have you had any experience in this pursuit on such kind of land?—Yes, and from the knowledge of the coast and from the number of good harbours it contains, and from the quality of the land in the neighbourhood, I am satisfied an extensive agricultural population might be supported.

1532. From your experience and knowledge of the province, do you consider it progressing in improvement as fast as its natural capabilities admit of?—Not by any means.

1533. As to its agriculture, to what do you attribute its want of improvement?—Want of capital and of labour, and of good roads particularly; also want of agricultural skill and implements. Its prosperity is much checked by large portions of the land being in the hands of absent proprietors or persons who do not cultivate them and bring them into the market.

1534. What remedy do you consider might be applied to this evil?—One remedy, in my opinion, was embodied in a bill brought into the House of Assembly last year by Samuel Fairbanks, Esq., member for Queen's county, to grant land on condition of improvement. I also think a tax on wild land, or escheat of wild land if not improved, is absolutely called for.

1535. Provided such a tax was existing, and that all the money so raised was applied to improvements in the province, what in your opinion ought to be its amount?—Ten shillings per hundred acres, on land in a wilderness state, I think would not be too much.

Laurence Hartshorne, Esq.

1536. ARE you a native of the province?—Yes.

1537. From your knowledge of the resources of the province, is it your opinion there is very great room for advantageous investment of capital, and for increase of population?—The natural advantages of the country are very good, and not at all developed; there is room for great improvement and increase in the fisheries, in agriculture, in mining, and in mills and coarser manufactures.

1538. What

Evidence.

L. Hartshorne, Esq.

1538. What is principally wanted to advance improvement in these objects?—The introduction of an industrious class of emigrants and of scientific farmers, and improvement in the internal communication in the country, particularly a better distribution of public money expended on the roads.

1539. Are there now any works in progress likely to open the resources you speak of?—There is no work of more consequence, in my opinion, than the Shubeneacadie Canal, the detail of which is stated in Paper, No. It would connect Halifax harbour with the Bay of Fundy, by an inland navigation of nearly 40 miles, and would communicate with all the extensive coast of the Bay of Fundy, giving a perfect security to tradebetween the colonies in case of war. It would also open an extensive source of trade with the country between Halifax and the head of the Basin of Meires. In the event of the proposed canal being cut between the Bay of Fundy and the Gulf of St. Lawrence, great facilities would be given to the trade between Halifax and the St. Lawrence, and the facilities that would be thus afforded for safe trade in case of war would be most beneficial. The importance of this measure is more fully detailed in memorials to Her Majesty's Government from the Council and House of Assembly for this province, forwarded early in the present year.

1540. Has any money been already expended in this work?—Yes, between 80,000*l.* and 100,000*l.*

1541. Is the work now advancing?—It is not progressing for want of means, and it is expected that assistance will be granted by Her Majesty's Government. An agent from the parties engaged in this undertaking is at present in England, in communication with the Government.

1542. Is much of the work completed?—Yes; the heavy part, including locks and cuttings, is far advanced, and some of these are complete.

1543. Is it your opinion, that a tax on wild lands, judiciously applied to improvement, would be desirable, and one that would tend to advance the interest of the province?—If such a tax was employed to open internal communication through lands available to agriculture, and to advance emigration of a proper description of persons, it would no doubt have a most beneficial effect. This tax ought to be on lands not in progress of improvement.

1544. What, in your opinion, would be a fair rate per 100 acres if such a tax was determined upon?—About 2*s.* per 100 acres would induce parties to improve and dispose of their land.

The Honourable *Samuel Cunard.*

Hon. *S. Cunard.*

1545. FROM your extensive knowledge of the country, is there any measure more than another you think ought to be attended to, to advance the interest of the province?—I think making good roads, and by this means opening the resources of the country, would have the most beneficial effect. The resources of the province at present are not sufficient to accomplish this object. To obviate it, a sum of money might be borrowed under an Act of the Legislature, pledging the revenue of the province.

1546. It has been remarked that great injury has been sustained by large quantities of lands remaining in a wilderness state; what, in your opinion, would be the best means of remedying this evil?—I think good roads would remedy the difficulty in a great degree. I also think that owners of large tracts of land ought to be compelled to give some attention, by a tax on land, or otherwise.

1547. You are a large proprietor, and have given attention to this question, and if a tax on wilderness land were determined upon, and if the proceeds of such tax were judiciously appropriated to improvements in the country, and to advancing emigration, what in your opinion ought to be the amount of such tax?—I do not feel myself competent to say what the tax should be, but I should think large properties should be compelled to contribute towards the general improvement of the country. My opinion is, decidedly, that all monies raised in this way ought to go altogether to the improvement of the country.

1548. In your opinion, is there considerable room in the province for increasing its population in agricultural pursuits, and otherwise extensive resources for good and safe investment for capital?—I think capital may be very well invested in the purchase and improvement of lands, and there is plenty of room for industrious settlers, who are sure to do well as tenants, labourers or cultivators of wild land, which they can obtain on more favourable terms, not requiring to pay instalment until quite able to do so.

1549. You are extensively concerned in the mining operation in this province; is there not every probability of progressive increase and demand for labour in reference to such undertakings?—There is; they now employ a good number of labourers, and furnish a vast consumption of agricultural produce and capital.

1550. And there is room for the further extension of such operations?—We are daily increasing our operations, and have the most favourable expectations of future success.

William Mackay, Land-surveyor.

W. Mackay.

1551. HAVE you surveyed the country between the Bay of Fundy and the Gulf of St. Lawrence?—Yes.

1552. Was the result of your examination favourable to the object?—Yes, the country has no high hills; it is swampy all the way through; I think two or three locks besides the tide-locks would be sufficient.

Evidence.

W. Mackay.

1553. Is the soil of a nature to contain water?—The top of the surface is sand for two feet; there is clay underneath which is very favourable to the object.

1554. What would be the distance of the canal that would require to be made?—About 15 miles would require to be made. The Tidnish river on the Bay Verte side would be available for three miles.

1555. Have you examined the coast on both sides with reference to the approach and entrance to the proposed canal?—I have.

1556. How is it on the Bay of Fundy side?—There is plenty of water for vessels of any size.

1557. How is it on the Bay Verte side?—The Bay Verte is nearly dry for about two miles at low water, except the channel, which is about four feet water at the mouth of the river, and at the bar; between the bar and the mouth of the river it has various depths.

1558. What is the fall of the tide at this part?—About seven feet and a half.

1559. What is the least depth of water on the bar and in the channel?—About four feet.

1560. What is the greatest at low water depth in entering the river?—About 10 feet.

1561. Is there a good shelter for vessels at this depth?—Yes, very good shelter.

1562. Is the water in the bay shallow for any considerable distance?—It is shallow for about two miles.

1563. What sized vessels do you consider would be able to enter and pass through a canal made at the place proposed?—I think vessels between 250 and 300 tons would be able to pass without difficulty.

1564. You do not consider there is any decided obstacle to such a canal being formed?—I do not think there is any obstacle.

1565. Have you made an estimate of the cost of such an undertaking?—No, I have not. Eight miles of the cutting would be marsh ground adapted for the purpose.

1566. What would be the benefit to the country by this work?—The principal object is connecting the trade of New Brunswick and the St. Lawrence, and Halifax and the St. Lawrence, and also Prince Edward Island with Halifax and New Brunswick. No doubt the trade would be very great and all these countries must benefit by the work. There is also a fine country about the canal; about 70,000 acres of marsh land adjoin it.

1567. Is this land under cultivation?—All, more or less.

The Honourable *Thomas Baillie.*

Hon. *T. Baillie.*

1568. YOU are surveyor-general and commissioner of Crown lands in this province; how long have you held these offices?—I was appointed surveyor-general and commissioner of Crown lands in February 1824, and retained both offices till the latter end of 1825, when Mr. Hurd was appointed surveyor-general, which he retained till 1829, when he was sent to Upper Canada as surveyor-general. The office of surveyor-general then devolved upon me, by which a considerable saving was effected; I have retained both offices from that period until the present time; the two offices are so blended, it is impossible to separate them.

1569. Then you have filled the office of the Crown land department since it was instituted?—Yes.

1570. Will you state the extent of New Brunswick, and how it is divided, as respects land alienated by and remaining in possession of the Crown?—The province contains about 16,500,000 acres, of which I consider about 560,000 to be barren; about 3,000,000 acres were granted previous to the sale system in 1827, and about 1,400,000 acres have been sold since 1827; there are at present in round numbers about 11,000,000 acres of land available to Government, but from the nature of the soil, where the dense pine forests exist, not much more than half of it can be said to be fit for agricultural purposes at the present moment, but the remainder would doubtless be available at a more remote period, when land shall be more scarce.

1571. You have stated there have been at different periods about 4,400,000 acres granted; what portion of that do you suppose is held by occupants?—Almost half.

1576. How many acres do you suppose are actually under cultivation?—About 250,000 acres, but the clearings being generally on the margins of streams and on the bye-roads that have never been surveyed, renders it difficult to form a correct estimate.

1573. Does this remark refer to land that has been under crop?—Principally under crop.

1574. Besides this land, do farmers think it necessary to have pasture land?—Yes, they generally wish to have as much pasture land as tillageable land; much of the pasture land cannot be said to be cleared, because the stumps still remain on it.

1575. Can you form an estimate of the number of agricultural settlers or proprietors residing on farms?—From 12,000 to 16,000.

1576. You have stated that you supposed 2,150,000 acres of land are now in occupancy, this would be averaging 150 acres to each farm; in your opinion is this a proper quantity of land for farmers to have?—Ample for a poor man.

1577. Is it too much for a poor man looking up to his family, and also a reserve for fuel?—I do not think it is too extensive.

1578. At the same rate there still remains, in the hands of the Crown, land in this province suitable for agriculture for 72,000 agricultural establishments?—I should say 40,000 immediately, and the remainder for future occupation.

1579. Is this province divided into districts?—It was divided into districts by myself, when I received instructions to proceed with lands in 1827.

1580. How is it described in legislative enactments?—In counties.

Evidence.

Hon. *T. Baillie.*

1581. How many counties are there?—The province is divided into 12 counties, the division lines of which, however, with two or three exceptions, have never been surveyed or carried out.

1583. When did the Crown land office come into operation, as to the disposal of land by sale?—In 1827.

1584. What has been the method pursued at different times prior to that period to dispose of and to bring into course of settlement the wild lands of the province the property of the Crown?—From the erection of the province in 1784 to 1827 the land was disposed of by the Lieutenant-governor and Council, upon a quit rent of 2 *s.* per 100 acres, together with the grant-fees under the royal instructions, no charge of any consequence having been made during that period.

1585. What grants were made prior to 1784?—Several large grants were made when the province formed part of Nova Scotia, most of which were escheated and subsequently regranted.

1586. Are there any large grants of land still existing in the province?—None of an extent to be prejudicial to the country.

1587. What is the largest grant now existing in one name?—5,000 acres were granted to the Hon. J. Saunders, in 1819.

1588. Is this tract in the course of improvement?—Very partially; and the settlers in the vicinity complain bitterly of having to pass through a long wilderness, through which they have to break the snow roads in winter time.

1589. Are there any other grants of a similar character in the country?—No; but the settlers consider it grievous, if even a lot to the extent of 500 acres remain in a wilderness state on the road to the settlement, the proprietor of which performs no road-work, and the labour of the settler is therefore enhancing the value of the absentee's lands.

1590. How many lots of land of this description do you consider there are in this country?—Between 200 and 300; there are few of the back settlers but what have it in their power to complain of the same evil, and I think the proprietor of lands through which a road passes ought to be obliged to perform a share of the road-work.

1591. Are these grants generally held on condition of settlement?—Most of them; but as the proprietor may have extensive improvements on other tracts, he may with some truth declare he has done his share towards the improvement of the country.

1592. This remark, I presume, applies to proprietors resident in the country, and who have made improvement?—Certainly.

1593. Do you consider there are absent proprietors who hold land only with reference to future advantages from increase of price?—There are some, but the number is inconsiderable.

1594. Has there been any land escheated at different periods, and to what extent?—Several tracts have been escheated to the extent of several thousand acres; many of those cases, as I stated before, are Nova Scotia grants.

1595. Have there been any recent escheats?—A few.

1596. How much land do you suppose there is now in this province liable to escheat?—Probably about 500,000 acres; I was preparing a list of lands liable to escheat, but the Lieutenant-governor was apprehensive that it might create strong excitement, and I therefore desisted.

1597. Was that in reference to the present inquiry?—No, it was previous to the present inquiry; I ought to observe, there were several escheats of land made for non-payment of quit rents when directed to be collected in 1832; these lands have since been restored, by act of the Legislature.

1598. What steps have been taken since 1827 to carry into effect the disposal of Crown lands by sale?—Lord Bathurst's letter of the 1st March 1827 was the cause of the sale of lands in this province, and I immediately proceeded to carry into effect the instructions I received I stated to the Lieutenant-governor that I was prepared to go on with the sales, and I also gave notice in the Royal Gazette.

1599. What were the terms and conditions of sale contained in your instructions?—Either on payment of purchases or a quit rent; the lands were generally sold by auction.

1600. Was there an upset price?—The usual upset price was 2 *s.* 6 *d.* an acre, including the grant fees.

1601. Has there been much variation in price of wild lands sold under these regulations?—Not much under that regulation, but a very great variation under the regulation of 1832.

1602. What have been the prices and quantities sold under the above regulations?—They are contained in the returns.

1603. Have the lands so disposed of been to *bonâ fide* settlers, and in what sized blocks generally?—Generally to settlers, in blocks of 200 acres each, but many of the settlers never paid the purchase-money or quit rents.

1604. Have they forfeited their right to the lands?—Certainly; though I believe many of them are still living on lands they bid off at those sales in 1827 and 1828.

1605. Do you consider this system failed in producing the benefits expected from it?—There was a violent opposition to it, in consequence of reference to the quit rents being made on the old grants in those instructions, which induced the opposition of the most wealthy

wealthy and influential persons to the whole system; and a notice issued from the secretary's office the 8th March 1828, allowing persons who had obtained minutes of council for certain lands which were forfeited agreeably to the royal instructions, to pay the grant-fees on the same, previous to the 1st January 1829, by which means 300,000 acres we e thrown into the market, through the persons who had obtained the minutes of council, and who having nothing to pay for the lands except the grant-fees, could undersell the Crown; this, of course, crippled my exertions, and the Lieutenant-governor, on the 1st January 1829, suspended all further sales until further orders.

1606. The above applies only to land sold; what was done in reference to land held on quit-rent?—Persons were permitted to take land on a quit rent if they preferred doing so; it was fixed at 5 per cent. on the amount of the purchase-money, or to be bought at any time at 20 years' purchase.

1607. Was there much land taken on these terms?—A good deal; several thousand acres.

1608. Were the terms conformed to?—Scarcely in a single instance.

1609. Do the parties still occupy these lands?—I am of opinion that many of them still occupy these lands.

1610. Have any steps been taken to enforce the payment of the quit rent?—None, as the lands are considered forfeited.

1611. To what do you attribute the non-compliance of the parties to the last arrangement?—To communications made by anonymous publications in the public prints, as well as to reports industriously circulated, that the sale system would be entirely abandoned; and an address was presented by the legislature to the Lieutenant-governor to be forwarded to the King in 1829, praying that the old system might be re-established, and asserting that any attempt to collect a revenue in the province from the sale of lands would be in vain.

1612. What were the steps next taken to induce settlers on the Crown lands?—Heads of instructions were transmitted to me in 1829, when I again resumed the sale of Crown lands.

1613. What was the nature of the first instructions?—Modifying, in some degree, the former instructions; the sale of Crown lands now continued rapidly to increase until January 1827, so that in the eight years, from the 1st January 1830 to the end of December 1837, no less a sum than 134,290*l.* had been received, and 107,765*l.* 12*s.* 7*d.* remained due upon the sale of 1,339,000 acres.

1614. What amount of the 107,765*l.* 12*s.* 7*d.* has since been paid up?—Only 44,000*l.* is now due, of which amount about 9,000*l.* remains due on the instalments of tracts under 500 acres each, the remaining 35,000*l.* being instalments due on large tracts which were purchased, principally for speculation, during the excitement which pervaded the American land market in 1835.

1615. Did many of the parties who purchased under this system become actual settlers?—Certainly, most of them have.

1616. To what do you principally attribute the improvement that took place in this system?—To the favourable operation of the royal instructions of 1832, by which an emigrant could proceed to Fredericton, within 10 days or a fortnight after his arrival in the country, and ascertain what was open for sale, proceed to view his selection, and return and pay the purchase-money, and obtain his location-ticket for the lot selected.

1617. What were the usual terms of payment required in this instance?—The land varied in value, according to situation; to pay one-fourth down, and one-fourth each year till paid.

1618. Exclusive of purchase-money, what was the whole charge of survey or other expense of location?—All charges were included in the purchase-money.

1619. How was the value of the lot applied for ascertained?—Principally by intimate acquaintance with the lands of the country, as well as by reference to the survey.

1620. Were timber lands sometimes included in the purchase?—If there were, an extra price was invariably put on the land.

1621. What was the cause of departing from this system of disposing of lands?—The surrender of the casual revenue to the legislature, and the two acts passed in consequence.

1622. How are wild lands at present disposed of?—By the Lieutenant-governor in Council, under provision of the two acts referred to.

1623. Can you give the outline of this system?—Persons applying for lands have to present a petition at my office, praying to be allowed to purchase the tract that is described in their petition; I put a certificate as to the vacancy of the land, as also whether it contain any mill site, meadow, interval, or pine timber; at the end of the month, these petitions are all transmitted to a committee of the executive council, with schedule, containing an abstract of all these petitions, the prayer of which petition is recommended or not, according to the views of the committee, and laid before full council the following day for approval; the petition and schedule are returned to my office, with the answers, and advertisements are prepared, stating all these particulars, which are published in the Royal Gazette.

1624. How is the price of land now defined?—Generally put up at 2*s.* 6*d.* per acre, and the money paid down; the minimum price is 2*s.* 6*d.*; the land has a value attached to it by the executive council.

1625. When did this last system come into operation?—August 2d, 1837.

Evidence.

Hon. *T. Baillie.*

1626. How many acres have been disposed of up to the present time?—Nine hundred and three original petitions have been presented, of which 534 have passed, and of which 215 petitioners have complied with the orders of council, producing 2,297*l.* 15*s.* 11*d.*, up to 5th September 1838.

1627. What class of petitioners have been unable to comply with the order of council?—Actual settlers of a poor description, and squatters.

1628. To what do you attribute the falling off of actual settlers since the adoption of the present system?—To the delay of obtaining answers to their petitions; the necessity of repairing several times to Fredericton, to explain the business; the uncertainty of ever receiving an answer to the petition, by reason of the remoteness of the residence of the applicants and the limited circulation of the Royal Gazette, and the demand more generally made by the council for the whole amount to be paid down within 14 days, in the event of the land being sold by auction, and within 60 days if by private sale.

1629. Is there any additional expense, by survey or otherwise, incurred by this new regulation?—Yes, many of the parties applying for lands which have never been surveyed; and the expense of surveying an isolated lot frequently makes the land equal to 4*s.* or 5*s.* an acre, besides tending to create interminable confusion in making surveys.

1630. What time would be required, under the present regulations, by a settler, to ge possession of land, from his arrival at any port in the country?—After his arrival in Fredericton, having previously selected his land, he would have to present his petition at my office, which must be in before the 24th of the month, and he could get an answer to that petition the 6th or 7th of the following month.

1631. In respect to Crown lands and forests, has there been any difference in the mode of disposing of and settling them, from what has been described?—Nothing in regard to agricultural settlers; but large tracts have been disposed of to different parties, for the purpose of enabling them to erect extensive saw-mills, and manufacture into lumber the several varieties of timber fit for the different markets.

1632. Are there any large tracts disposed of in this way?—The principal tract disposed of for that purpose was 50,000 acres, on the River Tobique, at a price of 10*s.* per acre; a company has since been chartered by the legislature, which is now in the act of erecting very extensive mills in that river, and they are expected to be in operation this fall; the next tract in extent or importance is 32,000 acres, embracing the heads of the Musquash streams, which fall into the Bay of Fundy about 15 miles to the westward of St. John's; here there are extensive and valuable mills at work; the next is 24,000 acres, belonging to the Nashwauk Mill Company; the Nashwauk falls into the River St. John at Fredericton, the mills being situate about three miles from the mouth of the river.

1633. Are there any more large tracts of timber land disposed of?—No more large tracts of land have been disposed of for the express purpose of supplying timber; but several large tracts have been disposed of, from which the parties intend to manufacture square timber, and these parties, who have paid up the whole amount, have done work to some extent.

1634. Have these transactions been of recent date?—They principally took place in 1835.

1635. What were the terms of the grants?—No conditions of settlement, but simply the purchase; they are not generally in situations where settlements would grow up.

1636. After the timber is cleared from these lands, what will be their capabilities for agricultural purposes?—They will be well adapted for agriculture; a small sprinkling of pine, growing on land, is no indication of barren land.

1637. What prices do such lands generally realise?—The lands have been sold for 5*s.* to 10*s.* per acre, in large tracts, where, of necessity, there would be a great variety of quality.

1638. Have there been many lots of the above land over 2,000 acres disposed of?—Probably about 12 or 14.

1640. What quantity of land of this description remains in possession of and at the disposal of the Crown?—About 5,000,000 acres.

1641. Has there recently been a grant of some extent made to the New Brunswick and Nova Scotia Land Company?—Yes, upwards of 500,000 acres were sold them by the Home Government when I was in England in 1832, and the arrangements completed in 1834.

1642. Can you give an outline of the terms and conditions of this sale?—The terms were 2*s.* 3*d.* sterling per acre, to be paid in eight semi annual instalments; a subsequent grant has passed to include the right to all mines and minerals in the company's tract.

1643. Were there any conditions of settlement?—There were no conditions exacted.

1644. What is the position of this tract of land, and has the company made any progress in improving it?—The position is extremely favourable; in the heart of the province, with the River Nashwauk flowing through it, as also the south-west branch of the Miramichi intersecting a part of it; the company have expended a large sum of money in cutting a road from the royal road to the town of Stanley, which they have established on the River Nashwauk, about 20 miles from its confluence with the River St. John; there are also valuable mills erected, and other improvements.

1645. Is the soil considered favourable for agriculture?—The soil varies in quality on so large a tract of land, but large parts of it are exceedingly good.

1646. Are there mines or minerals worked in the country?—An extensive lease of mines and minerals in the county of Gloucester was made about a year ago, and miners have since

since arrived from England, for the purpose of working the copper in that county, which has been found to be of the first quality; another lease was made some years ago to a company, for the purpose of working the coal mines on the Grand lake, and they are now in the act of digging to ascertain what strata can be discovered; another lease was made of coal, in the parish of St. Martin, in the county of St. John; and another lease was made of mines, in the parishes of Woodstock and Wakefield, in the county of Carleton.

1647. Are these all the mines and minerals at present known to exist in the province?—By no means, coal is to be found in many other districts, of an excellent quality, and other minerals are also known to exist. Other applications have been made for mines and minerals, but I do not think the leases have yet issued.

1648. Are all the above disposed of on the same conditions?—Yes, I believe they are, with only one exception.

1649. Can you state what the conditions are?—Leases for a term of 50 years; the mines are to be worked within a term of five years, and to be forfeited if discontinued working for a period of 12 months; one-twentieth of the produce, after a fixed number of years, varying from two to five, to be the property of Government.

1650. Have any of the mines commenced to make a return?—Not yet, in consequence of the term granted before payment, which was made in consideration of the grea outlay that must, in all cases, be required.

1651. Are there any of those mines in operation at present?—Only those at Gloucester, and at the head of the Grand lake.

1652. What do you consider to be the extent of a mine?—The radius of a m le from the centre.

1653. Is there any clause in those leases to prevent other mines being worked in the neighbourhood?—Only such parts can be restricted as are described in the lease, and that only for the period named.

1654. Are favourable expectations entertained of success from the above undertakings?—Very much so in regard to the mines in Gloucester, as I have understood; the original lessee, Mr. Stephens, who proceeded to England, for the purpose of getting an accession of capital, was to receive a bonus of 2,000*l.* a year for 10 years, together with a salary of 500*l.* as superintendent of the works; I have understood that the copper is found particularly applicable to the use of plated goods.

1655. Does the Crown at present receive any revenue from timber?—A very large revenue.

1656. How are the rangers or deputies paid?—They were formerly paid by fees from the lumber-men, varying from 5*l.* to 30*l.*, according to the extent of the berth; but in 1830, I did, under sanction of the then Lieutenant-governor, commute those fees, by exacting 3*d.* per ton on timber, and 6*d.* per foot on logs for lumber; and from that period have had the payment of my deputies in my own hands, requiring them to transmit to me periodically an attested account of their services, which accounts are regularly laid before the Lieutenant-governor and Council.

1657. Is the above revenue entirely proceeds of licenses granted to cut timber?—Yes, exclusively.

1658. When did that system of licenses commence?—About 1820 or 1821, at which time it was introduced by the Lieutenant-governor in Council (who for some time granted licenses on bonds at 1*s.* per ton, which bonds were never enforced). The Lieutenant-governor also addressed the Secretary of State, recommending that some officer should be directed to protect the Crown lands, in consequence of which I was appointed commissioner of Crown lands and forests in 1824.

1659. What was the system pursued previous to that time?—Licenses were granted by the deputies of Sir J. Wentworth, who was surveyor-general of woods, but no revenue was derived for the benefit of the Crown.

1661. In what manner are licenses applied for and obtained? From 1825 to 1835, licenses only for a period of one year, or to the 1st of May succeeding the period of application, were granted, by petitions to the Lieutenant-governor, which petition was presented at my office, priority of claim of course taking precedence; no objection existing, a license was prepared and signed by me, reserving the same for the Lieutenant-governor's approval and signature; the license was then entered in the secretary's office as a check, and transmitted by me to the several deputies, to allow the ground to the parties.

1662. What was the price of obtaining a license and for making the allotment?—In 1824, the price of white pine was 1*s.* per ton, red pine 1*s.* 4*d.*, to Government, together with fees, varying from 5*l.* to 30*l.*, according to the extent of the license; in 1825, I raised the price of red pine to 1*s.* 6*d.*, as it bore that proportion in the market; a further rise took place in 1833, to 1*s.* 6*d.* for white pine and 2*s.* for red; in 1835, the prices were white pine 2*s.*, red 2*s.* 6*d.*, birch 1*s.* 6*d.*, lumber per square superficial foot 3*s.* 6*d.*, and these prices continue now.

1663. What has been the course pursued since 1835, to which the foregoing statement refers?—In 1835, licenses for five years were issued, with a view to induce the party to husband the timber standing on the ground, as under the one year system the party cared only

Evidence.

Hon. *T. Baillie.*

only to select the largest and best timber, having of course little regard to what remained, as his interest would then expire.

1664. Does this arrangement still continue?—The licenses are still in effect; but no fresh ones have been passed since the Civil List Bill.

1665. How are licenses obtained at present?—The licenses are now granted annually only; and the prices are as established by me in 1835, and established by law in 1837.

1666. Is the system of one year licenses thought to suit better than licenses for a longer period?—No, I think not; but in some cases where the timber is not so abundant, no great evil arises from them, though it costs more to keep a vigilant supervision of their transactions.

1667. Was it considered that five years' licenses gave a monopoly to parties?—It was complained of, but without cause, as the licenser was obliged (by bond) to pay the Crown for a certain quantity per annum, according to the extent, as also to render annually his attested account of the previous year's transactions.

1668. Are there any other sources of Crown revenue than already mentioned?—None, except the proceeds of sales of timber cut without license, which sometimes pays double duty, and that which is condemned in the court of Vice-Admiralty or any other court of law.

1669. This amount is included in the account you have given in of Crown revenues?—Yes, so far as regards the double duty; but not the other amount, as that did not come into my hands; it is, however, very trifling.

1670. Do these proceeds now pass through your office?—No; the transactions are arranged and entered in my office, but the proceeds are paid to the receiver-general.

1671. Do the practices you have stated above in regard to licenses still exist?—No; in 1837, an act to provide for the civil government of the province, as also an act to restrain the fifth clause of that act, was passed by the legislature, which gives them nearly the unlimited control and net proceeds of the Crown lands, mines, timber, royalties, &c.; for which they undertake to pay the sum of 14,500*l.* currency per annum to Government. All matters, therefore, since the above period, in committee of executive council, the abstract of all timber petitions being prepared by me, in the same way as those for land.

1672. Are you aware if alterations had been made that differ from the regulations respecting licenses to cut timber, existing previous to this act?—Yes; the alterations are very extensive, and in my opinion exceedingly prejudicial.

1673. In what particular do they differ from those previously existing?—Great and unnecessary delay now occurs in petitioners receiving answers to their applications. Previously the answer was given on the instant of presenting the petition, and on payment of tonnage-money the license was issued; thus making but *one* transaction. At present it is impossible for the party to get an answer made under three weeks or a month.

1674. Is there any other objection existing in your opinion to the present system?—Yes; by the act to restrain the fifth clause of the Civil List Act, parties obtaining license to cut timber are allowed to cut any excess over the quantity stated, provided they make application at the Crown Land-office before the 1st May; and as many of the lumber-men would be disposed to take advantage of the facilities thus given to cut a large quantity of timber, when they have only paid for a small proportion of it, it would doubtless have the effect of greatly reducing the receipt of the Crown revenues on these transactions.

1675. How is this the operation of the system you allude to?—I consider it quite necessary that a vigilant supervision should be constantly kept over the transactions of lumbermen in the woods, by visits from the deputies, in order to oblige them to apply and pay for any excesses which they may find manufactured over and above the license, and this act allows them till the 1st May, before any proceedings can be taken against them; consequently the quantity cut cannot be ascertained, because the streams are opened and the timber in most cases floating down the rivers.

1676. Would this evil be the same, if another month than May was fixed as the termination of the license?—I think not entirely. I would not attend to any application for licenses after the 24th February, because by that time the parties know pretty nearly the quantity they will be able to make before the season breaks up; and then the ranger can, during the month of March, see what has been done, previous to the breaking up of the streams in April, and report accordingly.

1677. Has any plan ever been recommended to obviate the above?—Yes; several have been recommended by me.

1678. Do the fees for obtaining those licenses still continue?—No; all expense is included in the price of the timber.

1679. By what method do you ascertain the quantity of timber that has been cut under licenses and liable to duty?—The officer can estimate pretty well by counting the sticks and measuring the contents of a few of them.

1680. How is the money collected?—The party paying applies to my office for a certificate of the amount due by him; on his several applications he leaves this certificate with the receiver-general, and pays in the sum.

1681. What is the expense of this mode of assessment and collection?—Deputies are paid 20*s.* per day, during the time they are employed in the woods, out of the gross receipts.

1682. Is the lumber at any expense beyond the duty?—None whatever.

1683. From the return of duties given in by you, it shows a rise of 9*d.* per ton from 1830

to 1835, and the same duty now exists; is this a fair duty, suitable to the market at present?—I think, considering the state of the home market, it is a fair price, although private individuals frequently obtain much more.

1684. On an average, what quantity of timber do you consider an acre of land produces?—It is impossible to give an opinion. I have known upwards of 40 tons cut from one acre.

1685. Is there any difficulty or delay in the present system, in settlers and persons applying for licenses obtaining such grants and licenses, on their agreeing to the terms required?—Yes; the inefficiency of the office establishment causes an arrear of upwards of one year's grants, being more than 200 in number, which naturally produces many complaints, and is certainly a just cause of grievance. Licenses must be kept up to prevent confusion, which would otherwise of necessity arise.

1687. With good and proper arrangement, in what time would a settler be in possession of his grant?—His grant ought certainly to issue in six weeks after the money is paid.

1688. You have stated in previous evidence, that the establishment recommended bythe committee of council is insufficient to the work; what do you consider would be a proper establishment for the duties required?—I think two additional draftsmen and one copying clerk, together with two compilers already approved by the Lieutenant-governor, indispensable to carry on the duties of the office with satisfaction to the public. This addition would call for an increase of probably 500 *l.* a year.

1689. Is this increase proposed as a temporary measure?—No, as the prosperity of the country advances, so it is natural to suppose that the bnsiness will continue to increase as it has done, which is now double what it was when the establishment was granted.

1690. When was the present establishment of the office fixed?—In 1830, when a commutation of my fees took place.

1691. Have any lands been granted in this province for promoting religion and education?—Yes.

1692. Have you any observations to make on the state of surveys as now carried on in the province?—All extensive surveys are for the present suspended; I was carrying on a general survey of the province, when the act of last year took all power out of my hands; no survey of the province has ever been made, and the surveys of the old grants are extremely erroneous and expose errors and collisions which could not have been supposed to exist.

1693. Does it ever occur that different grants are made for the same lot of land?—It frequently has occurred, and might continue until a thorough compilation is made of all surveys, which I am now authorized to commence.

1694. Is there any difficulty in procuring competent persons to act as deputy-surveyors?—I have several very good ones, but they complain of the want of employment in consequence of the regular surveys having ceased.

1695. Are there any surveys made except by authorized surveyors of lands, which have already been granted?—There are.

1696. Are such surveys recognized in courts of law?—Yes, there is no law to prevent any one surveying.

1697. Does this system tend to depreciate the value of property in the country?—I think it pernicious, and it will some day be very injurious.

1698. When a settler applies for a plot of wild land, which he points out in the country, how is its position ascertained and placed on the map to secure the settler in his grant?—The usual practice is to measure from the nearest bounds of some survey or granted land.

1699. Can this be relied on as giving a settler a grant of land that cannot be disturbed?—Not without great care and a greater expense than a poor settler can afford.

1700. What method is followed in the formation of roads in the country?—All these matters have emanated from the legislature except in four cases, the most important one being the royal-road from Fredericton to the grand falls on the east of the River St. John, and the road from Fredericton to Peticondives.

1701. How are funds raised, and is there statute labour in the province?—The funds for the first-mentioned road came out of the casual revenue, that of the last was paid out of the proceeds of the commutation of quit rents. The statute labour varies from 20 days' work to three days' according to the estate.

1702. What does a small farmer pay?—From four days upwards.

1703. Upon what scale is the labour regulated?—On the value of property.

1704. Do you consider that this system is one that works advantageously to the province?—No; I think the labour for the most part thrown away, half the amount of money judiciously laid out would be preferable.

1705. Are annual grants made by the legislature for this same purpose?—Very extensive grants of public money are made, and the great roads throughout the province have been of late years very much improved; the bye-road system is, I think, very bad, as the money is frittered away by small grants for portions of road.

1706. Are those funds managed by commissioners?—Yes; commissioners are appointed by the Lieutenant-governor and Council, receiving five per cent. on the money expended.

Evidence.

Hon. *T. Baillie.*

The great roads are managed by supervisors, who receive 10 per cent., and are appointed by the Lieutenant-governor and Council.

1707. Are those generally persons who are qualified for the business?—Generally speaking, I think not; some of the supervisors are very good, and some few of the commissioners may be tolerable.

1708. Are the roads laid out by the commissioners?—No system has ever been adopted, and the executive are quite ignorant of the directions of the bye-roads.

1709. Has the settlement and prosperity of the province advanced of late years as much as its natural capabilities and resources have led you to expect from it?—By no means.

1710. To what do you principally attribute the slowness of improvement?—To want of a systematic encouragement of emigration, which, in addition to opening up the extensive forests, would naturally increase the consumption of the British manufactures, and thereby increase the revenue of the province.

1711. Have any great exertions been made of late years to introduce emigration?—None whatever by the Government, beyond the appointment of agents at St. John's, St. Andrew's and Miramichi; the two latter have been discontinued.

1712. Have many emigrants arrived in the province on their own account?—A great many, particularly at the ports of St. John and St. Andrew's; but they generally proceed on to the United States, as there is not sufficient encouragement for them in this province.

1713. What progress has been made by those, in settlement, who have remained in the country?—Those who have obtained employment have done well; also those who have had money sufficient to obtain land, or to pay one instalment, with a trifle to set them going.

1714. Do you consider there is sufficient encouragement for agricultural settlers, provided they are settled on their land without further expense, but who have no capital to begin with?—Provided a small stock of provisions was bestowed on them with the land, I have no doubt but 2,000 or 3,000 families could be advantageously settled annually for many years to come.

1715. Would those parties be able to pay down, or buy their land at a future period, by instalments?—I think by instalments, without any difficulty, and I state this without any hesitation, because hundreds of squatters who have taken possession of Crown lands now possess cleared farms, varying from 60 acres downwards, besides valuable stock.

1716. How many years would you gi before you demanded any instalment?—In three or four years they might begin to pay for their land by instalments.

1718. Are there any other causes likely to prevent improvement in emigration, besides those you have mentioned?—I think that one of the impediments towards the success of emigrants is, that they arrive with erroneous notions with regard to wages.

1719. Do you consider there is injury felt at present from owners of wild lands not contributing towards improvement?—Yes, I do; especially when the land happens to be where a road passes through it to a settlement, and when it stands in the centre of improvement.

1720. With reference to such existing evils, and to prevent future occurrences, what would you propose as the best method?—That the owner should pay a tax towards improvements.

1721. If such a tax were determined on, and the proceeds of it judiciously extended towards improvements in the country, and to promote emigration, what do you think would be a fair amount for 100 acres?—Five shillings per 100 acres would not be a burden.

1722. Can you furnish a plan of the province, to illustrate the foregoing remarks?—I can prepare one.

1723. What number of squatters or persons having no title to the property they occupy do you consider there are in the province?—The last return gave upwards of 1,500 families; about 200 of them have since applied for the lands, and paid a proportion of purchase-money.

1724. Do you consider that this number is increased?—I do.

1725. What steps could be resorted to as most likely to remedy this mischief?—A careful inspection of the tracts taken up by them, and survey of the lots, so as to enable the Government to give them titles when they apply for land.

1726. Where are these persons chiefly situate?—The greater number are on the north border of the province, and about the centre.

1727. Are there many on the borders of the United States?—Not a great many; some few are to be found in those settlements.

1728. What, in your opinion, is an average price for agricultural labour?—From 3*s.* to 3*s.* 6*d.* a day, which includes their living; few farmers can afford to pay them at this rate; if labour was brought to 2*s.* a day, much more could be disposed of.

1729. Are the wages the same at all seasons of the year?—It is not so much in winter by about 6*d.* a day.

1730. Is there a scarcity of labour in the country?—I think there is; but the difficulty is to provide for them in the winter, as much fewer are of necessity required at that season of the year.

The

The Honourable *George Shore.*

Evidence.

Hon. *George Shore.*

1731. HAVE you been many years a resident in this province?—Yes, since 1803, during which time I have not been absent from these colonies.

1732. Have you held any official situation?—I formerly held the situation of deputy surveyor-general, and of auditor; and now hold the office of prothonotary and clerk of the supreme court, and have been a member of the council since 1821.

1733. Have you attended to the system of disposing of Crown lands since the regulation of sale in 1827?—I have.

1734. What, in your opinion, was the effect of that system, as to the settlement of wild lands?—Injurious, generally speaking.

1735. In what particular do you consider it acted injuriously?—It enabled vast quantities of land to be purchased by speculators, who did not settle them, but held them in a wild state, with a view to future profit, thereby preventing the improvement of the country.

1736. Did the parties pay the purchase-money for their lands?—Many did, but others failed.

1737. Did the conditions of sale in those cases require settlement?—No, it was a *bonâ fide* sale, and had no conditions attached.

1738. What is the system now pursued in disposing of Crown lands?—The system above alluded to was continued till 1837, when "An Act for the Support of the Civil Government of this Province" was passed, giving a new system for managing Crown lands, and which is now followed.

1739. In what particulars did this system materially differ from the preceding one?—The granting of lands under the former system was confined to the Governor, upon the recommendation of the commissioner of Crown lands only. Under the present system grants can only be passed by and with the advice and consent of the executive council, which I consider a great improvement, and the granting of large tracts has been discontinued, and now confined mostly to lots of from 100 to 500 acres.

1740. Are 500 acre lots the greatest that can be disposed of under this regulation?—No; there is no limitation as to quantity. But the Government now discountenances the granting of large tracts, as being more likely to facilitate the speedy settlement of the ungranted lands.

1741. How has this system operated in settling the province?—It has operated very well so far as it has been tried. It has only been in operation about 18 months.

1742. On what terms is land now conveyed to the settler?—The lowest terms are 2*s.* 6*d.* per acre for actual settlement; the land varies in value to an unlimited amount, according to character, situation, or other advantageous circumstances, such as possessing mill sites, intervale, &c.

1734. Do all grants now made include terms of actual settlement?—No; land that is sold at public sale contains no such stipulation, only those who apply for 100 acres, for the purpose of actual settlement are bound to reside upon and cultivate their lands.

1744. Are there any advantages offered to the actual settler in purchase of land, in preference to a speculator?—Yes; the purchaser of 100 acres is allowed to select his spot, and his land is not put up for public sale, and it is generally sold at the lowest rate per acre; viz. 2*s.* 6*d.*

1745. How is the purchase-money required to be paid?—The purchase-money must be paid within 60 days, or the lands becomes forfeited, and open to other applicants.

1746. Does this system remedy the evils complained of, as appertaining to the old system, which enabled lands to be taken up by speculators having no view to immediate settlement and improvement?—The land now is not offered for sale in lots of more than 400 or 500 acres, which does, in some measure, prevent speculation.

1747. Is there any law that would prevent more than one grant being made to the same individual?—There is no law to prevent it; but the Government discourage the granting of lots above 500 acres to any individual.

1748. Does not any attempt to enforce limitation admit of evasion, by grants of land being taken out in other names, and by being transferred?—No doubt it does.

1749. What would you suggest as the best remedy to remove the evil arising from holding blocks of land as above described, and as possible to check a continuance of the same system?—By a judicious legal enactment in the way of a tax on wild lands.

1750. If such a tax was determined on, and the proceeds judiciously applied to improvements in the country, and to promote emigration, what, in your opinion, should be its amount?—As far as the tax would apply to large tracts of land, I should think from 1*s.* to 5*s.* on 100 acres too much; and the tax should be applied to other lands on condition of improvement; but the details, I am of opinion, should be left to the provincial legislature to arrange.

1751. Is there any other defect in the present system besides the one pointed out?—I see no other point requiring alteration at present.

1752. Under this system, what time is required for a settler to be on his land from the time of his applying for the grant?—The settler decides on the land and makes his application for it (having arranged with the surveyor-general); he then petitions the Governor in Council, which, if complied with, he pays the amount of his grant-fees, and has his land immediately. The time required for the operation must depend on the date

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of application. The council consider such petitions the 1st of each month: the man may get his answer immediately; 60 days are allowed for the payment of the money, but no more, as after that time the grant is forfeited.

1753. Has the process of granting timber licenses undergone any material change since the act of last year?—Yes; the granting of timber licenses is, by the present law, transferred to the Governor and Council, instead of being confined, as formerly, to the commissioner of Crown lands; and the applicants are now limited to smaller quantities of land to cut from.

1754. Is the supply of timber equal to the demand in the market?—I think more at present.

1755. Are you aware of any change that might be made in the system of granting licenses that would operate to the benefit of the country?—The present system will no doubt admit of much improvement, and the subject has engrossed much of the time and attention of the local Government. It is beset with many difficulties; great trespasses are committed, and to remedy this evil is not an easy task; this matter is under the consideration of the Government.

1756. What proportion of squatters are considered to be in the province?—Upwards of 2,000, I should think.

1757. Are any steps taken to induce or encourage them to obtain grants of the land they occupy?—Yes, they may have their grants by the new act, on very advantageous terms.

1758. What are the terms?—They may obtain a grant not exceeding 100 acres by paying 12*l.* 10*s.* either down, or by four annual instalments.

1759. Do many take advantage of this act to obtain grants of land previously occupied by them?—Many instances have occurred.

1760. Do you consider the present system will lead to lessen squatters in future?—Certainly, because the system now allows any individual to apply for any lands so held, and causes the squatter to come forward and apply himself or run the risk of his land being granted to another; this operation has been frequently acted on.

1761. Does this rule apply to private property as well as to Crown lands?—It does not.

1762. In your opinion would it be advantageous to the province, and particularly to that part of it nearest the boundary, to apply this system in all cases?—I think it would, but there appear to me to be great difficulties in the way of applying this rule to private property.

1763. Is the system of road-making generally approved of, and such as you think most beneficial?—I do not consider the system acted upon by any means perfect, but our roads of late years are much improved; supervisors of the great roads are appointed annually by the Lieutenant-governor in Council, commissioners of bye-roads are appointed by the same authority; the system of statute labour admits of abuse, and I think would be much improved if money were paid instead of labour.

1764. Is the superintendence of roads under this system as efficient as desirable?—Many of our supervisors and commissioners of highways are well qualified persons and understand the business; but I think that a general and scientific supervisor is essential to ensure good and permanent roads.

1765. Have you had opportunities of observing the progress made by emigrants who have settled in the province?—I have.

1766. What class of emigrants do you consider as most called for or most successful?—Those who have a knowledge of agricultural pursuits; emigrants from the north of Ireland, have made good settlers, also the north of England men, and lowland Scotch make good settlers.

1767. Provided such settlers are located free of expense on good soil, in what time do you consider they could contribute towards purchase or rent?—In five years.

1768. What could a settler afford to pay after that time?—The fifth year he could pay 6*d.* an acre, with a trifling annual increase.

1769. Do you consider they could pay 1*s.* an acre after seven years?—I think they might, provided the emigrant was allowed to have a share of the road-work.

1770. Would such terms with an option of purchase at 20 years' value of wild land, or a lease for ever be such terms as would be likely to induce emigration and to contribute to their success?—I think such terms would be advantageous, and would be attended with success.

1771. What capital do you consider an emigrant ought to have to start with, their families averaging four persons each?—I think an emigrant with a wife and two children, if on their arrival in this province, they are to proceed forthwith to their location (say in June, what I consider to be as favourable a time as any), must be subsisted for 16 months, which at a full ration for himself, and a half ration each to his wife and children, would at 9*d.* per ration, amount to about 45*l.* currency; he must be assisted with food for this period if he is expected to remain on his land for the purpose of clearing it. The first summer he can grow nothing, except perhaps a few potatoes, and not even those, unless he is a very active and industrious person, consequently he can reap nothing the following year, until the month of September and October, when his crop may be gathered. His hut must be built for him, assisted by his own labour, which would perhaps cost 10*l.* The tools and implements of husbandry, to be furnished in the first instance, should be two narrow axes of the best quality, such as are commonly used in this country, 9*s.*; a whip saw to every six families, 20*l.*; a cross-cut saw to every six families, 25*s.*; each person two augers, inch and a quarter and half inch, 7*s.*; each settler two good hoes, 7*s.*; a hand-saw, &c. 10*s.*; with this trifling supply he may venture to commence

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commence operations. A cow for every four families for the first two years would be very desirable if fodder could be obtained, and it would be necessary to induce success in the undertaking that a pair of stout oxen be provided to every four families to log up their chopping, after being felled; where the land is heavily timbered, seed wheat, oats, and potatoes must also be supplied the first year of cropping. This would all amount probably to 65*l.* currency for each family. In new settlements the greatest advantage is to be derived from the erection of an oat-mill and kiln, in suitable situations, upon a simple and economical plan; an oat crop is always certain, and affords good food when made into meal, and greatly assists the new settler; the straw also is very useful as fodder for a cow or oxen.

1772. Can you furnish a census, showing the population of the province at different periods?—

Population of New Brunswick, in 1824.

WHITES.				PEOPLE OF COLOUR.				TOTAL of PERSONS.
Males.		Females.		Males.		Females.		
Above 16.	Under 16.	Above 16.	Under 16.	Above 16.	Under 16.	Above 16.	Under 16.	
22,638	17,154	16,646	16,225	384	355	412	362	74,176
Population of New Brunswick, in 1834.								
32,477	29,009	27,797	28,031	398	359	496	372	119,459

1773. What number of militiamen were in the province last year, and at intervals 10 years preceding?—

Strength of the Militia, New Rrunswick.

	Total Strength.
In the year 1817 - - - - -	6,389
„ 1827 - - - - -	17,800
„ 1837 - - - - -	20,212

Including officers and non-commissioned officers.

1774. What ages are included in that return?—In the rank and file rate 36 and 45.

1775. And no non-commissioned officer in this return as to age?—The age does not refer to non-commissioned officers.

1776. Do you conceive the above return includes all the men in the province?—I think a great number are not enrolled; from 3,000 to 5,000 persons are not included in this return.

R. Hayne, Commissioner, N. B. and N. S. Land Company,
Fredericton, 5 October 1838.

R. Hayne.

1777. ARE you superintending the new settlement of Stanley?—I am the commissioner of the New Brunswick and Nova Scotia Land Company. I have, in consequence, the superintendence of the company's establishments and settlements in this province, of which Stanley is the chief. The accompanying plan and map, with its respective references, will furnish you with much general information as regards the soil, situation, &c. of Stanley and its neighbourhood.

1778. Will you state the formation and progress of that place?—The foundation of this infant settlement was laid in 1834–5, by the erection of a saw and grist-mill, a blacksmith's shop, some carpenters' sheds, and a few temporary dwelling-houses. In reclaiming the wilderness, with a view to the ultimate formation of a town or continuous settlement, the above buildings are indispensable, and no expense should be spared to obtain the best information previous to commencing operations. Stanley now consists of 36 houses, inclusive of two saw-mills, a grist and oatmeal-mill, a large store and granary and schoolhouse, and has on the town plot and immediate neighbourhood of the village 170 acres of cleared land under crop.

1779. What is the character of the soil?—The tract of land belonging to the company is too large (580,000 acres), and not sufficiently known to permit me to speak in any but general terms of the soil, which I have every reason, however, to believe is chiefly of a good quality. That portion of it which surrounds Stanley, for two or three miles on each side of the Nashwauk, is excellent, and capable of yielding any kind of grain or root crops. So also are some scattered blocks on the Berwick, the Mactaguack and the Nacawickack rivers. There are also some good blocks of hardwood and intervale lands on the S. W. Miramichi, but they are not of frequent occurrence. I must here except the line of the portage road from the head of the S. W. Miramichi to the River St. John, a little below the Shekitihok, which passes through a beautiful country; the lands bordering on the Nashwauk are particularly well watered.

1780. Have industrious settlers improved their condition, and have they fair prospect of success?—In June, 1836, 15 families came out from the neighbourhood of Berwick-upon-Tweed,

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R. Hayne.

upon-Tweed, under an agreement with the company that, on their arrival, they should be put in possession of a comfortable log-house, with five acres cleared and under crop. But, owing to the extreme scarcity of labour, the high prices of provisions and other circumstances, over which the commissioner, my predecessor, had no control, unfortunately neither of these works were accomplished. The people were, however, put under cover, and employed in clearing the land on their own allotments, building log-houses, making roads, &c. at very high wages. Most of these families earned from 160*l.* to 200*l.* during the first 17 months; notwithstanding this they are all in debt to the company, although they have not paid one farthing either in the shape of rent or purchase of their farms. This circumstance has tended to confirm the impression which a long residence in different parts of Lower Canada, and 15 months passed in this province, has made upon me, viz., that much encouragement and indulgence in the way of wages and provisions are as detrimental to the true interests of the new settler as they are to the prosperity and advancement of the settlement. These settlers have now, on an average, 10 acres cleared and under crop, and two acres chopped down, good houses and small barns, and are decidedly improving their condition. Towards the fall of the same year, 1836, 48 families arrived from the Isle of Skye, Glenelg, &c. under a similar agreement, but finding these people, with very few exceptions, so idle, improvident and so utterly ignorant of the simplest agricultural pursuit, that, in the face of a debt of upwards of 100*l.* per family, I was induced to hold out a premium of from 6*l.* to 8*l.* to each family to quit the company's territory; and I am rejoiced to add that I have succeeded, with the full concurrence of the court of directors, in getting rid of all but 10 families, most of whom are now doing tolerably well.

1781. What means do settlers require to set them up in new locations?—Emigrants wholly unprovided with means, and coming to this country under the auspices of Government or any public company, ought to be provided with a log-house, as a covering only, for the first two or three months after arrival, two acres under cultivation, one in potatoes, the other in wheat, with a spade, an axe, a hoe, and an auger, a sufficient quantity of clothes and bedding to withstand the rigour of the climate, provisions to last for five months, viz., the middle of May to the yielding of the produce of the land in October, together with 4*l.* or 5*l.* for the purchase of comforts for the first winter, would convert an industrious, honest agricultural labourer into an independent and respectable small farmer in six or eight years. I here suppose that the settler arrives in May, and finds his house built, and his land cropped, and that he will be enabled to make his house frost proof, clear five or six acres, and perhaps earn 2*l.* or 3*l.* prior to the setting in of the winter. I am decidedly averse to giving daily rations as temporary assistance to settlers, as, from a reliance on others for support, this indulgence is apt to engender idleness, and on its cessation to produce depression and discontent. The system pursued by the company in the disposal of their lands has hitherto been, that each settler on arrival be put in possession of a comfortable log-house and 100 acres of land, five of which are to be cleared and cropped, for which the settler is to pay a rent of 1*s.* per acre, or purchase the lot by instalments within the first 10 years of occupation, at 20 years' purchase, or 100*l.* These terms I conceive to be highly advantageous to the settler, but they are at the same time unprofitable to the company, if the system be carried to an extent beyond the mere formation of settlement, or the collecting together of a body of steady agricultural labourers, preparatory to the introduction of persons of enterprise and capital, which will be made evident by the following calculation: —

	£	*s.*	*d*
Clearing five acres, at 5*l.* per acre - - - - - -	25	–	–
Cropping ditto, at 7*l.* 10*s.* per acre - - - - - -	7	10	–
Log-house, similar to that now occupied by the Berwick emigrants - - - - - - - - - -	35	10	–
£.	68	–	–

Thus leaving only 32*l.* to pay for each lot of land, inclusive of the expenses attendant on survey, &c. The houses of the Skye emigrants are not so expensively built as the above.

1782. Can they repay any portion of money advanced, and in what time, and how much per year?—In accordance with my calculation, in reply to query, No. 5, as to what should be done for settlers of the poorer class preparatory to arrival, I think no payment can be made for the first three years. I am strengthened in this opinion by the fact, that none of the settlers on the company's lands have yet repaid any portion of the advances made for their passage to this country, or paid up any rent or instalment for their farms, notwithstanding the advantages which have been afforded them.

1783. What arrangements should be made previous to the arrival of settlers?—This question has already been replied to in my answer to query No. 5, as regards the poorer classes; but with reference to the better class of agricultural labourers, I should recommend the same arrangements to be made for them as for the poorer class, only they should be required not only to pay for the improvement made on their lands, but also to pay an instalment on the purchase of the said land on entry; I, of course, suppose that this class have sufficient capital to maintain themselves for the first 12 or 15 months.

1784. Are there any points that have come to your notice requiring attention to advance and promote emigration?—From the specimens I have seen, I am almost inclined to be opposed to emigration *en masse*, unless indeed a clergyman, or some person of high character

Evidence.

R. Hayne.

character and respectability, up to whom a body of emigrants could look with confidence and respect, settles amongst them; in this case it would be necessary to have as little dealing as possible with petty shopkeepers, and to take every precaution to avoid the introduction of spirituous liquors into the settlement. The most thriving and independent farmers I have seen in this country, or in Canada, are those who, on their outset, carried their provisions on their backs several miles into the wilderness. Fortune and a good selection of land might have favoured them, but such is the fact; if funds were not considerations, I strongly recommend the course I have laid down in No. 5, to be carried out in different sections of the province: I allude to the construction of a loghouse, and putting a certain quantity of land under cultivation prior to the arrival of the emigrant; in all cases I should advise that the charge for lands be very moderate, and that each settler be compelled to clear three acres annually, and pay for his land by small instalments. There can be but one opinion as to the class of emigrants who must inevitably do well, if they will but maintain steady, sober and industrious habits: agricultural labourers, carpenters and blacksmiths will soon convert a wilderness into a thriving settlement. Gentlemen coming to this country with a capital of from 800*l.* to 1,000*l.* can purchase and stock a good farm which, with an annual income of 60*l.* or 100*l.*, will, by the exercise of common prudence and industry, become independent. No gentleman should go into the wilderness under the impression that he will there be able to earn a livelihood by his own exertions: I have witnessed many unhappy results from failures in such like attempts. Irishmen are better calculated than any other old countrymen for back-woodsmen; they stand up against difficulty and hardship with good humour and determination, and sustain privations of food and raiment in an astonishing degree: Lowland Scotchmen make good settlers; Highlanders are proverbially idle, improvident and unenterprising; Englishmen from Suffolk, Yorkshire, Devonshire and the agricultural counties, generally are valuable emigrants.

1785. Will you make any remarks that have come to your observation to promote success and advance emigration, making of roads, &c. &c.?—A reply to this query has already been embodied in the foregoing, with the exception of what may refer to roads, the formation of which I consider indispensable to the advancement and prosperity of a new country, as it not only developes its resources, but gives employment to the early emigrant, enabling him the sooner to pay for his land. I should here suggest the expediency of following the system laid down by the company on this particular subject, viz. that the emigrants of one year be employed in preparing for the reception of those who may arrive the next coming season, in clearing lands, building houses and making roads, which latter should invariably be carried, in the outset at least, through the best of lands. I very much regret your sudden and unexpected departure from this province, not only, indeed, on account of its having deprived me of an opportunity of showing you the company's establishment at Stanley, but because it compels me to make a hurried and curtailed report, giving an outline of the present state of the company's improvements with which his Excellency Sir John Harvey was pleased to express himself highly delighted, during his recent tour through the province. Stanley is distant from Fredericton about 25 miles, the first eight of which are passed over by the royal road, the remainder by a road made solely at the company's expense, which cost about 3,000*l.*; on the line of road, lots of 100 acres are clearly laid off, 61 houses are built and 280 acres cleared and under cultivation. The town-plot of Stanley contains 266 acres, 170 of which are cleared. The population of Stanley and the road leading thereto from Fredericton is 256. From Stanley to Campbell, on the south-west river, 16½ miles, a road has been opened, well bridged and partially cleared of stumps; it will soon, however, become impassable, if the Government or an increase of settlers do not make some pecuniary appointment, to complete by their voluntary labour what has been so well commenced. On this road there are 200 acres under cultivation, and three settlers established. At Campbell the company have a small establishment, and about 160 acres under cultivation; there are about eight houses on the village-plot, which, with but little expense, might be made very comfortable residences for mechanics. There are only a few scattered settlements higher up this branch of the river, about six miles below Campbell, at Bocestown, a small village chiefly supported by its mills; there are two horizontal strata of a slate coal distinctly visible, one about three the other about five feet from the surface. There are 32 lots with houses vacant on the road from Fredericton to Stanley; two-thirds are good and eligible for settlement. There are a few excellent lots, without houses, on the road to Campbell; the land through which the road passes is of an average quality. On the royal road there are 36 lots, having unfinished houses on them, eligible for settlement. There are also other lots having partial clearances, which, if occupied next spring (1839) when the roads are in the course of prosecution, would become valuable; otherwise the brush and underwood will grow up and render the land more difficult to clear than when encumbered by the original growth of timber. The line of projected road to Woodstock (*vide* Plan) is eligible for settlement throughout. Should his Excellency the Governor-general propose any extensive plan for immediate emigration, I trust the foregoing statement, showing the numerous vacant lots and eligible sites for settlement may not be lost sight of. I further hope that a knowledge of the fact, that the New Brunswick and Nova Scotia Land Company have, within the short period of three years and a half, expended no less a sum than 80,000*l.* in reclaiming their wilderness lands and rendering them fit for the reception of the surplus population of the mother country, without any early prospect of a reasonable return for this outlay, will induce his Excellency to consider this company deserving the patronage of Her Majesty's Government.

Evidence.

C. P. Wetmore Esq.

Charles Peters Wetmore, Esq., Clerk of the House of Assembly.

Road appropriations in New Brunswick for the Years 1830 to 1838, both inclusive.

1786. WHAT official situation do you hold in this province?—Clerk of the House of Assembly.

1787. Can you, from the documents in your office, give me any information as to the manner of appropriating the monies for the improvement of the several roads and bridges throughout the province?—The mode adopted by the Assembly in making appropriations for the road service is to refer the matter to a committee of the House, made up by a member for each county; which committee report the sums to be appropriated, and so much thereof as is required for great roads is appropriated by that committee to the respective great roads, and the amount to be expended on the bye-roads is divided between the several counties in proportion to the extent of bye-roads in each county, leaving the members to make distribution thereof; but no parish gets any portion of the grants unless certificates from the courts of sessions, are filed by the secretary of the province and laid before both branches of the legislature, stating the statute labour in that parish to have been performed.

1788. Under whose direction are these grants expended?—Great road grants are expended under the directions of supervisors appointed by the executive in charge of each road; and the bye-road grants by commissioners also appointed by the executive after the close of every session. These commissioners are usually recommended by the members for the different counties.

1789. What remuneration is allowed to these officers?—The supervisors receive a commission for their services of 10 per cent. on their expenditures, and the commissioners five per cent.

1790. In what manner are the accounts of expenditure made up, and how audited?—Returns of these expenditures are made up under oath, accompanied by the proper vouchers, and are audited by a committee of the House of Assembly at every session. To this same committee are also referred all accounts connected with the expenditure of the provincial revenue.

1791. Does this system of auditing the accounts give satisfaction?—Certainly; for the members of the Assembly, being best acquainted with the situations and condition of the roads in the different counties, have an opportunity of best knowing whether the monies have been faithfully expended.

1792. Can you furnish a scale of the appropriations for roads for a few years past?—Yes; and I exhibit this abstract from the years 1830 to 1838. (*See* Scale.)

1793. Are you enabled to inform me of the whole amount of appropriations, say for two years past?—In answer to this question, I refer to reports submitted to the Assembly from the committee of finance in the years 1837 and 1838.

1794. Have you any information in your possession relative to the several mill establishments in the province?—In 1836, a return of mills, confined to saw alone, was communicated to the Assembly, showing the extent and value of the establishments in operation the previous year (1835); there have been no returns since that period; since then various companies have been created by act of Assembly, and they have very extensive mills erected and now in active operation; besides these, various private establishments have been built; as to the value of these I can form no estimate.

The road appropriations have been as follows:—

1835:		
Great roads	8,400	
Bye-roads	8,250	
Special grants	910	
Grants to improve navigation and not included in recommendations from select committee	327	
		17,887
1836:		
Great roads	9,660	
Bye-roads	11,110	
Special grants	710	
Grants not included in recommendations from committee	770	
		22,250
1837:		
Great roads	15,500	
Bye-roads	14,125	
Special grants	1,050	
Grants not included in recommendations from committee	865	
		31,540
1838:		
Great roads	17,025	
Bye-roads	15,000	
Special grants	1,450	
Other grants for internal improvement not included in recommendations from committee, about	6,525	
		40,000

Mr. *William J. Bedell.*

Evidence.

Mr. *W. J. Bedell.*

1795. WHAT business are you engaged in?—In the commercial line.

1796. Have you extensive dealings with parties settled in the interior of the country?—I have.

1797. From your knowledge of such persons, and their transactions, do you consider the province offers advantages to agricultural and other settlers?—I consider that in almost all cases where agricultural emigrants have been industrious and saving, they have, in a few years, become independent; I have known numerous instances of that class of persons being so.

1798. Persons who engage in lumbering are not so generally successful?—When they are prudent and industrious, they acquire money to purchase property.

1799. Do many persons continue labourers for a great length of time?—They generally obtain means to become settlers themselves.

1800. Has there been any change in the prices of provisions of late years?—There has, for two years flour and provisions generally have become cheaper.

1801. What has been the change in two years?—There is not much difference in the last two years.

1802. Do the imports increase in articles of provision?—They increased gradually to 1837; the good season, added to greater agricultural exertion, has caused decrease since that time.

1803. What do you consider would be the expense of maintaining a family of five persons 12 months, comprising a man and his wife and three children?—I think that 15*l.* would provide a family of five persons with wholesome food, and 10*l.* with comfortable clothing for one year.

1804. What class of settlers are most frugal, and least expensive in their mode of living?—The Irish and Welsh, and the Lowland Scotch make good settlers.

1805. Are there any arrangements that you consider would advance settlements, and benefit emigrants on their arrival?—The first thing they want is land ready for them to settle on, and to know where they are to go, and roads or a means of communication to those lands.

1806. Have you known many persons who have come to the province with the intention to settle, leave it?—Yes, mostly Welsh.

1807. Were those persons generally in desolate circumstances when they left?—No, quite the reverse.

1808. What reasons did they assign for leaving the country?—No given reason, and some of them returned.

J. A. Maclaughlan, Esq.

1809. HAVE you been long resident in the province?—Yes, since 1827.

J. A. Maclaughlan, Esq.

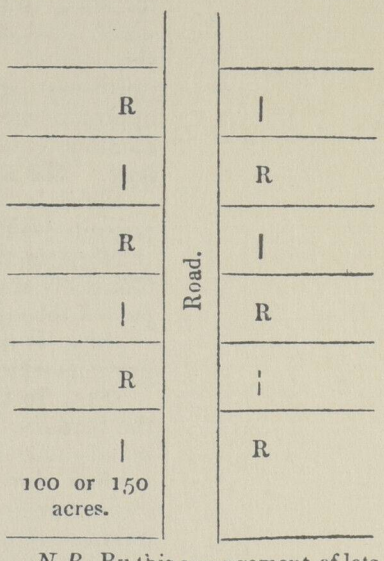
1810. Have you had an opportunity of examining any portion of the country, so as to form an opinion as to its capabilities for emigration and general improvement?—Yes, my public duties, since 1818, have afforded me an opportunity of examining the lands in all sections of the province, excepting the north shore, now called the county of Gloucester; and I am fully satisfied that the lands generally through the province are well adapted for agricultural purposes; however, I am of opinion, the greater bodies are to be found on the St. John river, between Fredericton and the Madacacka settlement, a distance of 160 miles, and extending for miles east and west.

1811. Will you state your opinion for opening the resources of the country, so as to introduce immediate emigration?—I should recommend the opening of lines of communication from the seat of Government to certain points as follows:—

From Fredericton to the Ristigouche, to meet the Canada Kempt road.

From Fredericton to the Grand Falls, and through the Madacacka settlement to the St. Lawrence; also roads from these lines to intersect points on the St. John river and the north shore.

On these lines I should recommend the surveying of allotments of 100 or 150 acres each, with a frontage sufficient on the road to prevent them extending over three-quarters of a mile to the rear, so as not to intimidate emigrants from settling in the second range; there, it is most probable, roads might not be immediately opened.



N.B. By this arrangement of lots the reservation does not prevent the road being well settled.

1812. What capital do you think necessary to enable an emigrant to settle in this country with a family?—From 30 to 50 guineas would enable him to locate himself very comfortably on any of the lines of road first alluded to, provided he met with encouragement from Government in allowing him his allotment of 100 acres free, or by paying a trifling amount for the same in two or three years; however, I should thoroughly urge the Government, if desirous of settling this dense wilderness of this province, to allow the whole, or at any rate a portion of the first settlers on these lines, a free grant, on certain conditions of improvement; and at the same time I recommend that Government should reserve long alternate lots; I think, in a few years, it would more than compensate for the cutting or making roads, and surveying the lands.

Evidence.

J. A. Maclaughlan.

1813. What method do you recommend as best suited to form the roads that you have spoken of?—To have all the trees and under-brush grubbed or taken out, 24 feet in width, then the ground ploughed and form a trowing of 12 or 15 inches, also to have a skirting of 20 feet on each side, by cutting down the trees to within two feet and a half from the surface.

1814. What do you consider a road, as you have described, would cost a mile?—It would not exceed 150*l.* currency a mile, including bridges.

1815. Are there many squatters, or settlers, without titles, in the part of the country you are best acquainted with?—Yes, there are; but the greater part are residing within the disputed territory; the remainder are in back settlements off the Saint John, and generally very poor men with large families.

1816. Are they generally a contented class of persons?—They appear so, although Government periodically threatenes to sell their lands if they do not come forward and pay off their instalments.

1817. Do you consider the price of land has been too high in this province, and detrimental to the settlement of it?—I certainly do; which, together with the want of roads, has, since my settlement in the country, caused one-third less population than we otherwise should have had.

1818. Are the crops of grain and potatoes generally good that are raised on new land; and what is the increase?—They are more certain than on old or cultivated land; and the increase very often double: wheat and other grain, from 20 to 25 bushels from 1; potatoes, from 20 to 30 bushels from 1.

James Robb, Esq. M.D., Lecturer of Natural History and Chemistry, King's College, Fredericton.

James Robb, Esq.

1819.–HAVE you visited different parts of the province?—I have.

1820.—Will you state any observation you have made as to the capabilities of the country for advancement in agriculture or otherwise?—I made an excursion through the north and west parts of the province. The greatest part of the north part of the province is slate-rock, alternately in many places with beds of limestone and iron ore. The slate districts contain a fine clay soil, well adapted for agriculture, particularly the upper part of the St. John and most of the high lands on the Ristigouche river. The eastern shore, as well as the central districts of the province, are composed of red and grey sandstones, covered generally by a light open soil, best adapted for corn, buck wheat, and potatoes; granite, trap, limestone, and sandstone, prevail along the shore of the Bay of Fundy. These rocks generally rise into high mountains or bluffs, of a character generally unsuited for the operation of the agriculturist. At the mouth of the St. John, and nearly as high as its junction with the Kennebeccaris, there is good lime, in quantities sufficient for all the colony, and for exportation. The banks of the River St. John, for upwards of 300 miles from its embouchure, as well as those of its very numerous tributaries, with very few exceptions, present a soil for agriculture. The Ristigouche has several small streams, with vallies well situate for agriculture. The banks of the upper part of the Ristigouche are too precipitous for agriculture. From near the mouth of the Ristigouche, bordering the bay of Chaleurs, there is a fine soil, as well adapted for agriculture as any part of the province. The east coast of the province, bordering the Gulph of St. Lawrence, is generally very low, with several spacious harbours and arms of the sea formed out of the soft sandstone shore. The same character of coast prevails from Dalhousie to the Bay Verte.

1821. In your journey round the province, did any extensive forests, and did any mines or minerals, or other striking feature, come under your observation?—There are extensive forests of soft wood on the west portion of the province; on the east portion of the province hard wood generally prevails. I found the following minerals or rocks existing in the country. (*See* List.) There are numerous rivers in the province, generally running north-east and south-west. The want of high lands in the province caused them to approach each other to within a short distance, and points out a great facility for water communication. There is not a river, but has falls which offer most valuable water privilege. The rivers generally issue from swamps, which form extensive tracts of barren.

1822. Is the country through which you passed commonly suitable for agricultural pursuits?—The hard-wood lands, on the east coasts, would be available for agriculture.

1823. Is the country generally settled near the roads through which you passed?—Generally speaking, but not always; on the east coast particularly, the roads generally passed through large tracts of forest, without any settlement.

1824. Is the unsettled country generally susceptible of cultivation?—Generally, except portions which are barren, and part of the country that was too precipitous for cultivation.

1825. In the parts of the country that were settled, were the people generally improving the lands?—Those who gave themselves up to farming were comfortable; those who lumbered more than they farmed were generally not well off.

1826. Are the inhabitants generally contented?—Those who farmed in earnest, and cleared their lands, were generally contented; the lumberers, generally, have dissipated habits, and their lands are too frequently hampered with mortgages.

1827. What class of people succeed best in agriculture?—Those from the Lowlands of Scotland, the north of Ireland, north and midland of England, and the United States, appear to prosper best, and are most industrious; the natives also succeed well; the south of England, the south of Ireland, and the north Highland people, are improvident; and also the French, with few exceptions.

1828. Does

1828. Does any thing occur to you as wanting, to advance the country and to promote and improve agriculture?—Legislative encouragement, in the way of premiums, for agricultural advancement; the formation of central and branch agricultural societies, to distribute knowledge, and, if possible, to enforce the introduction of agricultural science; the Americans have derived great benefit by introducing instructions in the science of agriculture along with other branches taught in schools and colleges; as an instance of the defect of agriculture in this province, the farmers continued generally to pursue the system of spring ploughing, notwithstanding the known backwardness of the spring.

1829. Is there any other cause for want of success in agricultural pursuits?—The majority of emigrants have been poor, and have not had the same advantages that the better class of English farmers have had; they consequently adhere to many antiquated practices; the great errors are, not manuring the land, clearing too much land, and outcropping land.

1830. What observations have you made in the climate of the different places through which you passed, in respect to agriculture?—Generally speaking, there are five months of summer, five months of winter, and two months of broken weather; in Fredericton, in an average year, there are 240 or 250 days perfectly clear from rain or fog.

1831. Are there any parts of the province decidedly opposed to agricultural operations?—The precipitous side of the slate mountains of the north, and tracts of barren, and the exposed and rugged hills on the bay shore, and swamp in the interior, will for ever oppose agriculturul exertion; the shortness of the summer in the Bay of Chaleurs is also opposed to agriculture.

1832. Are there many settlers at present at the Bay of Chaleurs?—The south of the Bay of Chaleurs is generally settled; there are flourishing settlements at Bathurst.

1833. Do the inhabitants of the bay generally exist by agriculture?—Nine-tenths are farmers; some are also fishermen and lumbermen.

Rocks and minerals of New Brunswick, as seen by J. R., or ascertained to exist, 1838.

Granite.—St. John, near St. Andrew's, near Fredericton, near Bathurst, Hammond River, Uerepis. This rock, useful either for building or making of millstones, exists also in the form of boulders all over the eastern half of the province.

Sandstones,—including freestone for building and flagging: grindstone and whetstone is perhaps the most prevalent rock in this province; it is formed generally on both banks of the St. John, from the Kenebecaris to the Keswick, on the Tobique and its tributaries, on the east coast of New Brunswick, from Jacquet River, near Dalhousie, to the Missiquash, which separates New Brunswick from Nova Scotia. It is found to extend from the mouth of the Jemsig, where it joins the St. John north-east to the mouth of the Richibuctoo, where it falls into the Gulf of St. Lawrence; it is found at the mouth of the Nashwauk, and probably continues uninterruptedly to the mouth of the Miramichi on the east coast; so that we may reasonably conclude that the central portion of New Brunswick is composed of this rock: when we recollect that coal and ironstone generally occur in sandstone, and that these minerals have already been noticed at several places, we will not fail to perceive the great benefit which may be expected to result from a more minute exploration of the district just mentioned.

Limestone and Marble.—Bay Shore; St. John, Musquash, and several points on shore of bay:

St. John River; Kemubecagis, Salmon River, Nashwacksis, Kenwick, Numquat, Presquisle, Tobique, Restook, Grand Falls, &c.:

East Coast; Campbelton, Belledune, Petit Rocker, New Bandon, Dorchester, &c.

Salt.—Prime springs in Sussex Vale, Tobique River, Mars Hill.

Alum.—St. John, New Bandon, &c.

Plumbago.—St. John's.

Gypsum, or Plugter.—Shepody, Tobique, Sussex Vale, New Bandon, Richibuctoo, Peticodiac, Sackville, Grand Lake, Salmon River, Stanley, Campbelton.

Iron.—Woodstock, Presquisle River, Restook, New Bandon, Grand Lake.

I have also specimens of iron ore from Meductic River, Fredericton, Charlotte County. Dorchester and Madawaska.

Manganese.—Woodstock, Quaco, St. Martin's.

Lead Ore.—Richibuctoo, Charlotte County.

Copper Ore.—Bathurst, Charlotte County, Eel River.

Tin.—Said to exist on Ristigouche.

Antimony and Molyhidina.—Bathurst.

Marle, Peat, Clay for Bricks, Clay for Pottery, Jasper, Serpentine, and Mineral Springs, —abounding in many places.

Indian Tradition of burning mountains, gold mines and silver mines.

Evidence.

James Robb, Esq.

CLIMATE OF FREDERICTON.

Mean temperature of Fredericton, by daily registration	- - -	48⅝ F.
„ by observations on wells	- - - -	41·5
„ of Edinburgh, (Lat. 55° 57′)	- - - -	47·84
„ Quebec	- - - - - - -	41·74
„ London	- - - - - - -	50·36
„ Paris	- - - - - - -	51·
„ New York	- - - - - - -	53·

The three summer months' temperature of Fredericton, 61·2, that of Stockholm, in Lat. 59° 20′, N.

The three winter months' temperature of Fredericton, 18·2, that of St. Petersburg, in Lat. 59° 56′, N.

Greatest variation of winter temperature at Fredericton from 20 to 30; 245 days fair weather, average year.

Three bushels ofwheat on three acres of land (Tobique) give 100, second growth.

At Fredericton, hard-wood, hemlock.
„ Grand Falls, hazle, epildbiun, raspberry.
„ Pohiok, poplar.
„ Restigouche, generally poplar, white birch.
„ Belledune, poplar, birch.

Near Miramichi, on heavy pine, and hard wood, raspberry; on fair quality of soil, cherry; on poorer, birch and poplar.

Barren.--Very extensive, generally owing to flat tracts of sand or sandstone, sometimes to peat mosses.

Influence of burning lands.--*E.g.* Rank weeds on portage of Grand River; ditto Tobique, ditto Miramichi.

Most flourishing settlements.--Maryland, Stanley, Caverhall, Jackson Town, Mouth of Tobique, Flat lands of Ristigouche, Kouchebougual, Brictouche. Clay and marbly lands at Jackson Town, sandy at Miramichi.

Venerable *Archdeacon Coster.*

Venerable Archdeacon *Coster.*

1834. THE surveyor-general has furnished the following list of lands granted or reserved for church and schools; does it correspond with the information you have on the subject?—No doubt it is correct.

1835. How many incumbents are there in the province?--At present 24, and four assistants in orders.

1836. How many parishes are there?—At present about 80, but many of them immensely large; in every legislative session the number is gradually increased by the division of such as are found inconveniently extensive.

1837. Are all these provided with land for ecclesiastical purposes and for education?—By no means, not more than half of those already formed.

1838. How many parishes of 150 square miles would there be, in case the whole province should be located throughout?—There would be 160 parishes.

1839. In your opinion would the above arrangement be sufficient to accommodate the wants of the people?—I should consider a parish containing 100 square miles a very large one, and the province is capable of forming 250 of such parishes.

1840. In case of emigration to this province on a large scale, what means are there to provide for religious instruction in new settlements forming in the country?—I know of no funds upon which we can securely count. The colonial legislature makes no appropriations for this object. The Imperial Parliament has withdrawn the assistance it gave till lately to the Society for the Propagation of the Gospel, upon which the church depends, and the withdrawal of such assistance has embarrassed the society; and it is much to be regretted that, by the late arrangement with reference to the Crown lands, the Government has surrendered the control of them, without any stipulation for the fulfilment of the expectations which the church had been long encouraged to entertain of help from that source, in maintaining and extending its operations through the province.

1841. Upon what were the expectations of which you speak founded?—Chiefly upon the royal instructions to the successive Governors, by which they were directed to endow with land, for the benefit of the church, all such parishes as should be formed agreeably to those instructions.

1842. What quantity of land do you consider would constitute such an endowment as the royal instructions designed to each of the parishes which they directed to be formed?—Five hundred acres of good land as glebe, for the maintenance of the ministers, and the same quantity for the building and maintaining of a church, besides what it may be thought proper to allow for the purpose of education in every parish.

1843. Can you state briefly the grounds on which you represent an endowment to this extent as having been designed?—By the earliest instructions addressed to Governor Carleton, in 1784, it was ordered that the province should be divided into townships of about 100,000 acres (or 150 square miles) each, and that in each of these townships a spot should

Evidence.

Venerable Archdeacon *Coster.*

should be set apart for the building of a church, and land allowed for the maintenance of a minister, and of a schoolmaster; and also to aid the building of churches and schoolhouses. The quantity of land to be allowed for these purposes was in each township for glebe, for maintenance of minister, not exceeding 1,000 acres; for schools, not exceeding 500; for building churches, indefinite. In additional instructions to Sir James Craig, dated 1807, it was directed that the province should be divided into counties, and those counties into parishes; and that in each *parish* there should be set apart a spot for the building of a church; and adjacent thereto, for the maintenance of a minister, 500 acres; and for that of a schoolmaster, not exceeding 500 acres. And until the commencement of the late changes in the administration of the provincial affairs, the executive of the province considered itself authorized by these instructions to grant to each parish, when petitioned for it by its ecclesiastical corporation, the quantity of land specified in the preceding answer; and did so in various instances.

1844. What do you mean by the ecclesiastical corporation of the parishes?—It is provided by an act of the general provincial assembly, that the proprietors of pews in any parish church may elect two churchwardens, and a vestry of not exceeding 12 members, every year; and these churchwardens and vestrymen, with the rector, constitute a parochial church corporation, having the powers usually granted to such a body. They are competent to receive grants of land, and manage it for the benefit of the church in their respective parishes.

1845. What hindered the royal instructions for the endowment of parishes from being carried more fully into effect?—Chiefly the small number of clergymen employed in the province, which prevented the formation of such corporations, to apply for and receive grants.

1846. Has there been much improvement upon the lands already granted, and possessed by the church?—In most cases the glebes are unproductive as yet, and at a distance from towns will continue to be so, till the country is better settled; unless the clergy engage a little in farming, which (if they have to clear the land) it is by no means desirable they should. But there are two cases (and I believe three) in which the clergyman derives an income of about 100*l.* currency per annum from his glebe; and another case in which this income exceeds 50*l.*

1847. What means are there to provide for education in newly-settled parts of the province?—This being a favourite object with the provincial legislature, they may, I think, be depended upon to provide pretty liberally for it. We have a deed by which provision is made for a grammar school in each county, and for several schools of an inferior description in every parish; the practice is to grant a stipend from the public treasury of 20*l.* per annum, on condition of this same sum being made up by the people of any settlement desirous of a school, provided that the sum do not in the whole exceed 160*l.* currency per annum for each parish.

Henry Bartlett Rainsford, Esq.

H. B. Rainsford, Esq.

1848. HAVE you resided long in this province?—I was born in the country, and have lived in it since then.

1849. Have you had considerable experience in agriculture?—Yes.

1850. Will you state whether in your opinion the climate admits of agriculture, or emigrants settling to advantage to themselves, and on what terms?—Industrious and sober emigrants can do easier, provided they are settled on a portion of the good land, of which there is abundance in the province. I have had servants, that I did not consider the best of labourers, realise good properties by settling afterwards themselves, with much greater difficulties to contend with than at present, in consequence of better roads now existing and better markets.

1851. What ought a settler to have in hand, to settle with good prospect of success?—I think 50*l.* would set an emigrant going very well.

1852. Could he after a few years make a return for any advance?—I think in five years he could.

1853. What amount could he pay in five years; and could he pay more in succeeding years?—A man with a farm of 100 acres could pay 10*l.* a-year after the fifth year.

1854. To do this, would a settler require to have any decided advantage as to market, or does it apply to any settler?—It applies to any settler.

1855. Are there any large tracts of the province capable of agricultural improvement on the above terms, but remaining in a wilderness state?—Yes; I have seen large portions of it.

1856. Do you consider it desirable to locate settlers in any number in the same place?—Yes; in settlements of from 20 to 30 families.

1857. What quantity of land ought a settler to possess in beginning?—I think 100 acres.

1858. How much of that would be arable land when the farm was made?—Probably one-half; the rest would remain in timber land.

1859. Have you known emigrants from Europe pass through the province?—Yes.

1860. What is the reason for doing so?—Their not having sufficient encouragement to settle here. The exports of timber are so great, that agriculture is neglected, and the want of roads is a check to emigration.

1861. Is there any difficulty in finding land to settle on with sufficient facility?—Yes; the emigrants are lost in the wilderness, having no person to direct them on their coming to settle on their lands in the interior of the country.

Evidence.

H. B. Rainsford, Esq.

1862. Has there been much increase of agricultural population of late years?—The increase of fresh settlers has been slow.

1863. Is there a want of labour in the country?—Yes.

1864. What is the price of agricultural labour?—From 2*l.* to 3*l.* a month, and are fed by the employer.

1865. Are these the wages throughout the year?—I do not think the wages vary muc any season of the year.

1866. Are there any complaints of the road system?—It is generally thought the contribution to roads ought to be paid in money; the poor man would be employed to do this work.

1867. Is there much injury felt by blocks of land being left in a wilderness state?—Yes, a great deal.

1868. Do you consider a tax on such lands would be advisable to cause them to be attended, to if such a tax was applied towards improvement in the country?—Yes, I do.

1869. What do you consider ought to be the amount of such tax?—I think 5*s.* on every hundred acres would not be too much.

1870. At what time were you appointed to the office you now hold?—In February 1836.

1871. Will you furnish me with an account of receipts in your office on account of land and timber sold since that period?—Yes, (*See* K.)

1872. Does this list include all sums received on account of the casual revenue, since the passing of the new act?—It does.

1873. This revenue is now paid to the province revenue in lieu of the Civil List Bill?—Yes.

1874. Is the amount received from land and timber exclusive of the expenses of collection?—It is not.

(K.) NEW BRUNSWICK.

ABSTRACT of MONIES received by the RECEIVER-GENERAL on account of the Casual Revenue, from his accession to Office to 30th September 1838.

Date.	Land.	Timber.	Mines and Minerals.	Other Sources.	Extraordinary Receipts.	TOTAL.
1837:	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
August	464 15 9	87 3 9	- - -	- - -	131 16 6	683 16 -
September	135 6 -	136 - 7½	- - -	89 12 6	742 9 7	1,103 8 8½
October	203 - 4½	533 14 -	5 1 -	- - -	- - -	741 15 4½
November	136 1 3	712 19 9	- - -	- - -	- - -	849 1 -
December	178 6 10½	1,717 10 9	- 5 -	147 16 8	- - -	2,043 19 3½
1838:						
January	247 3 7½	1,113 13 6	- - -	20 16 -	- - -	1,381 13 1½
February	678 8 6½	1,133 10 -	- - -	- - -	- - -	1,811 18 6½
March	589 6 7½	2,973 12 3	- - -	11 10 -	- - -	3,574 8 10½
April	525 17 -	777 5 -	5 - -	1 7 6	1,481 10 11	2,791 - 5
May	292 18 9	502 1 -	5 - -	- - -	- - -	799 19 9
June	225 13 7	547 14 6	- - -	210 8 4	- - -	983 16 5
July	528 - 6	1,226 12 -	- - -	2 7 -	- - -	1,756 19 6
August	316 - -	1,121 17 6	- - -	1 - -	- - -	1,438 17 6
September	183 12 -	449 5 -	- - -	45 8 4	- - -	678 5 4
	4,704 10 10½	13,032 19 7½	15 6 -	530 6 4	2,355 17 -	20,638 19 10
1836:						
Mar. 31	- - -	- - -	- - -	- - -	- - -	5,693 10 -
June 30	- - -	- - -	- - -	- - -	- - -	23,772 14 1
Sept. 30	- - -	- - -	- - -	- - -	- - -	16,907 10 3
Dec. 31	- - -	- - -	- - -	- - -	- - -	4,340 17 -
1837:						
Mar. 31	- - -	- - -	- - -	- - -	- - -	14,805 3 10
June 30	- - -	- - -	- - -	- - -	- - -	11,605 - -
					£.	97,763 15 -

Thomas C. Lee,
Rec. Gen[l].

1869. Have

The Honourable *Thomas C. Lee*, Receiver-general.

Evidence.

The Hon. *T. C. Lee.*

1875. HAVE you turned your attention to agricultural pursuits in the country?—Yes.

1876. On what conditions do you consider an emigrant may settle in this province to support himself and family with comfort and benefit to the country?—He should have at least 50 acres of good land, from three to four of which should be cleared, a comfortable log-house erected, and a 12 months' stock of provision for himself and family. The emigrant should not arrive at a later period than the month of April.

1877. Suppose a man is put in possession of a good piece of land, what capital would he require to carry on his agricultural labours with fair prospect of success?—About 100*l.*

1878. In what time could such settlers begin to make any return, and to what amount?—I do not think any return could be expected until after the expiration of two years; at that time the settler might afford to make a return of from 1*s.* to 2*s.* per acre.

1879. It has been mentioned that the great detriment to improvement in new countries is the obtaining of lots of land by speculators with a view to future profit by the increased value of such lands; what in your opinion could be resorted to in order to remedy this evil?—I think this evil would be most effectually remedied by a land tax.

PRINCE EDWARD ISLAND.

John Windsor Le Lacheur, Esq.

John Windsor Le Lacheur, Esq.

1880. HOW long have you resided in the island of Prince Edward Island?—Ever since May 1806.

1881. Can you describe the system originally pursued in granting land in that island?—The whole island was divided into 67 townships, containing about 20,000 acres each, the whole of which were granted in one day to different individuals, in lots of from a whole to a quarter township, subject to the payment of a quit rent of from 2*s.* to 6*s.* sterling per 100 acres, and to the obligation of settling the land granted, within 10 years from the date of the grant, with foreign Protestant settlers, in proportion of one person to every 200 acres.

1882. Are you aware if their conditions were fulfilled to any and to what extent?—They were not fulfilled in a single instance, nor does any attempt appear to have been made to fulfil them, as not one foreign Protestant was introduced by any of the grantees.

1883. Do you know what quantity of the land thus granted now remains in the hands of the original grantees, or their descendants?—I am not aware, but I believe there are not more than three of the present proprietors who have not acquired their land by purchase. The sums for which the land was disposed of by the original grantees was in most cases exceedingly small, not more in many cases than from 10*l.* to 40*l.* per township of 20,000 acres; some of the largest proprietors purchased at this rate.

1884. Have any steps been taken at any time to enforce the performance of the conditions upon which these grants were originally made?—In the year 1799, or thereabouts, the House of Assembly represented the evils which had been felt in consequence of the neglect of the proprietors to settle their grants according to the conditions imposed upon them, and prayed that a court of escheats might be established; this request appears, by a message from General Fanning the then Governor of the island to the House of Assembly, to have been favourably received by the Government at home; and in the year 1803 a bill for establishing a court of escheat passed the House of Assembly, and the legislative council, and received the assent of the Governor. It was however disallowed, by the Home Government, in consequence of representations from the proprietors, who being an united and influential body, residing for the most part in England, were able to obtain a reversal of the consent which had been previously given by the Home Government; at the same time the proceedings for the recovery of the quit rents which had been commenced by the public law officers of the place, and several of which had been prosecuted to judgment, were laid by in consequence of this; the House of Assembly in 1805 passed certain resolutions expressive of their feelings on the subject, and at the end of 1806, certain resolutions introduced a new bill for the same purpose. In 1818, during the administration of Governor Smith, a court of escheat was appointed, and two townships, No. 15 and 55, were forfeited. Immediately subsequent to this, however, the proprietors at home had sufficient influence with the Imperial Government to induce the ministers to issue a proclamation in the name of the Prince Regent, relinquishing all claims to forfeiture on account of any past violation of the conditions, and giving 10 years further for the settlement of the land, at the same time allowing the introduction of British subjects in the place of foreigners. I wish to state here, before proceeding to relate the subsequent steps in reference to these grants, that the proprietors succeeded by false representations, as to the conduct and intentions of Governor Smith, in inducing a majority of the population to petition for his removal, although the course he had pursued was, as appears to me, in all respects calculated to promote the true interests of the colony.

1885. Did the proprietors comply with the new conditions thus imposed upon them?—I believe in not an instance. In the year 1827, when the 10 years from 1816, granted by the proclamation, expired, there was not to my knowledge a single township on the island which contained the requisite number of settlers.

1886. Have any steps been taken subsequently to enforce the fulfilment of these conditions, or to forfeit the land for their non-fulfilment?—Every House of Assembly since that period has I believe made representations on the subject, though hitherto without effect. In 1832, an act "For encouraging the settlement and improvement of Lands in this

Evidence.

John Windsor Le Lacheur, Esq.

Island, and to regulate the proceedings of the Court of Escheats therein," was passed by the legislative council and received the assent of the House of Assembly and the Governor; it was, however, reserved by the former for the approval of the Home Government, and on its arrival in England the representations of the proprietors were again sufficiently powerful to overbear the united voice of the whole legislature of the province, and the act was accordingly disallowed.

1887. Do you know upon what grounds the disallowance was justified?—It appears by a despatch from Lord Goderich, dated the 1st August 1832, that the reasons assigned for refusing the consent of his Majesty to the bill are expressed in the following words: "That some proprietors have sent out more than the number of persons which would have settled their property in the prescribed proportions, but the persons have subsequently changed their residence to other lands; these proprietors would forfeit their grants under the mode of proceeding contemplated by the Assembly. Other proprietors, on the contrary, without making any effort for the fulfilment of the conditions unpaid on them, find their lands settled in the subscribed proportion by the spontaneous assent of independent emigrants." These proprietors escape under the proceedings contemplated by the Assembly.

1888. Have you any means of knowing to what extent this statement is true, so far as relates to the bringing out of settlers at the expense of any of the grantees?—I do not imagine that any proprietor has brought out at his own expense a sufficient number of settlers to settle his lands in the proportions prescribed by the original grant, nor in fact that there are any of the persons so alleged to have been brought out, who did not repay the cost of their passage in money or money's worth; I ground this opinion upon the uncontradicted statements to this effect which have appeared in the public papers of the island, and upon conversations which I have had with the majority of the persons alluded to; with regard to the statement that persons so brought out have left the land of the proprietor who conducted their emigration, Ibelieve, that, in the case which I presume to have been particularly referred to by Lord Goderich, the emigrants only left the land upon which they were originally settled, when compelled to do so by the extreme of want, and when they found that none of the representations on the faith of which they had been induced to emigrate would be fulfilled.

1889. Were there any natural disadvantages of soil or position in the lands upon which these settlers were placed, which might have had an influence in inducing them to leave it?—I have passed through the district in question, and believe that it is equal in natural advantages to other parts of the island; there is, however, a very great want of roads and bridges, and the settlers were therefore placed in disadvantageous circumstances, so far as regarded their means of communication with the more settled districts.

1890. Might not this have been one cause why the individuals in question should have left the lands upon which they were placed?—It is possible that it might be so, because, upon the lands of another proprietor, which are not superior in natural advantages, but more avourably placed as regards markets and roads, the majority of the settlers have emained.

1891. Of the settlers who, as you state, left the lands upon which they were located, did the majority settle upon the lands of other proprietors on the island, or what became of them?—The majority remained in the island, upon the lands of other proprietors; but many were discouraged by the tenure upon which alone they could obtain land, and being possessed of sufficient means for the purpose, emigrated to some other of the North American colonies, or to the States.

1892. But you suppose that in almost every instance the emigrants to Prince Edward Island, whether coming out under the auspices of a proprietor or not, defrayed the expense of their passage out of their own funds, or repaid it to the proprietor?—I have no doubt that such has been the fact.

1893. So that in your opinion the argument of Lord Goderich, founded upon the assumed expense incurred by individual proprietors for the purpose of settling their property according to the terms of the grant, is entirely devoid of foundation, in fact?—I believe so.

1894. Will you proceed with your account of the steps which have been taken with regard to those grants?—The same despatch of Lord Goderich contained the suggestion of a tax upon lands, as being useful, by compelling the proprietors of uncultivated lands either to improve them or to sell them at the price which they could bring in their present condition. Mr. Secretary Stanley also recommended a tax in the nature of a penal assessment upon non-cultivation, as being both "just and politic;" and Lord Glenelg recommended the same course, and enclosed a copy of the act of the Upper Canada legislature for the same purpose, as a guide to the legislative assembly of our province in framing their act. The assembly, however, continued to view this as an inadequate and unsatisfactory remedy for the evils complained of; and in 1835, they passed an address praying for the establishment of a court of escheat; which address, however, Sir William Antus Young, the then Governor, neglected to forward to England. This neglect was only discovered after his death, when upon the House of Assembly inquiring whether there was any and what reply, they were informed that the address still remained in the government house. It was, however, forwarded by Mr. President Wright, together with another address, also praying for the establishment of a court of escheat, which it was decided by a majority of one in the House of Assembly should be substituted for it. Both addresses were, however, forwarded; but Lord Glenelg, in his reply, positively refused to sanction the establishment of any conrt of escheat. The assembly, upon the receipt of this, seeing the hopelessness for the present of attempting to obtain the only measure which, as they considered, was adequate to remedy the evils complained of, passed an act imposing a tax of 4*s.* per 100 acres, or less than a halfpenny an acre upon all wild lands. This act was reserved by the Governor for the decision of the Home Government; and though it had been recommended by three secretaries for the

Evidence.

John Windsor Le Lacheur, Esq.

the colonies, and by Lord Glenelg himself, the royal assent has as yet been withheld, upon the representation of the absentee proprietors.

1895. You have stated that the grants were made subject to a quit rent of from 2*s.* to 6*s.* per 100 acres; have these quit rents been regularly paid?—Not in any instance at that rate.

1896. What do you mean by this answer?—In the year 1816, the quit rents were generally very greatly in arrear, and the proprietors succeeded in inducing the Home Government to abandon all claim for arrears, and to make the quit rents uniform at 2*s.* per 100 acres.

1897. Have they been paid regularly since that time?—I believe that they have been.

1898. What is the extent of Prince Edward Island?—It comprises rather more than 1,300,000 acres of land.

1899. Of this amount how much is under cultivation?—I find by the census of 1833, that there were 89,757 acres of improved land, and it is probable that at the present time there may be 100,000 acres under cultivation.

1900. That is less than a thirteenth of the granted land?—Yes, and this though 20 years have elapsed since the date of the grant.

1901. What is the present population of the island?—About 40,000 souls.

1902. Is this population equally distributed over the townships?—No, the number of families varies from about 10 to upwards of 200 in the different townships; there are only two townships with the larger number; the majority run from 20 to 100.

1903. To what do you attribute the slow progress of settlement and cultivation in this island?—To the exorbitant terms demanded by the proprietors of land, which have deterred individuals from taking land, and have driven away many who had come to the island for the purpose of settlement.

Robert Hodgson, Esq., Attorney-general for Prince Edward Island.

R. Hodgson, Esq.

1904. HOW long have you resided in Prince Edward Island?—I am a native of the island, and have resided there constantly since 1819.

1905. Has your attention been directed particularly to the state of landed property in Prince Edward Island, and the effect of the system under which the Crown lands have been disposed of to individuals?—It has.

1906. You have read that part of the evidence of Mr. Le Lacheur, given before this Commission, which relates to the history of the disposal of Crown lands, does that history appear to you to be correct?—Mainly so; any inaccuracies that it may contain are not of substantial importance.

1907. Will you be so good as to state to the Commission your views upon this subject?—I consider that the course adopted in the disposal of the Crown lands has been exceedingly injurious to the welfare of the colony generally; it has retarded its improvement. The effects of the system are illustrated by two returns, which I beg leave to put in, and from which it appears that in 1835, more than 60 years after the original grants of the whole of the island, which consists of 1,533,100 acres, only 432,225 acres were occupied. I mean by occupation, in actual possession of some settlers, but not that the whole of the land was cultivated. The quantity occupied, therefore, was only about one-third of the whole. About 90,000 acres, or about one-fourteenth of the whole, were under cultivation. No very material alteration has taken place since that time, although the system of husbandry upon the land thus cultivated has been improved. I attribute this want of advancement in the colonization of the island chiefly to the disinclination evinced by a number of the proprietors to grant long leases to tenants, which is a technical term in the island, meaning leases for 999 years. Several of the proprietors retain their tenants as tenants at will, and others refuse to grant leases of wilderness land for a longer period than 40 years. There can be no question but that the settlement of the island has been retarded of late years by the agitation of the escheat question, whereby all titles to property are rendered to a certain degree insecure, by the uncertainty which hangs over the subject, and by which the investment of capital is greatly discouraged.

1908. But for this uncertainty of title would there be a considerable demand for new land?—I think there would.

1909. Is the difficulty of obtaining land upon remunerating terms much complained of by the settlers?—It is, especially by those who tenant at will, and by those who can only obtain leases of wild land for 40 years.

1910. Does the existence of much wilderness land, the property of individuals, operate injuriously upon the prosperity of the colony, independently of the difficulty complained of as to obtaining a satisfactory property in new land?—It does; the roads that have been made throughout the colony have been so made at the expense of the province without any contribution from the proprietors of wild lands, through whose property these roads pass, and which have materially tended to increase the value of their property. I should qualify this by saying, that within the last four years the legislature have passed an act compelling the proprietors to contribute to new roads made through their wilderness lands.

1911. Are the proprietors generally resident in the island, or absentees?—Generally absentees, residing for the most part in Great Britain, who have at all times derived very little advantage from the possession of the property, and still less of late years, in consequence of the agitation of the escheat question, which has induced the tenantry on some properties to withhold the payment of rent.

1912. I perceive that the absentees generally take very little interest in the state of their property?—They have very little, hitherto; but I should state, that in a pamphlet recently published by Mr. Young, of Halifax, the agent of several of the proprietors in conducting their opposition to the proposed court of escheat and land assessment bill, they have promised to grant leases for 60 years, with a clause allowing the tenant to purchase at

Evidence.

R. Hodgson, Esq.

20 years' purchase, and if he should not avail himself of the right given by this clause, that then, at the expiration of the lease, the improvements he may have made should be taken at a valuation.

1913. They have not taken any steps to settle their properties according to the terms of the grant?—With two or three exceptions, they have not; the resident population at the present time consists of persons who have found their way there from the adjoining colonies, or who have been induced to emigrate by speculators who have taken up ships to the island, with a view of making a profit by their passage-money.

1914. To what extent do you imagine that a tax upon all wild lands would operate as a remedy for the evils to which you have adverted; a tax, that is, which should be in the nature of a fine for the abatement of a nuisance, and which, at the same time, should be employed in the general improvement of the island?—I am of opinion, that a tax of that nature would be the best thing that could be devised to induce the proprietors to settle or dispose of their lands; and an act imposing such a tax was passed, in 1837, by the legislature of the province, and is now waiting the assent of Her Majesty; the act imposes a tax of 2*s.* currency per 100 acres upon leased or occupied land, and of 4*s.* per 100 acres upon wilderness or unoccupied land, and defines what description of land shall be considered as coming within the minimum tax, and what shall be subject to the greater; it authorizes a proceeding to judgment against lands in arrear, and their sale to pay the amount of the tax and the expenses; an act has been in force for the last five years, imposing a tax of 2*s.* per 100 acres upon all lands in the colony; that act was, however, a boon to the proprietors, as it relieved them from the payment of the quit rent to the Crown, which was 2*s.* sterling, or nearly 3*s.* currency per 100 acres; I beg leave to hand in a return of the number of acres in respect of which the tax was in arrear, and the quantity of land sold to defray the arrearages, with the price at which they were sold.

1915. Is the tax of 4*s.* per 100 acres, to be imposed by the act of the provincial legislature of 1837, in your opinion, sufficient for the purpose it is designed to accomplish?—It is certainly not too high, and if any thing, it is too low; it might be insufficient to induce the proprietor to do any thing effectual to settle his land.

1916. Was it designed that the produce of this tax of 4*s.* should be applied to the improvement of the country?—It was to be paid into the general revenue, and was to be at the disposal of the legislature.

1917. But, if the produce of a tax upon wilderness land were specially applied to the improvement of the country, by making roads, bridges, and such other works as have a tendency to increase the value of land, a much higher tax might be imposed, without any injustice to the proprietors?—Undoubtedly so.

1918. While, at the same time, it would operate upon them to take some effectual measures to settle their land in proportion to its amount?—Yes.

1919. Has any other method occurred to you by which you imagine the mischiefs arising from the profuse method of granting Crown lands in this island might be remedied?—A purchase by the government from the proprietors of the whole of their land, supposing that such a purchase could be effected upon reasonable terms; supposing such an arrangement could be made, the sums advanced by Government would speedily be refunded with interest, by the adoption of a system of sale.

His Excellency Sir *Charles Fitzroy*, Governor of Prince Edward Island.

Sir *C. Fitzroy.*

1920. YOUR Excellency has read the evidence by Mr. Le Lacheur, as to the mode pursued in granting wild lands, in the island of Prince Edward; is it substantially correct?—I believe so.

1921. Your Excellency addressed a letter soon after your assumption of the government of Prince Edward Island to the absentee proprietors of land; wuuld you have any objection to favour us with a copy?—Not in the least.

1922. Have the opinions which you expressed in that letter been confirmed by your longer residence in the island?—They have.

1923. As a remedy for the evils arising from the condition of property in the island, a general tax upon wild land in the nature of a fine for the abatement of a nuisance has been suggested; what is your Excellency's opinion upon the probable operation of such a tax?—If it were in the nature of a penal tax, it would have the effect of inducing the proprietors to settle their lands or to dispose of them on moderate terms.

1924. You mean, by a penal tax, a tax which would only press upon the absentee proprietors, which is not the case with the present tax?—It has not hitherto been the case.

1925. Do you conceive therefore that such a tax should be higher than any hitherto imposed?—I think that the tax of 4*s.* per 100 acres, which was imposed before I came to the colony, is not sufficient; the object of the wilderness tax, imposed by an act yet waiting the royal assent, is to raise funds for the erection of certain public buildings which are much wanted; if the tax was employed in such works as have a tendency to give an additional value to land, the proprietors would naturally be enabled to bear a higher tax.

1926. Has any other method occurred to you of remedying the particular evils in the island now in question?—The only other remedy that has occurred to me is an endeavour to persuade the proprietors to concede their lands upon the terms now demanded by the more liberal proprietors, the same that I recommended in the circular of which you have a copy.

Joseph Sydney Deely, Esq., Agent to Sir J. Montgomery & Brothers.

J. S. Deely, Esq.

1927. HAVE you been long a resident in the island?—Since June 1833, with a short absence once or twice.

1928. What

1928. What quantity of land have you charge of?—I have charge of three townships and two small islands.

1929. What progress has taken place as to settlement of the above lands of late years?—In May 1833, I took charge of the above property; the tenants were then in great arrears of rent; many of the farms and houses were in a ruinous state; this state of things was caused from the fear of the tenants, on account of their arrears, and fearful of being deprived of their improvements; I made an arrangemeut with all parties so as to place them on easy terms, and the property is now one of the most flourishing in the island; almost all the farmers have built new houses, particularly on lots 51 and 34.

1930. Do these farms now pay a fair rent?—They pay a rent of 1*s.* sterling per acre, with great regularity and without any complaint. They are all thriving tenants.

1931. To what do you attribute this change?—To a better understanding with the proprietors, and they having their leases for 999 years; and there is particularly a feeling of contentment and a desire to improve in lot 34, where there is an understanding that the land may be purchased with the improvements of the tenant at 20 years' purchase. In that lot there are only 200 acres remaining unsettled; there are 245 tenants on this lot having leased farms, and there are 19 purchasers settled on it.

1932. Since you took possession of the above three lots in 1833, how many settlers have come upon them?—Ninety-six new tenants.

1933. What are the terms as to rent on which tenants are admitted on the above property?—First three years free of rent; fourth year, 6*d.* per acre; fifth year, 9*d.*; sixth year, 1*s.*; and the same to end of term.

1934. Have the tenants in all cases been able to act up to the above terms?—Generally; there are a few exceptions, probably in consequence of sickness or bad season.

1935. What quantity of land do you give in the first instance to settlers?—One hundred acres is the general thing, but I recommend them to take 50 acres at first, and I reserve the other 50 for them.

1936. In case of settlers coming to the island, what sum of money should they have as an outlay to build houses and to procure the necessary stock, &c. &c.?—A man ought to have 25*l.* or 30*l.*

1937. In cases where settlers have not this money, what agreement is made to enable them to get on?—He must have a cow, and he ought to have a horse; 25*l.* would be necessary; men who go to work without this capital, are under great difficulties and cannot pay rent for many years.

1938. What taxes are lands liable to at present?—Only 2*s.* currency per 100 acres, which is a tax put on in 1823 in lieu of quit rents; this tax is regularly paid.

1939. Does this tax extend the same to cultivated and uncultivated lands?—Yes, they all pay the same.

1940. I find by a return before me of the number of acres occupied in the island in 1833, there is a variation of many thousand acres, in some cases as much as 18,000 of cultivation in one lot and another; how do you account for this?—In most cases it arises from the want of liberal terms on the part of proprietors, and in a few cases from the nature of the soil, and sometimes also from want of proper communication.

1941. What are the objectionable terms on the part of proprietors alluded to?—Short leases principally.

1942. Do settlers generally object to become tenants at will?—I do not think any settler would become a tenant at will.

1943. Is there much soil on the island that could not be brought under cultivation?—There is a portion in each township.

1944. Is that land altogether without value?—I should say not; small portions of it are not worth anything, but much of it would be brought into cultivation when the country is further advanced in improvement.

1945. How are the roads managed as to the expense of making and repairing them?—They are made and maintained by statute labour, with an occasional grant from the legislature.

1946. What labour is required by law?—Three days from each tenant, without reference to his extent of farm; new roads are made in the first instance by an assessment on the lands through which they pass.

1947. Is this mode of road-making approved of amongst the tenantry, and does it meet the object desired?—It is not a desirable system; not half a day's work is done, and the roads are not equally made throughout.

1948. You are aware that there has been a proposal by the legislature to levy a tax of 4*s.* on wild lands; what do you think would be the operation of that tax?—It would greatly benefit this island; it would force the proprietors to bring the lands forward for sale or settlement, and it would benefit the whole country.

1949. If this tax was appropriated to benefit the island in advancing improvement and emigration, is 4*s.* above mentioned as much as would be desirable to impose on wild lands?—I think it would be fair and not too much; I think there ought to be a difference made in the properties, as they have a large or small portion cultivated, that seems to be the only objection.

1950. What class of settlers have you found to succeed best?—I have found the Yorkshire, Suffolk and Lowland of Scotland settlers the best; the Highlanders and north of Ireland settlers do not get on so well; different countrymen ought to be put in separate parties, and settlers ought not to be put alone.

1951. Have you any remark to make as to the present mode of locating the tenant?—

Evidence.

J. S. Deely, Esq.

The present form of a farm is 10 chains front by 100 back; this is most inconvenient, by giving additional labour; a farm ought to be as near square as possible; I give, if possible, 20 chains front by 50 depth.

1952. Is there a want of labour in the country at present?—Yes, farm servants are much required in the country; there are very few in the country; they are receiving 3*s.* per day and their keep, or 4*s.* and find themselves.

1953. Does this rate of wages apply to all the year?—There is a difference of about 1*s.* in winter; but labour is at all times scarce.

1954. What number of farms are leased and sold on the different lots in your charge?—There are 245 leased on lot 34, and 19 sold; 19 leased on 51, and 45 sold; 31 leased on 50, and 11 sold.

1955. What is the state of the surveys on the island?—The surveys of townships are recently put at rest by re-survey, under the orders of the Governor and Council; the surveys of lots are done, in most cases, at the expense of tenants.

1956. Are the surveys of lots found to be accurate, and such as to enable transfer and sale of property to be made with sufficient confidence?—In many cases, they are not; there is a great deal of litigation at present, on account of boundary lines.

1957. Does this uncertainty as to surveys check the advancement of settlers?—It causes a good deal of litigation, and many have paid half-a-dozen surveyors; it calls much for attention.

1958. Can you state what progress there has been in emigration of late years?—It has been very trifling, arising, I think, from the agitated state of things here, chiefly the escheat question.

1959. Have any emigrants, of late years, come to the island with intention of settling, who have subsequently proceeded to other places to locate themselves?—Yes, a few have.

1960. Has there been any rise in the price of wild lands since your residence on the island?—There has been some rise in the wild land; near the town, they have nearly doubled in value in the last 15 years.

1961. What would be the price of about 100 to 200 acres of wild land, good quality, and well situated?—Not less than 15*s.* sterling per acre; 5,000 acres were offered lately for 12*s.* 6*d.* sterling.

1962. Are there any points that have not been referred to, and occur to you as requiring attention, in reference to the future settlement of the island?—There is great difficulty and dispute as to fisheries, which is very injurious to the settlement of any farm and the prosperity of the country.

George Wright, Esq., Surveyor-general.

George Wright, Esq.

1963. How long have you resided in Prince Edward Island?—I am a native of the island, and have been very little absent from it.

1964. How long have you been surveyor-general of the province?—About 10 years.

1965. Will you state what quantity of land is now in possession of the Crown, and how the remaining portions of land in the island have been disposed of?—This return (C.) will show there are only 7,100 acres of township lands now in possession of the Crown. There are several parcels of ground that may revert to the Crown, at present held by licenses of occupation (perhaps 1,000 acres); there are also 900 town and pasture lots, varying from a quarter of an acre to 12 acres; the extent and upset price of each is in the return; the remaining part of the island was given on certain conditions in lots of 20,000 acres.

1966. What quantity of land capable of cultivation is the whole island said to contain?—The island contains about 1,365,000 acres divided into three counties (*see* Plan), of which perhaps there are not more than 10,000 acres incapable of cultivation.

1967. Has there lately been a sale of Crown lands?—Some town lots were sold in July last; no Crown township lands except glebe lands have been sold at any time. Prior to the last four or five years settlers have been permitted to occupy the Crown lands under license of occupation, on condition of their obtaining grants on the fulfilment of certain terms.

1968. What are the terms alluded to?—On town lots, to build a dwelling-house of certain dimensions; on pasture lots, clearing and fencing three acres; on township lots, they obtained a grant of land on forming a settlement; this system has ceased since four or five years.

1969. Was much land occupied on the terms specified?—A great deal, particularly town and pasture lots; the township lots were almost entirely settled.

1970. Were the terms in all cases conformed with?—Latterly they were; formerly they obtained grants without licenses of occupation, and many of them have not fulfilled their conditions.

1917. Have any steps been taken in reference to those parties?—None whatever.

1972. Do most of the original proprietors possess the grants?—Very few, and they have many of them changed hands several times.

1973. Were the terms on which the original grants made complied with?—I believe in no instance; it was found impossible strictly to comply with the terms, which require that the land should be occupied by foreign Protestants.

1974. Have those lands in your opinion progressed in improvement and settlement, as they might have been expected to do, considering the advantages held out by the fertility of the soil of the island?—No, I do not think they have.

1975. What do you consider has been the check to this improvement?—In many instances to the neglect of proprietors, many of whom have not been represented by agents with sufficient power to execute deeds or leases, and whose terms were not sufficiently liberal.

1976. Has there hitherto been a tax on unsettled lands on the island?—There has been

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an assessment of 2*s.* on 100 acres of all lands; that bill has expired this year, and in lieu of it, a bill has passed the legislature here, imposing a tax of 4*s.* on wilderness lands, and 2*s.* on other lands. The assent to this bill was reserved for sanction at home.

1977. In your opinion, is this the best method of inducing proprietors to settle the unsettled lands, or do you think that a larger tax than 4*s.* would be advisable for the benefit of the country, if the whole of such money were appropriated to improvement and emigration?—A higher tax would further benefit the country, but I think this tax would be fair at present.

1978. Do some of the proprietors hold their lands with reference to future benefit without any regard to present improvement?—A few no doubt do so.

1979. Was there not a quit-rent formerly, and up to what time did the quit-rent continue?—There was a quit rent of 2*s.* 6 *d.* sterling, latterly it was 2*s.*; and it was altogether discontinued on the establishment of the late acts levying 2*s.* per 100 acres.

1980. Was the quit rent regularly paid?—A considerable sum was paid by some of the proprietors. It was never paid by others.

1981. How are the boundary lines of counties and surveys generally laid down?—The surveys have not been completed; a great confusion has existed for want of proper boundary lines. A bill was passed in 1834, which has partially removed the division between townships, but many of the lots remain unsettled. Proprietors now generally fix posts, and give the tenants the lot they mark off.

1982. Are the roads generally good through the island, and will you be kind enough to state how they are provided for?—They are sufficiently good for agricultural purposes, and are kept in repair principally by statute labour. Sometimes a vote is given towards making new roads.

1983. Could a better mode than this be adopted?—In my opinion, a tax or assessment in money would be the preferable way. The present system does not seem to answer.

1984. What has been the amount of sales of Crown lands, timber, &c. during the years you have disposed of them?—There is nothing to dispose of but lands in the island. On sales the receipts have been—

	£.	s.	d.
In 1834	255	–	–
1835	no sale.		
1836	73	5	–
1837	541	–	–
1838	406	2	6
	£. 1,275	7	6

1985. How has this money been disposed of?—It is received by the treasurer of the province, and none of it has been disposed of as yet, except probably, 150*l.*, which has been expended for surveys.

1986. Can you furnish a map or plan of the island, by way of a guide to the lands and lots alluded to?—I have not one at present, but will prepare and finish one at an early period.

1987. Can you give any accounts of the progressive rise in value of wild lands in the island?—I am of opinion that wild lands have increased in value double the amount within the last 20 years.

1988. Has there been any rise in the last five years?—There has been some rise, but not a very material one.

Thomas Haviland, Esq., Treasurer of the Province.

1989. HOW long have you resided in Prince Edward Island?—Twenty-one years and upwards.

1990. During your residence in the island, have you given attention to the advancement of emigration?—I have.

1991. Has it been on a successful and large scale?—No.

1992. What are the causes, in your opinion, of its want of success?—The tenure on which the settler has been able to obtain lands; in cases were terms have been liberal, and the emigrant industrious, they have never failed to prove advantageous to the emigrant and to the proprietors.

1993. What do you consider liberal terms?—The emigrant should have his location for the first three years free of all rents; the fourth year at 3*d.* per annum per acre; the fifth year 6*d.*; sixth year 9*d.*, and the seventh and remainder of 999 years at 1*s.* per acre, with the privilege of purchasing at any time at 20 years' purchase; these are what I would call liberal terms, and are attended with equal advantage to proprietor and tenant.

1994. Have those terms been acted upon in any cases, and if so, in what cases to your knowledge?—Sir James Montgomery & Brothers, proprietors of several townships, are the only persons who act up to the system, and to its full extent, that I am aware of; and I beg to evidence, in favour of the system, in Township, No. 34, not more than 500 acres of 20,000 are unoccupied; and in others owned by the same proprietors, and granted on the terms, settlements are rapidly increasing; there are other proprietors who give long leases, but not all the advantages granted by Sir J. Montgomery; these properties also evince considerable improvements, viz. Lord Selkirk, Lord Westmoreland, the heirs of John Cambridge, Esq., and the Rev. J. Macdonell.

1995. What success has attended the settlement of property, where leases have been granted at will, or for a short term of years?—The settlements on such properties are very few; and the settlers themselves, in general, are extremely poor and discontented, from having little or no perspective interest in the soil they redeem and cultivate. They have no

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Evidence.

T. Haviland, Esq.

energy to clear more land than for their present and immediate support. They can be distinguished by the stranger by their wretchedness and want of comfort and improvement.

1996. Does a large proportion of this island still remain unsettled?—Yes; probably from three-fourths to four-fifths is unsettled.

1997. In your opinion, what would be the best means to resort to, to promote emigration, and to forward the country that remains in a wilderness state?—The terms already mentioned; and in cases where the emigrant is poor, instructions should be given to the resident agent to supply them the means of subsistence for the first year. On those terms there might be from 2,000 to 3,000 persons annually located.

1998. Does there appear to you to be sufficient exertion, on the part of proprietors, to promote the interest of the island, to forward emigration; or do the proprietors hold land only with reference to a future benefit?—There is very little individual exertion on the part of any proprietor to encourage emigration; while others appear to hold their property with the sole view of future benefit, by its advancing in value by the labour and exertions of others.

1999. Does it appear to you there might be a remedy for the above, and if so, what would you recommend?—I know of but one remedy in the present state of things, which would be a tax, by way of a penal tax, upon wilderness lands, and thus compel the proprietor to locate them himself, or to dispose of them to others who would do so.

2000. In case the above remedy was resorted to, what amount of tax per 100 acres would, in your opinion, be best to be established?—Four shillings per 100 acres on all wilderness lands, and half the amount on cultivated lands; a higher tax has been suggested by some of the resident colonists, but, in my opinion, the above rate would meet the object.

2001. If such tax were expended only for the local improvements in the island, and to promote emigration, is it, in your opinion, more than would be just to proprietors?—Certainly not; at present they are liable to more than half that sum by the tenure of their grants, and which is wholly at the disposal of the Crown for any purpose they may choose.

2002. What would be the probable amount of this tax above proposed?—About 2,200 *l.*

2003. Would you propose any tax on town and pasture lots?—Yes, at the rate of 12 *s.* per acre on town lots not cultivated, and 6 *s.* on those inhabited or in cultivation, and 4 *d.* per acre on pasture lots in a wilderness state, and 2 *d.* per acre on pasture lots in cultivation.

2004. What additional revenue would be produced by the tax, on the last-mentioned properties?—About 400 *l.*, deducting the expenses of collection; the nett produce of the whole would be about 2,400 *l.*

2005. Am I right in supposing you have charge of some estate in the island?—Yes, I am agent for two proprietors, Sir. J. F. Seymour and another.

2006. Have you observed sufficiently on the character and qualities of the different kinds of settlers who have come to the country, to be able to state who are, in your opinion, the best class of men as emigrants?—Decidedly the best emigrants are from the Lowlands of Scotland and from Yorkshire; they combine a better degree of industry, and a more improved system of farming than any other class of emigrants; latterly there has been a considerable emigration from Suffolk, who are also an industrious class of people: the latter were mostly paupers, sent out by subscription, and have made themselves comparatively independent in the course of five or six years.

2007. Upon what properties have these settlers been located?—Mostly on the property of Lord Westmoreland and Sir J. Montgomery & Brothers, and on others, where liberal terms were given.

2008. Do you know the price at which wild lands sell at present, say in lots from 100 to 500 acres?—From 10 *s.* to 20 *s.* per acre, according to the position and quality.

2009. Is 10 *s.* the minimum price of any lot of land sold as above?—Yes, 10 *s.* is the minimum price of land capable of cultivation; but there is land that has no value.

2010. Is there much in the island of little or no value?—No great quantity, altogether 10,000 to 20,000 acres.

2011. Is this land in large blocks?—Most in large blocks of 3,000 to 5,000 acres.

2012. Would you propose, on such lands, to remit the tax, or what part of it?—In some cases the whole, or as the land might have some value.

2013. Has any sum been received by you, as treasurer of the province, on account of Crown lands or Crown property?—Yes, I have recived about 800 *l.* currency; there will be a further sum of probably 400 *l.* or 500 *l.* more this year.

2014. How has this money been disposed of?—About 100 *l.* has been paid to cover the expense of surveys; the balance is now in my hands; during the last session the House of Assembly addressed the Secretary of State for the Colonies, for leave to appropriate the balance towards the erection of a house of industry; the application was forwarded by the Colonial-office to the Treasury, and the Treasury were pleased to accede to the application, and have asked to be furnished with plans and estimates, which desire will be laid before the House of Assembly next sessions.

2015. What is expected to be the amount for the above purpose?—From 1,500 *l.* to 2,000 *l.* currency; the House of Assembly will pay up the balance.

John Lawson, Esq., Solicitor-general.

John Lawson, Esq.

2016. HAVE you been residing long in Prince Edward Island?—Fourteen years.

2017. During that time, has the island advanced in general improvement equal to what might be expected from its capabilities?—Decidedly not.

2018. What, in your opinion, causes the check to improvement?—First, the want of population; and in a country where the revenue is solely raised by imposts on articles imported

John Lawson, Esq.

imported into the country, the revenue is consequently small; to instance which, the government-house and court-house were built by taxes on land.

2019. What has hitherto checked emigration in proportion to other of the British American colonies?—The high price of land; the upset price of land in other countries being far less than here; for instance, in Nova Scotia, the upset price of lands varies from 2*s.* to 5*s.* per acre; here it is almost invariably at 20*s.*

2020. In your opinion, is there any defect as to the tenure on which lands are now let in the island?—The system of leaseholding is radically bad, in proof of which, the leaseholders are almost invariably poor, and, on the contrary, the freeholders are in good circumstances, and some of them affluent; a leaseholder's farm may be almost invariably known by the negligence of its culture.

2021. Will you state the tenure of the leaseholders you now allude to?—Leases from 999 to 40 years.

2022. Does the mischief mentioned by you, as caused by leasehold tenure, apply equally to the 40 as to 999 years?—Not so much in cases of the long leases, provided they have a considerate landlord or agent; but, in both cases, it presses equally hard for the first five years.

2023. What, in your opinion, would be the proper term to grant, as most beneficial for all parties?—Five years, free of rent altogether; then 3*d.* for the next year, then 6*d.*, then 9*d.*, then 1*s.* per year for the remainder of 999 years, with, in all cases, liberty to buy at 20 years' purchase.

2024. Has much exertion been made to settle the wild lands in the island?—Not of late years; Chief Baron Montgomery and Lord Selkirk took a good deal of pains; the consequences are, their townships are the most flourishing and populous in the island.

2025. In your opinion, do the proprietors hold their lands principally with a view to present improvement, or to future benefit?—Some of them disregard present improvements, and look to the accumulated value of the land from the settlement of others.

2026. What remedy would you suggest for the evil?—The only remedy is to tax wilderness lands, and at a rate high enough to compel the proprietors to settle them.

2027. What do you think ought to be the tax in such cases, provided the tax so laid was applied to emigration, and the general advancement and improvement of the country?—At least 10*s.* per 100 acres on wilderness lands; I would not tax cultivated lands at all; I would give the proprietor, in the first instance, a fair time; and if half the township was settled in a limited time, the tax should not be applied to that property.

2028. Are you not in charge of some properties in the island?—Yes, about 50,000 acres.

2029. Have you particularly observed as to one class of settlers being more successful than another?—Generally speaking, the English and the natives and the Lowland Scotch make good settlers.

2030. Can you inform me if there is a probability of some better encouragement being afforded to settlers?—Some of the proprietors, through Mr. Young, their agent, have expressed their intention of leasing and selling land upon more favourable terms than heretofore has been granted, which, if adhered to, will go far to remedy many of the evils that have hitherto existed.

2031. Can you state the terms proposed by Mr. Young?—To sell the land from 6*s.* 3*d.*, Halifax currency, to 20*s.* per acre; leases for 61 years certain, or for three lives, or for 99 years; at the first and second year, no rent; third year, 3*d.* per acre; fourth year, 6*d.*, fifth year, 9*d.*, and succeeding years 1*s.* per acre per year, and what I consider of most consequence is the right of purchasing upon the terms before mentioned, viz. 6*s.* 3*d.* to 20*s.* an acre, according to situation.

2032. In your opinion, would those terms hold out such prospects of success to settlers as would encourage a succession of emigration?—I think they would, provided the rent did not commence until the fifth year.

2033. Are you aware of the number of proprietors who have proposed those terms through Mr. Young?—There are 13 who have.

G. R. Goodman, Esq., Collector of the Customs.

G.R.Goodman, Esq.

2034. HAVE you resided long in this province?—Constantly since 1819.

2035. From your knowledge of the colony, its productions, &c. &c. has it capabilities of supplying beyond the demands of the inhabitants?—Very great capability beyond the demand of the colonists; I should say there is, to the amount, on an average, of 40,000*l.* sterling value of agricultural produce exported.

2036. Does this apply to cattle as well as to grain?—It includes both.

2038. With the facilities and encouragement offered by the soil for settling and emigrating, what, in your opinion, has prevented a further increase in improvement and population?—The Government has not the power sufficiently to influence proprietors, who hold the island in large grants; many of the proprietors have not, till this time, given their agents any power to settle the lands on terms that would induce settlers to emigrate to the country.

2039. Are there any means that are likely, in your opinion, to remedy the above evil?—Such a tax on wilderness or cultivated lands, would oblige the proprietors to settle or dispose of them.

No. 1.

STATEMENT of the QUANTITY of LANDS Surveyed in each District of *Lower Canada*, from the Establishment of the Surveyor-general's Office, up to the 10th July 1838.

District of Montreal.	District of Three Rivers.	District of Quebec.	District of Gaspé.	TOTAL.
2,286,750	2,098,908	1,383,666	400,639	Acres. 6,169,963 exclusive of the allowance of 5 per cent. for high-ways.

Jos. Bouchette,

Surveyor-general's Office, Quebec, 10 July 1838. H. M. Surv'r-general, L. C.

Note.—The present Total is exclusive of the Tract or Block of Land set off for the British American Land Company in the County of Sherbrook, District of Three Rivers, containing 585,089 acres.

No. 2.

RETURN of CROWN LANDS granted in each year, from the 31st December 1823, to the 31st December 1837, inclusive.

	1.	2.	3.	4.	5.	6.	7.	8.	
Year.	Number of Acres granted to Leaders and Associates.	Number of Acres granted to Members of Legislative and Executive Councils.	Number of Acres granted to Officers of the British Army.	Number of Acres granted to Discharged Soldiers and Pensioners.	Number of Acres granted to Militia Claimants.	Number of Acres granted to Squatters.	Number of Acres granted, not coming within any of previous Descriptions.	Total Number of Acres granted.	Remarks.
1824	1,457,209 acres granted to Leaders and Associates, from 1796 to 1809, inclusive.	- -	4,100	nil.	51,810	- -	34,159	—	
1825		- -	1,000	nil.	32,620	- -	16,274	—	
1826		- -	nil.	5,500	3,525	- -	48,224	—	
1827		- -	800	6,300	7,640	- -	38,374	—	
1828		- -	4,504	nil.	7,300	- -	9,036	—	
1829		- -	nil.	nil.	3,200	- -	5,282	—	
1830		- -	2,000	nil.	81,425	- -	10,670	—	
1831		- -	3,408	8,273	9,400	- -	9,900	—	
1832		- -	4,000	19,000	10,116	- -	4,000	—	
1833		- -	1,200	22,500	5,200	- -	nil.	—	
1834		- -	nil.	2,500	2,500	- -	4,384	—	
1835		- -	nil.	12,164	3,004	- -	nil.	—	
1836		- -	nil.	4,704	100	- -	nil.	—	
1837		- -	nil.	7,728	nil.	- -	nil.	—	
	1,457,209	—	21,012	88,669	217,840	—	181,003	—	

No. 3.

RETURN of Crown Lands granted to Leaders of Townships and their Associates, from 1796 to 1809.

Year.	Townships.	Leaders' Names.	Number of Acres.	Year.	Townships.	Leaders' Names.	Number of Acres.
			A.				A.
1796	Dunham -	Hon. Thomas Dunn	40,825	1803	Brompton -	W. Barnard - -	40,753
1797	Brome -	Asa Porter - -	41,758	,,	Clinton -	J. F. Holland -	11,550
,,	Bolton -	Nicholas Austin -	62,621	,,	Compton -	J. Pennoyer and N. Coffin - -	26,460
1798	Farnham -	Samuel Gale -	23,000				
1799	Dorset -	J. Black - -	53,000	,,	Ditton -	M. H. Yeomans -	11,550
1800	Broughton -	H. Junken and W. Hall.	23,100	,,	Hatley -	H. Cull and E. Hovey.	23,493
,,	Stanstead -	Isaac Ogden -	27,720	,,	Kildare -	P. P. M. de la Valtrie.	11,486
,,	Eaton -	J. Sawyers - -	25,620				
,,	Upton -	D. A. Grant -	25,200	,,	Kingsey -	George Longmore	11,478
,,	Grantham -	W. Grant - -	27,000	,,	Potton -	Henry Ruiter -	27,580
,,	Hunterstown	John Jones - -	24,620	,,	Shipton -	E. Cushing and W. Barnard.	58,692
,,	Stukely -	Samuel Willard -	23,625				
,,	Stanbridge	Hugh Finlay -	41,790	,,	Dudswell -	John Bishop -	11,632
,	Stoneham -	K. Chandler - -	24,000	,,	Buckingham	Fortune and Hawley.	14,910
,,	Tewkesbury	G. Wulff and D. Letourneau - -	24,000	1804	Tingwick -	S. F. Ferguson -	23,730
1801	Barnston -	R. Lester and R. Morrough.	23,100	,,	Wesbury -	Henry Caldwell -	12,262
				,,	Warwick -	A. Steel - -	23,940
,,	Ireland -	Joseph Frobisher -	11,550	1805	Newton -	M. Gaspard - -	12,961
,,	Leeds -	Isaac Todd - -	11,760	,,	Onslow -	J. Richardson -	1,073
,,	Shefford -	John Savage -	35,490	,,	Melbourne	H. Caldwell - -	26,153
,,	Orford -	Luke Knowlton -	13,600	,,	Kingsey -	Major Holland's family	11,198
1802	Arthabaska	John Gregory -	11,550				
,,	Barford -	J. W. Clarke -	27,720	1806	Auckland -	Elizabeth Gould -	23,100
,,	Chester -	S. M'Tavish -	11,550	,,	Frampton -	P. E. Desbarats -	11,569
,,	Durham -	T. Scott - -	21,991	,,	Hereford -	J. Rankin - -	20,800
,,	Ely - -	Amos Lay, jun. -	11,550	,,	Hull - -	P. Wright - -	13,701
,,	Halifax -	B. Jobert - -	11,550	,,	Acton -	G. W. Allsopp -	24,004
,,	Inverness -	W. M'Gillivray -	11,550	,,	- ditto -	Gother Mann -	22,859
,,	Thetford -	Mervin Nooth -	23,100	1807	Lingwick -	W. Vondenvelden -	13,650
,,	Wickham -	William Lindsay -	23,753	,,	Lochaber -	A. M'Millan -	13,261
,,	Stoke -	James Cowan -	43,620	,,	Templeton	- ditto - -	8,949
,,	Sutton -	P. Conroy and H. Best.	39,900	,,	Stanfold -	Jenkin Williams -	26,810
				1808	Maddington	G. W. Allsopp -	6,005
,,	Wolfstown	N. Montour - -	11,550	1809	Wentworth	Jane de Montmollin	12,390
1803	Ascot -	Gilbert Hyatt -	20,188	,,	Farnham -	J. Cuyler and J. Allsopp.	10,176
,,	Bury -	Calvin May - -	11,550				
,,	Bulstrode -	Patrick Langan -	24,463			Total Acres -	1,457,209

No. 4.

RETURN of the Number of Acres of Land located to Individuals in each Year, from 1817 to the 1st day of August 1838.

Year.	Number of Acres located prior to 1827.	Number of Acres located from 1827 to 1st August 1838, inclusive.	TOTAL Number of Acres under location.	Remarks.	Year.	Number of Acres located prior to 1827.	Number of Acres located from 1827 to 1st August 1838, inclusive.	TOTAL Number of Acres under location.	Remarks.
	A.	A.	A.			A.	A.	A.	
1818	7,200	- -	7,200		1829	- -	6,200	6,200	
1819	54,179	- -	54,179		1830	- -	87,995	87,995	
1820	47,830	- -	47,830		1831	- -	24,294	24,294	
1821	42,300	- -	42,300		1832	- -	23,698	23,698	
1822	36,674	- -	36,674		1833	- -	31,267	31,267	
1823	64,575	- -	64,575		1834	- -	10,400	10,400	
1824	54,574	- -	54,574		1835	- -	13,400	13,400	
1825	33,325	- -	33,325		1836	- -	4,704	4,704	
1826	700	- -	700		1837	- -	7,932	7,932	
1827	- -	2,591	2,591			341,357	221,802	563,159	
1828	- -	9,312	9,312						

No. 5.

RETURN of Crown Lands sold in each Year from 1828 to 1837, inclusive.

Years.	No. of Acres sold.	PRICE.	Remitted to Officers under Regulation of the 1st August 1831.	Remitted to others, &c, under authority from the Governor or Secretary of State.	Received since 1831.	TOTAL Amount received.
		£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1823 to 1827	No sales made.		—	—	—	—
1828	20,011	5,044 9 9¼	- - -	- - -	- - -	2,782 13 6
1829	31,366	7,479 17 7	- - -	- - -	- - -	2,233 19 6
1830	28,077	7,461 13 5	- - -	- - -	- - -	2,580 - 5
1831	51,357	12,442 8 -	- - -	- - -	3,235 5 6¼	—
1832	24,112¾	6,168 2 1¼	555 11 -	- - -	2,954 19 2½	—
1833	42,569	7,549 1 5	1,499 12 7	436 16 8	3,436 19 8¾	—
1834	43,113	7,822 15 2	2,567 9 10	218 8 -	3,166 18 6	—
1835	136,447	21,772 7 10½	4,179 18 1	- - -	7,003 15 5¼	—
1836	39,057	13,600 14 5	4,612 - 9	- - -	11862 7 2¼	—
1837	34,360	5,660 2 -	684 6 5	- - -	7,474 16 9½	—
						39,135 2 4½
	450,469¾	75,9 111 8¾	14,098 18 8	655 4 8	39,135 2 4½	46,731 15 9½

No. 6.

RETURN of Clergy Reserves sold in each Year, from 1829 to 1837, inclusive.

Year.	Acres sold on Quit Rent.	Number of Acres sold absolutely.	PRICE.	Amount received since 1831.	TOTAL Amount received.	REMARKS.
			£. s. d.	£. s. d.	£. s. d.	
1829	900	200	40 - -	- - -	23 10 -	
1830	1,800	8,156	1,250 3 -	- - -	561 17 -	
1831	5,700	5,632	1,525 9 3	598 7 6	—	
1832	- -	6,873	1,278 11 8	533 2 6	—	
1833	- -	37,278	12,791 17 5	3,454 11 6½	—	
1834	- -	77,265	17,875 19 1	7,476 8 4½	—	
1835	- -	111,275	23,415 16 11½	10,676 11 10¼	—	
1836	- -	34,310	8,568 15 4	15,159 11 2½	—	
1837	- -	18,822½	5,457 4 7½	11,941 10 6¾	—	
					49,840 3 6½	
	8,400	299,811½	72,203 17 4	49,840 3 6½	50,425 10 6½	

No. 7.

RETURN, showing the Quantity of LAND reserved for the Support of a PROTESTANT CLERGY, in the different LETTERS PATENT issued under the Great Seal of the Province granting LANDS to Individuals.

YEAR.	TOWNSHIP.	Number of Acres in each Township. A.	R.	P.	Number of Acres in each Year. A.	R.	P.
1796	Dunham -	8,179	–	–	8,179	–	–
1797	Brome - -	8,351	1	28			
,,	Bolton - -	12,524	1	5			
,,	Potton - -	1,200	–	–	22,075	2	33
1798	Magdalen Islands.	8,143	–	–			
,,	Farnham -	4,600	–	–	12,743	–	–
1799	Hinchinbrook	1,080	–	–			
,,	Hemmingford	4,400	–	–			
,,	Clifton - -	2,400	–	–			
,,	Armagh -	480	–	–			
,,	Rawdon -	380	–	–			
,,	Chatham -	440	–	–			
,,	Buckingham -	400	–	–			
,,	Dorset - -	10,200	–	–	19,780		–
1800	Stoneham -	4,800	–	–			
,,	Tewkesbury -	5,000	–	–			
,,	Grantham -	5,234	–	–			
,,	Hunterstown -	4,400	–	–			
,,	Upton - -	4,800	–	–			
,,	Stanstead -	5,325	–	–			
,,	Broughton -	4,400	–	–			
,,	Stukely - -	4,400	–	–			
,,	Hereford -	4,400	–	–			
,,	Eaton - -	5,200	–	–	47,959		–
1801	Shefford -	6,800	–	–			
,,	Barnston -	4,400	–	–			
,,	Orford - -	2,400	–	–			
,,	Newport -	2,000	–	–			
,,	Stanbridge -	7,800	–	–			
,,	Brompton -	8,000	–	–			
,,	Shipton -	11,600	–	–	43,000	–	–
1802	Stoke - -	8,200	–	–			
,,	Barford - -	5,400	–	–			
,,	Sutton - -	7,600	–	–			
,,	Windsor -	10,200	–	–			
,,	Chester - -	2,200	–	–			
,,	Simpson -	8,200	–	–			
,,	Halifax - -	2,200	–	–			
,,	Inverness -	2,200	–	–			
,,	Wolfstown -	2,200	–	–			
,,	Leeds - -	2,400	–	–			
,,	Ireland - -	2,200	–	–			
,,	Durham -	4,200	–	–			
,,	Compton -	5,000	–	–			
,,	Wickham -	4,345	–	–			
,,	Arthabaska -	2,000	–	–			
,,	Thetford -	4,400	–	–			
,,	Ely - -	2,200	–	–			
,,	Ixworth -	200	–	–	75,345	–	
1803	Roxton - -	4,800	–	–			
,,	Granby -	7,627	–	–			
,,	Buckingham -	2,845	–	–			
,,	Milton - -	5,993	–	–			
,,	Clifton - -	4,765	2	–			
,,	Ascot - -	2,747	–	–			
,,	Bury - -	2,200	–	–			
,,	Hatley - -	9,430	–	–			
,,	Ditton - -	2,200	–	–			
,,	Clinton - -	2,000	–	–			
,,	Bulstrode -	4,597	–	–			
,,	Kingsey -	2,081	2	–			
,,	Hemmingford	1,171	–	–			
,,	Kildare - -	2,400	–	–			
,,	Potton - -	5,993	2	–			

YEAR.	TOWNSHIP.	Number of Acres in each Township. A.	R.	P.	Number of Acres in each Year. A.	R.	P.
1803	Newport -	2,400	–	–			
,,	Stanstead -	173	–	–	63,423	2	–
1804	Hemmingford	421	–	–			
,,	Tingwick -	4,400	–	–			
,,	Warwick -	4,600	–	–			
,,	Eaton - -	1,000	–	–			
,,	Westbury -	2,273	–	–			
,,	Nelson - -	7,761	–	–			
,,	Somerset -	7,669	–	–			
,,	Windsor -	59	–	–			
,,	Tring - -	4,400	–	–	32,574	–	–
1805	Barnston -	200	–	–			
	Rawdon -	400	–	–			
	Kingsey -	2,114	–	–			
	Hatley - -	382	–	–			
	Newton -	2,486	–	–			
	Onslow - -	200	–	–			
	Melbourne -	4,813	–	–			
	Chester - -	2,200	–	–			
	Dudswell -	2,365	–	–			
	Wendover -	2,166	–	–			
	Halifax - -	2,400	–	–			
	Durham -	1,300	–	–			
	Stanstead -	600	–	–			
	Farnham -	800	–	–	22,426	–	–
1806	Hull - -	2,693	–	–			
,,	Aston - -	5,454	–	–			
,,	Aukland -	4,400	–	–			
,,	Granby -	200	–	–			
,,	Frampton -	2,200	–	–			
,,	Acton - -	4,876	–	–			
,,	Milton - -	100	–	–			
,,	Simpson -	50	–	–			
,,	Eardley -	1,278	–	–			
,,	Buckland -	2,418	–	–			
,,	Chatham -	800	–	–	24,469	–	–
1807	Lingwick -	3,000	–	–			
,,	Lochaber -	3,024	–	–			
,,	Templeton -	1,841	–	–			
,,	Stanfold -	4,884	–	–			
,,	Ham - -	4,400	–	–			
,,	Hull - -	100	–	–	17,249	–	–
1808	Grenville -	200	–	–			
,,	Ham - -	200	–	–			
,,	Frampton -	2,359	–	–			
,,	Wendover -	25	–	–			
,,	Onslow - -	2,330	2	–			
,,	Maddington -	1,657	–	–			
,,	Windsor -	100	–	–			
,,	Simpson -	100	–	–			
,,	Somerset -	56	–	–			
,,	Nelson - -	50	–	–	7,077	2	–
1809	Farnham -	1,758	–	–			
,,	Sherrington -	5,608	–	–			
,,	Upton - -	141	–	–			
,,	Wentworth -	2,400	–	–			
,,	Templeton -	1,133	–	–	11,038	–	–
1810	Stanstead -	4,712	–	–			
,,	Compton -	2,690	–	–			
,,	Barnston -	3,006	–	–			
,,	Shenley -	1,887	–	–			
,,	Shipton -	25	–	–			
,,	Potton - -	25	–	–			
,,	Grenville -	200	–	–	12,545	–	–

(continued.)

No. 7.—Return, showing the Quantity of Land reserved for the Support of a Protestant Clergy, &c.—*continued.*

YEAR.	TOWNSHIP.	Number of Acres in each Township. A. R. P.	Number of Acres in each Year. A. R. P.	YEAR.	TOWNSHIP.	Number of Acres in each Township. A. R. P.	Number of Acres in each Year. A. R. P.
1811	Ely	100 – –		1822	Frampton	420 – –	
„	Newton Tract	182 – –		„	Wickham	3,859 – –	
„	Shefford	4,250 – –		„	Weedon	2,500 – –	
„	Barnston	600 – –		„	Ireland	100 – –	
„	Inverness	100 – –		„	Grantham	2,220 – –	
„	Kingsey	300 – –		„	Grenville	816 – –	
„	Hemmingford	506 – –		„	Wendover	180 – –	
„	Ham	200 – –	6,238 – –	„	Upton	80 – –	
1812	Chatham	5,400 – –		„	Settrington	3,189 – –	
„	Leeds	1,275 – –		„	Hull	240 – –	
„	Eaton	25 – –		„	Leeds	40 – –	
„	Sherrington	1,200 – –	7,900 – –	„	Dudswell	20 – –	
1814	Shefford	1,881 – –		„	Kildare	560 – –	14,224 – –
„	Durham	250 – –		1823	Grantham	40 – –	
„	Kingsey	200 – –		„	Blandford	5,703 – –	
„	Leeds	100 – –		„	Grenville	580 – –	
„	Hemmingford	693 – –		„	Weedon	100 – –	
„	Tingwick	900 – –		„	Ireland	80 – –	
„	Ascot	35 – –		„	Kingsey	160 – –	
„	Wendover	65 – –	4,124 – –	„	Rawdon	220 – –	
1815	Durham	2,757 – –		„	Eaton	400 – –	
„	Eaton	500 – –		„	Barnston	120 – –	
„	Grantham	5,000 – –	8,257 – –	„	Lochaber	389 – –	
1816	Grantham	341 – –		„	Dudswell	600 – –	
„	Ixworth	1,300 – –		„	Upton	120 – –	
„	Roxton	2,316 – –		„	Frampton	160 – –	
„	Wendover	104 – –		„	Chester	150 – –	
„	Ascot	1,188 – –		„	Inverness	160 – –	
„	Stukely	3,100 – –		„	Aug. of Wendover.	155 – –	9,137 – –
„	Ely	2,200 – –	10,549 – –	1824	Broughton	360 – –	
1817	Clifton	120 – –		„	Ireland	718 – –	
„	Sutton	900 – –		„	Kingsey	120 – –	
„	Potton	1,900 – –		„	Kildare	522 – –	
„	Kingsey	200 – –		„	Hull	1,090 – –	
„	Frampton	240 – –		„	Aug. of Seig. of Matane.	1,273 – –	
„	Melbourne	680 – –		„	Blandford	1,518 – –	
„	Ireland	40 – –		„	Leeds	268 – –	
„	Grenville	40 – –		„	Ascot	1,040 – –	
„	Tingwick	1,400 – –	5,520 – –	„	Hatley	60 – –	
1818	Melbourne	140 – –		„	Aug. of Aston	174 – –	
„	Roxton	812 – –		„	Eardley	300 – –	
„	Milton	40 – –		„	Grenville	40 – –	
„	Granby	40 – –		„	Farnham	260 – –	
„	Eaton	40 – –		„	Rawdon	40 – –	
„	Tingwick	941 – –		„	Chester	240 – –	8,023 – –
„	Wendover	40 – –		1825	Leeds	160 – –	
„	Ascot	652 – –		„	Kildare	40 – –	
„	Orford	53 – –		„	Rawdon	60 – –	
„	Hatley	400 – –	3,158 – –	„	Inverness	100 – –	
1819	Chester	200 – –		„	Grantham	37 – –	397 – –
„	Leeds	240 – –		1826	Frampton	440 – –	
„	Ely	840 – –		„	Inverness	40 – –	
„	Shenley	240 – –		„	Leeds	40 – –	
„	Wickham	120 – –		„	Ascot	400 – –	920 – –
„	Wendover	40 – –		1827	Brandon	1,860 – –	
„	Grantham	66 – –		„	Hatley	200 – –	
„	Simpson	28 – –		„	Farnham	220 – –	
„	Kingsey	208 – –		„	Stukely	160 – –	
„	Hatley	235 – –	2,217 – –	„	Grenville	200 – –	
1820	Wickham	82 – –		„	Rawdon	40 – –	
„	Ashford	20 – –		„	Kildare	40 – –	
„	Grenville	40 – –		„	Acton	100 – –	
„	Wendover	70 – –		„	Ham	1,800 – –	
„	Stoneham	40 – –	252 – –	„	Hull	2,706 – –	
1821	Leeds	40 – –		„	Templeton	121 – –	
„	Ashford	250 – –		„	Wickham	140 – –	
„	Halifax	160 – –	450 – –	„	Frampton	20 – –	7,607 – –

No. 7.—Return, showing the Quantity of Land reserved for the Sapport of a Protestant Clergy, &c.—*continued.*

YEAR.	TOWNSHIP.	Number of Acres in each Township.	Number of Acres in each Year.
		A. R. P.	A. R. P.
1828			
,,	Acton	369 – –	
,,	Chester	160 – –	
,,	Ham	394 2 –	
,,	Kildare	120 – –	
,,	Rawdon	60 – –	
,,	Granby	240 – –	
,,	Hatley	80 – –	
,,	Milton	200 – –	
,,	Dudswell	160 – –	
,,	Frampton	440 – –	
,,	Ireland	560 – –	
,,	Brandon	340 – –	
,,	Leeds	266 – –	
,,	Inverness	90 – –	
,,	Stoneham	40 – –	
,,	Grantham	40 – –	
,,	Grenville	40 – –	
,,	Halifax	160 – –	
,,	Upton	1,460 – –	
,,	Armagh	4 – –	
,,	Tingwick	850 – –	
,,	Wendover	60 – –	
,,	Kingsey	100 – –	6,143 2 –
1829	Hinchinbrook	40 – –	
,,	Frampton	520 – –	
,,	Jersey	1,068 – –	1,628 –
1830	Ham	1,143 – –	
,,	Inverness	120 – –	
,,	Chester	500 – –	
,,	Ireland	240 – –	
,,	Leeds	40 – –	
,,	Hereford	240 – –	
,,	Ascot	1,010 – –	
,,	Hatley	1,140 – –	
,,	Orford	128 – –	
,,	Acton	642 – –	
,,	Roxton	120 – –	
,,	Maddington	57 – –	5,380 – –
1831	Frampton	1,157 – –	
,,	Inverness	78 – –	
,,	Ham and aug.	646 – –	
,,	Eardley	20 – –	
,,	Leeds	212 – –	
,,	Shenley	3,272 – –	
,,	Standon	430 – –	
,,	Ireland	220 – –	
,,	Wolfstown	360 – –	
,,	Dudswell	180 – –	
,,	Hull	440 – –	
,,	Kildare	338 – –	
,,	Templeton	76 – –	
,,	Buckingham	720 – –	
,,	Chester	320 – –	
,,	Tingwick	180 – –	
,,	Rawdon	520 – –	
,,	Brandon	400 – –	
,,	Halifax	580 – –	
,,	Hatley	270 – –	
,,	Acton	432 – –	
,,	Broughton	100 – –	
,,	Onslow	40 – –	
,,	Wickham	360 – –	
,,	Maddington	100 – –	
,,	Upton	160 – –	
,,	Stoneham	120 – –	
,,	Warwick	360 – –	
,,	Newport	40 – –	
,,	Granby	80 – –	
,,	Kingsey	40 – –	
,,	Aug. of Aston	200 – –	
,,	Roxton	320 – –	
1831	Ascott	463 – –	
,,	Eaton	220 – –	
,,	Lochaber	155 – –	
,,	Grantham	180 – –	13,794 – –
1832	Ham	5,086 – –	
,,	Inverness	974 – –	
,,	Leeds	640 – –	
,,	Rawdon	960 – –	
,,	Buckingham	160 – –	
,,	Roxton	180 – –	
,,	Grantham	453 – –	
,,	Hull	40 – –	
,,	Ireland	1,180 – –	
,,	Kilkenny	1,520 – –	
,,	Wendover	40 – –	
,,	Wickham	532 – –	
,,	Kildare	400 – –	
,,	Acton	80 – –	
,,	Chester	40 – –	
,,	Wentworth	80 – –	
,,	Stanfold	264 – –	
,,	Dudswell	180 – –	
,,	Kingsey	300 – –	
,,	Hatley	140 – –	
,,	Hemmingford	112 – –	
,,	Lochaber & Gore	410 – –	
,,	Newport	200 – –	
,,	Tingwick	160 – –	
,,	Brandon	2,040 – –	
,,	Ely	260 – –	
,,	Halifax	120 – –	
,,	Ascot	20 – –	
,,	Tewkesbury	80 – –	
,,	Wolfstown	100 – –	
,,	Broughton	340 – –	
,,	Milton	220 – –	
,,	Bulstrode	18 – –	
,,	Upton	220 – –	
,,	Granby	80 – –	
,,	Eaton	60 – –	
,,	Grenville	1,470 – –	
,,	Templeton	380 – –	19,539 – –
1833	Clarendon	530 – –	
,,	Ham	1,760 – –	
,,	Ireland	400 – –	
,,	Stukeley	100 – –	
,,	Eardley	140 – –	
,,	Kingsey	120 – –	
,,	Hull	26 – –	
,,	Brandon	320 – –	
,,	Kildare & aug.	595 – –	
,,	Leeds	70 – –	
,,	Rawdon	400 – –	
,,	Roxton	80 – –	
,,	Buckland	644 – –	
,,	Wickham	20 – –	
,,	Hatley	180 – –	
,,	Cranbourne	578 – –	
,,	Templeton	60 – –	
,,	Kilkenny	260 – –	
,,	Dudswell	240 – –	
,,	Grenville	490 – –	
,,	Wolfstown	400 – –	
,,	Granby	120 – –	
,,	Warwick	40 – –	
,,	Upton	1,644 – –	
,,	Acton	40 – –	
,,	Inverness	160 – –	
,,	Ixworth	40 – –	
,,	Halifax	120 – –	
,,	Grantham	20 – –	

(*continued.*)

No. 7.—Return, showing the Quantity of Land reserved for the Support of a Protestant Clergy, &c.—*continued.*

YEAR.	TOWNSHIP.	Number of Acres in each Township.			Number of Acres in each Year.		
		A.	R.	P.	A.	R.	P.
1833	Eaton	160	–	–			
„	Barnston	40	–	–			
„	Wendover	64	–	–			
„	Buckingham	240	–	–			
„	Lochaber	40	–	–	10,051	–	–
1834	Stukely	25	–	–			
„	Buckingham	1,280	–	–			
„	Dudswell	700	–	–			
„	Chester	220	–	–			
„	Inverness	360	–	–			
„	Kilkenny	280	–	–			
„	Halifax	320	–	–			
„	Rawdon	760	–	–			
„	Maddington	520	–	–			
„	Grenville & aug.	180	–	–			
„	Leeds	176	–	–			
„	Templeton	120	–	–			
„	Ham	793	–	–			
„	Brandon	20	–	–			
„	Acton	100	–	–			
„	Frampton	340	–	–			
„	Tring	440	–	–			
„	Ireland	340	–	–			
„	Kildare	6	–	–			
„	Clarendon	180	–	–			
„	Litchfield	6,868	–	–			
„	Roxton	246	–	–			
„	Stanfold	40	–	–			
„	Cranbourne	9,793	–	–			
„	Thetford	20	–	–			
„	Hatley	20	–	–			
„	Ely	160	–	–			
„	Bristol	6,859	–	–			
„	Matane	11,217	–	–			
„	Wolfstown	340	–	–	42,623	–	–
1835	Stukely	30	–	–			
„	Buckingham	420	–	–			
„	Dudswell	180	–	–			
„	Chester	700	–	–			
„	Inverness	340	–	–			
„	Kilkenny	560	–	–			
„	Halifax	826	–	–			
„	Rawdon	1,700	–	–			
„	Maddington	60	–	–			
„	Grenville	640	–	–			
„	Leeds	665	–	–			
„	Templeton	60	–	–			
„	Ham	1,025	–	–			
„	Brandon	20	–	–			
„	Acton	520	–	–			
„	Frampton	260	–	–			
„	Tring	600	–	–			
„	Ireland	460	–	–			
„	Kildare	22	–	–			
„	Clarendon	1,656	–	–			
„	Litchfield	263	–	–			
„	Roxton	280	–	–			
„	Stanfold	262	–	–			
„	Cranbourne	280	–	–			
„	Thetford	1,296	–	–			
„	Hatley	354	1	24			
„	Ely	1,154	–	–			
„	Bristol	1,609	–	–			
„	Milton	100	–	–			
„	Wolfstown	100	–	–			
„	Ware	6,710	–	–			
„	Eaton	500	–	–			
„	Warwick	580	–	–			
„	Standon & aug.	3,215	–	–			
„	Weedon	260	–	–			
„	Lochaber	2,737	–	–			
1835	Tingwick	160	–	–			
„	Grantham	220	–	–			
„	Granby	20	–	–			
„	Kingsey	270	–	–			
„	Wendover	640	–	–			
„	Wickham	80	–	–			
„	Stoke	80	–	–			
„	Broughton	80	–	–			
„	Hull	300	–	–			
„	Barnston	10	–	–			
„	Newport	635	–	–			
„	Aug. of Aston	160	–	–			
„	Onslow	66	–	–	33,165	1	24
1836	Thetford	3,055	2	35			
„	Ixworth	80	–	–			
„	Dudswell	540	–	–			
„	Bristol	2,654	–	31			
„	Acton	80	–	–			
„	Grenville	210	–	16			
„	Lochaber	300	–	–			
„	Litchfield	133	–	–			
„	Roxton	280	–	–			
„	Rawdon	360	–	–			
„	Inverness	100	–	–			
„	Ireland	180	–	–			
„	Eaton	1,250	–	–			
„	Hull	97	–	–			
„	Buckingham	1,687	–	–			
„	Ware	934	–	–			
„	Warwick	160	–	–			
„	Chester	200	–	–			
„	Wendover	472	–	–			
„	Clarendon	253	–	–			
„	Newport	100	–	–			
„	Cranbourne	180	–	–			
„	Kilkenny	259	–	–			
„	Wickham	20	–	–			
„	Buckland	189	–	–			
„	Stoke	20	–	–			
„	Hatley	1,243	–	–			
„	Orford	480	–	–			
„	Maddington	233	–	–			
„	Leeds	160	–	–			
„	Kingsey	380	–	–			
„	Eardley	20	–	–			
„	Tring	200	–	–			
„	Onslow	120	–	–			
„	Aston	336	–	–			
„	Bulstrode	40	–	–			
„	Jersey	20	–	–			
„	Broughton	20	–	–			
„	Stukely	200	–	–			
„	Compton	11	–	31			
„	Ely	40	–	–			
„	Granby	80	–	–			
„	Ham	140	–	–			
„	Aug. of Kildare	20	–	–			
„	Ashford	20	–	–			
„	Weedon	460	–	–			
„	Halifax	20	–	–	18,037	–	33
1837	Thetford	2,252	–	16			
„	Ely	200	–	–			
„	Cranbourne	40	–	–			
„	Dudswell	80	–	–			
„	Kilkenny	24	–	–			
„	Bristol	321	3	20			
„	Wickham	100	–	–			
„	Ashford	560	–	–			
„	Grenville	120	–	–			
„	Weedon	140	–	–			
„	Wolfstown	400	–	–			

No. 7.—RETURN, showing the Quantity of Land reserved for the Support of a Protestant Clergy, &c.—*continued.*

YEAR.	TOWNSHIP.	Number of Acres in each Towuship.	Number of Acres in each Year.
		A. R. P.	A. R. P.
1837	Roxton - -	120 – –	
„	Maddington -	20 – –	
„	Shefford -	26 – –	
„	Rawdon -	240 – –	
„	Wentworth -	566 – –	
„	Inverness -	400 – –	
„	Kingsey -	20 – –	
„	Stanfold -	280 – –	
„	Ireland - -	120 – –	
„	Chatham -	40 – –	
„	Eaton - -	10 – –	
„	Tring - -	400 – –	
„	Farnham -	40 – –	
„	Onslow - -	28 3 –	
„	Grantham -	20 – –	
„	Buckingham -	1,082 2 39	
„	Upton - -	40 – –	
„	Bulstrode -	514 – –	
„	Standon -	389 – 32	
„	Warwick -	100 – –	
„	Chester - -	360 – –	
„	Broughton -	560 – –	
„	Wendover -	685 – –	
„	Clarendon -	40 – –	
„	Litchfield -	122 1 24	10,462 – 11
1838	Thetford -	797 1 24	
„	Buckingham -	495 1 18	
„	Chester - -	360 – –	
„	Ashford -	200 – –	
„	Grenville -	80 – –	
„	Orford - -	40 – –	
„	Tring - -	170 – –	
„	Kilkenny -	140 – –	
„	Onslow - -	5 – –	
„	Rawdon -	140 – –	
„	Kingsey -	80 – –	
„	Inverness -	20 – –	
„	Stukely - -	20 – –	
„	Maria - -	13 3 –	
„	Ham - -	20 – –	
„	Armagh -	202 2 –	
„	Clarendon -	40 – –	
„	Aug. of Kildare	20 – –	
„	Bulstrode -	100 – –	
„	Brandon -	183 – –	
„	Broughton -	740 – –	
„	Bristol - -	20 – 27½	3,887 – 29½
	TOTAL - - -		673,567 – 10½

RECAPITULATION.

TOWNSHIP.	Number of Acres.	TOWNSHIP.	Number of Acres.	TOWNSHIP.	Number of Acres.
	A. R. P.		A. R. P.		A. R. P.
Acton - - -	7,239 – –	Frampton - -	8,556 – –	Potton - - -	9,118 2 –
Armagh - - -	686 2 –	Granby - - -	8,487 – –	Rawdon - -	6,280 – –
Arthabaska - -	2,000 – –	Grantham - -	13,871 – –	Roxton - - -	9,554 – –
Ascot - - -	7,560 – –	Grenville and augmentation.	5,346 – 16	Shefford - -	12,957 – –
Ashford - - -	1,050 – –			Settrington - -	3,189 – –
Aston and augmentation.	6,324 – –	Halifax - - -	6,906 – –	Sherrington - -	6,806 – –
		Ham - - -	17,517 2 –	Shenley - - -	5,399 – –
Aukland - -	4,400 – –	Hatley - - -	14,134 1 24	Shipton - - -	11,625 – –
Barford - - -	5,400 – –	Hemmingford -	7,303 – –	Simpson - -	8,378 – –
Barnston - -	8,376 – –	Hereford - -	4,640 – –	Somerset - -	7,725 – –
Blandford - -	7,221 – –	Hinchinbrook -	1,120 – –	Stanbridge - -	7,800 – –
Bolton - - -	12,524 1 5	Hull - - - -	7,732 – –	Standon - -	4,034 – 32
Brandon - -	5,183 – –	Hunterstown - -	4,400 – –	Stanfold - -	5,730 – –
Bristol - - -	11,464 – 38½	Inverness - -	5,242 – –	Stanstead - -	10,810 – –
Brome - - -	8,351 1 28	Ireland - - -	6,838 – –	Stoke - - -	8,300 – –
Brompton - -	8,000 – –	Ixworth - - -	1,620 – –	Stoneham - -	5,000 – –
Broughton - -	6,600 – –	Jersey - - -	1,088 – –	Stukely - - -	8,035 – –
Buckingham - -	9,330 – 17	Kildare and augmentation.	4,993 – –	Sutton - - -	8,500 – –
Buckland - -	3,251 – –			Templeton - -	3,791 – –
Bulstrode - -	5,269 – –	Kilkenny - -	3,043 – –	Tewkesbury - -	5,080 – –
Bury - - -	2,200 – –	Kingsey - -	6,693 2 –	Thetford - -	11,821 – 35
Chatham - -	6,680 – –	Leeds - - -	6,792 – –	Tingwick - -	8,991 – –
Chester - - -	7,850 – –	Lingwick - -	3,000 – –	Tring - - -	6,210 – –
Clarendon - -	2,699 – –	Litchfield - -	7,386 1 24	Upton and augmentation.	8,665 – –
Clifton - - -	7,285 2 –	Lochaber - -	7,055 – –		
Clinton - - -	2,000 – –	Maddington - -	2,647 – –	Ware - - -	7,644 – –
Compton - -	7,701 – 31	Magdalen Islands -	8,143 – –	Warwick - -	5,840 – –
Cranbourne - -	10,871 – –	Matane and augmentation.	12,490 – –	Weedon - - -	3,460 – –
Ditton - - -	2,200 – –			Wendover and augmentation	4,806 – –
Dorset - - -	10,200 – –	Maria - - -	13 3 –		
Dudswell - -	5,245 – –	Melbourne - -	5,633 – –	Wentworth - -	3,046 – –
Dunham - -	8,179 – –	Milton - - -	6,653 – –	Westbury - -	2,273 – –
Durham - -	8,507 – –	Nelson - - -	7,811 – –	Wickham - -	9,658 – –
Eardley - - -	1,758 – –	Newport - -	5,375 – –	Windsor - -	10,350 – –
Eaton - - -	9,365 – –	Newton - - -	2,668 – –	Wolfstown - -	3,800 – –
Ely - - -	7,154 – –	Onslow - - -	2,790 1 –		
Farnham - -	7,678 – –	Orford - - -	3,101 – –	TOTAL - - -	673,567 – 10½

No. 8.

MEMORANDUM of Sales of Crown Lands and Clergy Reserves between the 1st September 1828 and 30 June 1836, in which the quantity sold to each Individual or Company exceeds 5,000 Acres.

PURCHASER.	TOWNSHIP.	CROWN.	CLERGY.	TOTAL.
		A.	A.	A.
British American Land Company -	Wickham - - -	-	3,208	—
Ditto - - - -	Acton - - -	726	4,447	—
Ditto - - - -	Brome - - -	- -	2,400	—
Ditto - - - -	Milton - - -	- -	2,674	—
Ditto - - - -	Granby - - -	- -	2,200	—
Ditto - - - -	Shifford - - -	- -	1,800	—
Ditto - - - -	Stukeley - - -	- -	3,071	—
Ditto - - - -	Ely - - - -	- -	5,200	—
Ditto - - - -	Roxton - - -	- -	8,960⅔	—
Ditto - - - -	Stanstead - - -	- -	130	—
Ditto - - - -	Barnston - - -	- -	3,256½	—
Ditto - - - -	Potton - - -	- -	4,400	—
Ditto - - - -	Bolton - - -	- -	1,700	—
Ditto - - - -	Hatley - - -	- -	3,673	—
Ditto - - - -	Newport - - -	- -	3,800	—
Ditto - - - -	Weedon - - -	- -	8,600	—
Ditto - - - -	Dudswell - - -	- -	6,065¾	—
Ditto - - - -	Westbury - - -	- -	925	—
Ditto - - - -	Brompton - - -	- -	1,706	—
Ditto - - - -	Orford - - -	- -	200	—
Ditto - - - -	Stoke - - -	- -	3,941	—
Ditto - - - -	Ascot - - -	- -	2,000	—
Ditto - - - -	Bury - - - -	- -	2,000	—
Ditto - - - -	Lingwick - - -	- -	2,400	—
Ditto - - - -	Melbourne - - -	- -	60	—
Ditto - - - -	Barford - - -	- -	4,800	—
Ditto - - - -	Clifton - - -	- -	8,288	—
Ditto - - - -	Eaton - - -	- -	4,350	—
Ditto - - - -	Auckland - - -	- -	3,800	—
Hon. Mat. Bell - - -	Caxton - - -	5,000	- -	—
Henry Hunt, Humphrys & Webb - -	Ditto - - -	22,888	5,331	—
Jas. H. Kerr & T. Kimpton -	Hunterstown - -	4,300	4,200	—
Lieut. Col. D. M'Dougall -	Acton - - -	31	- -	—
Ditto - - - -	Upton - - -	1,682	4,005	—
Ditto - - - -	Westbury - - -	- -	1,048	—
Tyler Hervey Moore - -	Simpson - - -	7,735	7,800	—
Ditto - - - -	Wendover - - -	16,500	6,400	—
Ditto - - - -	Wickham - - -	9,466⅔	3,184½	—
Ditto - - - -	Grantham - - -	4,400	- -	—
Charles R. Ogden - -	Stukeley - - -	- -	1,600	—
Ditto - - - -	Newport - - -	- -	4,400	—
Ditto - - -	Thetford - - -	3,200	3,200	—
Ditto - - -	Eaton - - -	- -	400	—
Ditto - - -	Clinton - - -	- -	2,000	—
Hon. J. Richardson - -	Grantham - - -	- -	5,600	—
Thos. Allen Stagner - -	Chatham - - -	200	400	—
Ditto - - - -	Horton - - -	- -	1,588	—
Ditto - - - -	Blandford - - -	- -	5,460	—
Ditto - - -	Kingsey - - -	- -	- -	—
Randolph Isham Routh -	Ware, Cranbourne & Standon	6,599	- -	—
Thomas Ryan - - -	Kingsey - - -	10,500	1,800	—
	Total - - -	93,227⅔	158,472¾	251,700½

RECAPITULATION.

PURCHASERS.	CROWN.	CLERGY.	TOTAL.
	A.	A.	A.
British American Land Company -	726	100,056¼	100,782¼
Hon. Mat. Bell - - - - -	5,000	- -	5,000
Henry Hunt, Humphrys & Webb -	22,888	5,331	28,219
Jas. Hastings Kerr & Kimpton -	4,300	4,200	8,500
Lieut. Col. D. M'Dougall - -	1,713	5,053	6,766
Tyler Hervey Moore - - -	38,101⅔	17,384½	55,486¼
Chas. R. Ogden - - - - -	3,200	11,600	14,800
Hon. J. Richardson - - -	- -	5,600	5,600
Thos. Allen Stayner - - -	200	7,448	7,648
Randolph Isham Routh - -	6,599	- -	6,599
Thomas Ryan - - - - -	10,500	1,800	12,300
Total - -	93,227⅔	158,472¾	251,700½

No. 9.

RETURN of the QUANTITY of LAND sold in the District of *Gaspé*, since 1827.

YEAR.	TOWNSHIP.	ACRES.	Total Number of Acres.	PURCHASERS.	REMARKS.
1833	Ristigouche - -	2,100	- -	Robert Christie.	Remitted.
1835	,, - -	268	- -	Robert Ferguson.	
,,	,, - -	1,761	- -	15 Purchasers.	
,,	,, - -	210	- -	Edward Quinlin.	
,,	,, - -	200	- -	Richard Primroy.	
,,	,, - -	236	- -	John Rodgers.	
,,	,, - -	200	- -	Patrick Doyle.	
,,	,, - -	200	- -	Michael Cheaters.	
,,	,, - -	200	- -	William Callow.	
			5,375		
1834	Kempt Road -	1,366	- -	14 Purchasers.	
,,	,, - -	500	- -	Peter Ingram.	
,,	,, - -	186	- -	David Nelson.	
,,	,, - -	252	- -	Alexander Allen.	
,,	,, - -	234	- -	George Dixon.	
,,	,, - -	200	- -	James Haley.	
1835	,, - -	500	- -	3 Purchasers.	
			3,238		
1834	Maria - - -	1,202	- -	14 - ditto.	
,,	,, - - -	305	- -	W. Cuthbert & Co.	
1835	,, - - -	568	- -	- ditto.	
,,	,, - - -	84	- -	1 Purchaser.	
			2,159		
1834	New Richmond -	719	- -	W. Cuthbert & Co.	
,,	,, - -	2,785	- -	28 Purchasers.	
1835	,, - -	2,019	- -	21 - ditto.	
,,	,, - -	352	- -	Edward Burton.	
			5,875		
1834	Carleton - -	174	- -	2 Purchasers.	
1835	,, - -	307	- -	John Grant.	
,,	,, - -	487	- -	5 Purchasers.	
			988		
,,	Hamilton - -	2,003	- -	20 - ditto.	
,,	,, - -	760	- -	Edward Enwright	Remitted (Military).
,,	,, - -	300	- -	Arthur Ritchie.	
			3,063		
,,	Hope - - -	1,546	1,546	Edward Enwright	- ditto.
,,	Port Daniel - -	300	300	- ditto -	- ditto.
			22,544		

No. 10.

RECAPITULATION of the NUMBER of ACRES granted gratuitously under Patent in each Township, from 1796 to 1st August 1838, inclusive.

TOWNSHIP.	Number of Acres included in Patents prior to 1827.			Number of Acres included in Patents from 1827 to 1st August 1838, inclusive.			Total Number of Acres granted gratuitously in Letters Patent.		
	A.	R.	P.	A.	R.	P.	A.	R.	P.
Acton - - - - - - -	23,000	-	-	12,751	-	-	35,751	-	-
Armagh - - - - - -	2,400	-	-	-	-	-	2,400	-	-
Arthabaska - - - - - -	11,000	-	-	-	-	-	11,000	-	-
Ascot - - - - - - -	38,600	-	-	32,647	-	-	71,247	-	-
Ashford - - - - - -	1,200	-	-	3,900	-	-	5,100	-	-
Aston and augmentation - -	27,792	-	-	3,481	-	-	31,273	-	-
Auckland - - - - - -	22,000	-	-	-	-	-	22,000	-	-

(*continued*.)

No. 10.—Number of Acres granted gratuitously under Patent in each Township, &c.—*continued.*

TOWNSHIP	Number of Acres included in Patents prior to 1827.			Number of Acres included in Patents from 1827 to 1st August 1838, inclusive.			Total Number of Acres granted gratuitously in Letters Patent.		
	A.	R.	P.	A.	R.	P.	A.	R.	P.
Barford	26,400	–	–	-	-	-	26,400	–	–
Barnston	29,600	–	–	200	–	–	29,800	–	–
Blandford	37,657	–	–	-	-	-	37,657	–	–
Bolton	62,621	1	30	-	-	-	62,621	1	30
Brandon	-	-	-	22,219	–	–	22,219	–	–
Bristol	-	-	-	2,452	–	–	2,452	–	–
Brome	41,757	3	–	-	-	-	41,757	3	–
Brompton	40,200	–	–	-	-	-	40,200	–	–
Broughton	23,800	–	–	9,300	–	–	33,100	–	–
Buckingham	16,300	–	–	15,926	–	–	32,226	–	–
Buckland	11,500	–	–	4,014	–	–	15,514	–	–
Bulstrode	23,800	–	–	3,662	–	–	27,462	–	–
Bury	11,000	–	–	-	-	-	11,000	–	–
Chatham	41,866	–	–	16,565	–	–	58,431	–	–
Chester	25,151	–	–	10,683	–	–	35,834	–	–
Clarendon	-	-	-	12,901	–	–	12,901	–	–
Clifton	49,530	–	–	-	-	-	49,530	–	–
Clinton	11,000	–	–	-	-	-	11,000	–	–
Compton	25,200	–	–	546	–	–	25,746	–	–
Cranbourne	-	-	-	3,986	–	–	3,986	–	–
Ditton	11,000	–	–	-	-	-	11,000	–	–
Dorset	50,736	–	–	-	-	-	50,736	–	–
Dudswell	14,400	–	–	9,300	–	–	23,700	–	–
Dunham	40,895	–	–	200	–	–	41,095	–	–
Durham	42,253	–	–	1,360	–	–	43,613	–	–
Eardley	7,900	–	–	1,210	–	–	9,110	–	–
Eaton	36,500	–	–	4,900	–	–	41,400	–	–
Ely	26,800	–	–	5,300	–	–	32,100	–	–
Farnham	39,440	–	–	200	–	–	39,640	–	–
Frampton	28,300	–	–	14,000	–	–	42,300	–	–
Godmanchester	41,939	–	–	26,847	1	36	68,786	1	36
Granby	33,900	–	–	12,100	–	–	46,000	–	–
Grantham	76,869	–	–	4,368	–	–	81,237	–	–
Grenville and augmentation	11,138	–	–	14,400	–	–	25,538	–	–
Halifiax	23,300	–	–	7,000	–	–	30,300	–	–
Ham	13,400	–	–	-	-	-	13,400	–	–
Hatley	26,100	–	–	9,512	–	–	35,612	–	–
Hemmingford	39,420	–	–	1,591	–	–	41,011	–	–
Hereford	20,800	–	–	1,200	–	–	22,000	–	–
Hinchinbrook	22,019	–	–	21,267	3	34	43,286	3	34
Hull	16,656	–	–	15,889	–	–	32,545	–	–
Huntingdon	-	-	-	–	2	26	–	2	26
Inverness	12,300	–	–	10,890	–	–	23,190	–	–
Ireland	17,974	–	–	15,397	–	–	33,371	–	–
Ixworth	7,533	–	–	200	–	–	7,733	–	–
Jersey	-	-	-	5,457	–	–	5,457	–	–
Kildare and augmentation	14,330	–	–	4,676	–	–	19,006	–	–
Kilkenny	-	-	-	15,842	–	–	15,842	–	–
Kingsey	30,110	–	–	3,400	–	–	33,510	–	–
Kennebec Road	-	-	-	1,260	–	–	1,260	–	–
Leeds	24,132	–	–	11,687	–	–	35,819	–	–
Lingwick	12,000	–	–	-	-	-	12,000	–	–
Lichfield	-	-	-	836	–	–	836	–	–
Lochaber	14,675	–	–	10,959	–	–	25,634	–	–

No. 10.—Number of Acres granted gratuitously under Patent in each Township, &c.—*continued.*)

TOWNSHIP.	Number of Acres included in Patents prior to 1827.			Number of Acres included in Patents, from 1827 to 1st August 1838, inclusive.			Total Number of Acres granted gratuitously in Letters Patent.		
	A.	R.	P.	A.	R.	P.	A.	R.	P.
Maddington	11,600	–	–	3,905	–	–	15,505	–	–
Magdalen Islands	48,847	–	–	-	-	-	48,847	–	–
Matane and augmentation	-	-	-	1,663	–	–	1,663	–	–
Melbourne	29,700	–	–	700	–	–	30,400	–	–
Milton	23,800	–	–	1,500	–	–	25,300	–	–
Nelson	36,800	–	–	100	–	–	36,900	–	–
Newport	22,800	–	–	4,875	–	–	27,675	–	–
Newton	16,160	–	–	-	-	-	16,160	–	–
Onslow	13,400	–	–	652	–	–	14,052	–	–
Orford	13,600	–	–	-	-	-	13,600	–	–
Potton	32,600	–	–	-	-	-	32,600	–	–
Rawdon	6,500	–	–	24,200	–	–	30,700	–	–
Roxton	23,700	–	–	7,515	–	–	31,215	–	–
Shefford	33,800	–	–	-	-	-	33,800	–	–
Settrington	13,023	–	–	-	-	-	13,023	–	–
Sherrington	34,593	–	–	551	–	–	35,144	–	–
Shenley	11,800	–	–	15,956	–	–	27,756	–	–
Shipton	58,200	–	–	-	-	-	58,200	–	–
Simpson	42,300	–	–	528	–	–	42,828	–	–
Somerset	38,300	–	–	-	-	-	38,300	–	–
Stanbridge	39,800	–	–	1,114	–	–	40,914	–	–
Standon	-	-	-	4,349	2	–	4,349	2	–
Stanfold	24,000	–	–	4,243	–	–	28,243	–	–
Stanstead	79,262	–	–	-	-	-	79,262	–	–
Stoke	43,000	–	–	100	–	–	43,100	–	–
Stoneham	24,000	–	–	600	–	–	24,600	–	–
Stukely	37,475	–	–	1,330	–	–	38,805	–	–
Sutton	39,900	–	–	-	-	-	39,900	–	–
Templeton	16,000	–	–	2,690	–	–	18,690	–	–
Tewkesbury	25,200	–	–	400	–	–	25,600	–	–
Thetford	22,000	–	–	-	-	-	22,000	–	–
Tingwick	41,187	–	–	5,425	–	–	46,612	–	–
Tring	22,100	–	–	8,000	–	–	30,100	–	–
Upton and augmentation	23,905	–	–	18,616	–	–	42,521	–	–
Warwick	23,940	–	–	5,600	–	–	29,540	–	–
Weedon	12,800	–	–	4,800	–	–	17,600	–	–
Wendover and augmentation	13,350	–	–	6,183	2	–	19,533	2	–
Wentworth	11,800	–	–	1,500	–	–	13,300	–	–
Westbury	12,000	–	–	-	-	-	12,000	–	–
Wickham	33,291	–	–	4,020	–	–	37,311	–	–
Windsor	51,200	–	–	-	-	-	51,200	–	–
Wolfestown	11,000	–	–	7,900	–	–	18,900	–	–
Winslow	3,600	–	–	-	-	-	3,600	–	–
Three Islands in River St. Thomas	-	-	-	17	–	32	17	–	32
Islands in Ottawa	-	-	-	11	–	–	11	–	–
Total	2,482,527	–	30	525,527	1	8	3,008,054	1	38

No. 11.—RETURN of Sales of Licenses to Cut Timber on the Waste Lands of The Crown, in *Lower Canada*, from the 1st January 1828 to the 31st December 1837, inclusive.

Year.	Oak.	Upset Price.	Red Pine.	Upset Price.	White Pine.	Upset Price.	W. I. Staves.	Upset Price.	Stand Staves.	Upset Price.	Saw-logs.	Upset Price.	Amount.	Received.	Remarks.
	Feet.	*d.*	*Feet.*	*d.*	*Feet.*	*d.*		£ *s.* *d.*		£. *s.* *d.*		*d.*	£. *s.* *d.*	£. *s.* *d.*	
1828	- -	- -	174,328	1	140,905	½	3,000	1 - 5	725	4 1 8	54,635	2	1,320 17 9	1,193 17 9	
1829	1,467	1½	108,427	,,	231,112	,,	- -	- -	- -	- -	76,571	,,	1,306 16 9	1,249 10 10	- - 252 tons, white pine; 5,640 deals; 63,423 feet, boards, deals; 5,803 feet inch, and 500 feet half-inch deals, boards, are included in the amount 1,306 *l.* 16 *s.* 9 *d.*
1830	2,731	,,	525,558	,,	487,066	,,	- -	- -	- -	- -	125,276	,,	4,265 18 3½	3,193 17 7	
1831	14,048	,,	399,249	,,	406,334	,,	- -	- -	- -	- -	75,660 66,018	2 4	4,103 16 1	1,714 10 9	
1832	35,271	,,	525,323	,,	411,190	,,	- -	- -	- -	- -	64,400 24,000	2 4	3,840 7 -	2,846 12 5	
1833	1,190	,,	347,596	,,	152,950	,,	- -	- -	- -	- -	3,500 500	2 4	1,574 7 4	1,482 8 6	
1834	612	,,	929,054	,,	78,750	,,	- -	- -	- -	- -	45,441 273,313	2 4	4,649 19 3	4,332 14 -	
1835	- -	- -	580,000	,,	190,000	,,	- -	- -	- -	- -	146,500	- -	5,054 3 4	5,369 1 2	- - £.517. 12 *s.* 6 *d.* of this amount was not received until the commencement of 1836.
1836	3,000	1½	609,000	,,	95,000	,,	- -	- -	- -	- -	34,500 96,700 64,000	2 4 6	6,253 6 8	8,975 19 7	
1837	- -	- -	5,000	,,	45,000	,,	- -	- -	- -	- -	3,000 7,400 18,400 2,000	½ 2½ 5 7½	643 15 -	1,271 1 9	
	58,319	- -	4,203,535	- -	2,238,307	- -	3,000	- -	725	- -	935,814	- -	33,013 7 5½	31,629 14 4	

N. B.—The upset prices only are given in the above Return, as the selling price in no one instance has exceeded that of the upset price.

No. 12.

MEMORANDUM of Sales of Crown Lands between the 18th March 1828, and the 31st December 1837, arranged in Classes of Lots less than and not exceeding 100 Acres, in Lots exceeding 100 and not exceeding 200 Acres, and any larger quantities.

	1828.	1829.	1830.	1831.	1832.	1833.	1834.	1835.	1836.	1837.	Total.
Less than and not exceeding 100 acres - -	40	286	266	435	164	93	161	131	64	66	1,706
Exceeding 100, and not exceeding - - 200	40	25	19	37	31	20	37	51	14	13	287
„ 200 „ 300	–	–	–	2	–	2	4	7	4	3	22
„ 300 „ 400	1	–	–	1	2	1	1	11	4	2	23
„ 400 „ 500	–	–	–	–	–	1	4	2	1	1	9
„ 500 „ 600	–	–	–	–	1	1	3	5	3	1	14
„ 600 „ 700	–	–	–	–	1	1	4	2	2	1	11
„ 700 „ 800	1	1	–	1	–	1	–	3	1	–	8
„ 800 „ 900	–	–	–	–	1	1	6	4	7	–	19
„ 900 „ 1,000	3	–	–	1	1	1	2	4	2	1	14
„ 1,000 „ 1,100	–	–	–	1	–	1	–	1	–	–	3
„ 1,100 „ 1,200	3	–	–	1	–	1	–	1	6	–	12
„ 1,200 „ 1,300	1	–	–	–	–	2	–	1	–	–	4
„ 1,300 „ 1,400	–	–	–	–	–	1	–	1	3	–	7
„ 1,400 „ 1,500	–	–	–	–	–	–	–	1	–	–	1
„ 1,500 „ 1,600	–	–	–	–	–	2	–	2	–	–	4
„ 1,600 „ 1,700	–	–	–	–	1	1	–	1	–	–	3
„ 1,700 „ 1,800	–	–	–	–	–	1	–	1	1	1	4
„ 1,800 „ 2,000	–	–	–	–	–	1	–	–	–	–	1
„ 2,000 „ 2,200	–	–	–	–	–	1	2	–	–	1	4
„ 2,200 „ 2,300	–	–	–	–	–	–	–	1	–	–	1
„ 2,300 „ 2,700	–	–	–	–	–	–	–	–	1	–	1
„ 2,700 „ 2,726	–	–	–	–	–	–	–	–	1	–	1
„ 2,726 „ 2,850	–	–	–	1	–	–	–	–	–	–	1
„ 2,850 „ 3,250	–	–	–	–	–	1	–	1	–	–	2
„ 3,250 „ 3,600	–	–	–	–	–	–	–	–	–	1	1
„ 3,600 „ 4,000	–	–	–	–	–	–	–	–	2	–	2
„ 4,000 „ 4,268	–	–	–	–	–	–	–	–	–	1	1
„ 4,268 „ 5,280	–	–	–	–	–	–	–	–	–	1	1
„ 5,280 „ 5,525	–	–	–	–	–	–	–	–	1	–	1
„ 5,525 „ 5,670	–	–	–	–	–	–	–	–	–	1	1
„ 5,670 „ 7,104	–	–	–	–	–	–	–	–	1	–	1
											2,170

No. 13.

MEMORANDUM of SALES of CLERGY RESERVES between the 4th July 1829, and 31st December 1837, arranged in Classes of Sales of Lots less than and not exceeding 100 Acres, or Lots exceeding 100 and not exceeding 200 Acres, and any larger quantities.

———	1829.	1830.	1831.	1832.	1833.	1834.	1835.	1836.	1837.	TOTALS.
Less than and not exceeding 100 acres	9	28	88	14	250	120	67	36	72	684
Exceeding 100 and not exceeding 200	1	8	13	19	65	30	21	29	23	209
„ 200 „ 300	–	–	–	1	9	3	1	2	–	16
„ 300 „ 400	–	–	1	–	2	–	4	4	–	11
„ 400 „ 500	–	–	–	–	1	–	–	4	–	5
„ 500 „ 600	–	–	–	1	–	1	–	–	1	3
„ 700 „ 800	–	–	1	–	1	–	–	1	–	3
„ 800 „ 900	–	–	–	1	–	–	–	–	–	1
„ 900 „1,000	–	–	–	–	1	–	–	–	1	2
„1,000 „1,100	–	–	–	–	–	–	1	–	–	1
„1,100 „1,200	–	–	–	–	–	–	1	–	–	1
„1,200 „1,300	–	–	–	–	1	–	–	–	–	1
„1,600 „1,700	–	–	–	–	–	–	–	1	–	1
„1,700 „1,800	–	–	–	–	–	–	–	1	–	1
„2,000 „2,200	–	–	–	–	–	–	1	–	1	2
„2,300 „2,400	–	–	–	–	–	–	–	–	2	2
Not exceeding 9,632	–	–	–	–	–	–	–	1	–	1
										944

No. 14.

STATEMENT of the SURVEYED LANDS in the Province of *Upper Canada*, of the CLERGY RESERVES, Granted or Appropriated, and Vacant Lands.

DISTRICT.	Contents.	Clergy Reserves.	Granted or Appropriated.	Vacant.	REMARKS.
Eastern - - -	779,480	104,791	673,315	1,374	30,280 acres Indian land.
Ottawa - -	709,720	97,327	523,069	89,324	
Johnstown - -	1,021,000	141,646	864,964	14,390	
Bathurst - -	1,165,900	157,283	696,995	311,622	
Prince Edward -	213,800	26,200	187,600	—	
Midland - -	1,841,002	248,856	1,232,126	360,020	
Newcastle - -	1,970,600	273,660	1,320,740	376,200	2,600 acres Indian land.
Home - - -	2,879,900	413,333	2,105,677	355,890	
Gore - - -	1,180,400	146,940	1,030,781	2,679	257,000 acres Indian land in these districts, 42,000 acres Canada Company in Gore district.
Niagara - -	564,100	25,450	537,580	1,070	
Talbot - - -	383,200	52,400	330,700	100	
London - -	1,655,400	238,019	1,349,731	67,650	20,360 acres Indian land.
Western - -	1,617,500	211,240	1,389,560	16,700	87,500 acres Indian land.
	15,982,002	2,142,145	12,243,838	1,597,019	
Deduct for Roads -	450,000				
	15,532,002				
Indian lands south of Dundas-street -	318,000	96,400	318,000	- - -	Cl. Res. for Six Nations Indians, in Gore district.
Canada Com. Block	1,100,000	157,142	1,100,000	- - -	Clergy reserves, taken in the Huron Tract.
	16,950,002		13,660,838		

Surveyor-general's Office,
Toronto, U. C., 22 Sept. 1838.

R. B. Sullivan,
Surveyor-general, U. C.

No. 15.—STATEMENT of the ANNUAL SALES and RECEIPTS of CROWN LANDS and CLERGY RESERVES, by the COMMISSIONER of CROWN LANDS; together with the ANNUAL PRODUCE of the TIMBER DUTIES, from the Year 1826 to 30th June 1838, inclusive.

CROWN LANDS.				CLERGY RESERVES.					WOODS AND FORESTS.		
Year.	Number of Acres of Crown Land sold in each Year.	Total Amount for which sold in each Year.	Principal Amount received in each Year.	Year.	Number of Acres of Clergy Reserves sold in each Year.	Average Price per Acre.	Total Amount for which sold in each Year.	Principal Amount received in each Year.	Year.	Annual Produce of Timber Duties.	REMARKS.
		Cy £. s. d.	Cy £. s. d.				Cy £. s. d.	Cy £. s. d.		Cy £. s. d.	
1826	- - -	- - -	- - -	1826 }	- - -	- -	- - -	- - -	- -	- - -	- - The timber duties for the years 1826–1827 were collected by Robert Sheriff, Esq., before the appointment of commissioner for Crown lands, agent for the sale of clergy reserves and surveyor-general of woods and forests, which appointment took place in 1828; this department has consequently no knowledge of the amount collected in those years.
1827	- - -	- - -	- - -	1827 }							
1828	two water lots	252 - -	63 - -	1828	none sold	- -	- - -	- - -	1828	4,176 19 2	
1829	3,883	2,940 17 3	823 6 10	1829	18,014	14/8	13,229 - -	2,466 1 3	1829	3,997 2 3½	(A.) The amount of arrearages due on Crown lands, exclusive of interest, is 23,026*l.* 10*s.* 6¼*d.*
1830	6,147¾	4,409 3 -	1,405 16 6	1830	34,705½	13/6	23,452 4 -	6,216 1 11	1830	7,672 - 2¾	(A.) (B.) These columns include sales and receipts of town and park lots.
1831	4,365	2,483 4 4	1,722 7 8¼	1831	28,563¼	12/1¾	17,362 12 1½	8,010 2 11	1831	9,662 5 2	
1832	10,352	5,038 17 9	2,585 2 2¾	1832	48,484¾	13/3¾	32,287 19 -	10,239 9 7½	1832	6,577 12 5½	(B.) (C.) These columns show amount of principal only.
1833	26,417½	13,253 8 3	6,294 16 9	1833	62,282¼	14/4¼	44,747 19 9	14,080 16 8½	1833	1,928 12 3	
1834	8,891	5,195 4 11	3,817 6 8½	1834	59,526	13/10¾	41,376 18 7	14,467 9 5½	1834	3,059 9 9	
1835	22,707	9,041 11 2	5,205 5 2	1835	59,003½	13/10½	40,973 15 8	17,000 3 5½	1835	8,583 - 3½	
1836	7,923¾	6,551 12 11	5,617 12 3¼	1836	63,440½	12/11	40,984 14 5½	18,473 3 7½	1836	4,285 17 11	
1837	7 003¾	6,187 6 10	5,302 19 7	1837	81,549	12/9¼	52,253 7 4	18,318 6 8	1837	4,077 14 4	from 10 May to 31 December.
1838 to 30 June.	2,627	1,526 4 7	1,015 6 9	1838 to 30 June.	11,173¾	13/4½	7,481 9 3	5,346 19 3	1838 to 30 June.	4,064 11 1	
	100,317¾	56,879 11 - (A.)	33,853 - 5¾ (B.)		466,742½		314,150 - 2	114,618 14 10½ (C.)		58,085 4 11¼	

Crown Lands Office, Toronto, 29 September 1838.

R. B. Sullivan, Com. C. Lands.

No. 16.

A STATEMENT of the Quantity of LAND, described, located, or for which authorities are lodged in the Surveyor-general's Office in favour of U. E. Loyalists and Militia Claimants.

U. E. LOYALISTS.

Acres unlocated.	Acres located.	Acres described.	TOTAL.
321,950	150,800	2,734,239	3,206,989

MILITIA CLAIMANTS.

204,332	124,376	402,001	730,709

Surveyor-general's Office, Toronto,
22 September 1838.

R. B. Sullivan,
Surveyor-general.

No. 17.

A RETURN of the NUMBER of ACRES of CROWN LANDS granted from July 1804 to January 1819, under the Regulations of the 6th July 1804, subject to the payment of Fees.

Total - - - - - - - - 388,263 Acres.

Surveyor-general's Office, Toronto,
10 October 1838.

J. Radenhurst.

No. 18.

A RETURN of the NUMBER of ACRES of CROWN LANDS granted under the Regulations of the 1st January 1820.

Total - - - - - - - - - 72,228 Acres.

Surveyor-general's Office, Toronto,
2 October 1838.

J. Radenhurst.

No. 19.

A RETURN of the NUMBER of ACRES of CROWN LANDS described for Patent during the time Settlement Duty was in force, namely from the 14th November 1818 to the 1st July 1835

Total - - - - - - - - - 2,078,487 Acres.

Surveyor-general's Office, Toronto,
10 October 1838.

J. Radenhurst.

No. 20.

A RETURN of the NUMBER of ACRES of GOVERNMENT LANDS for which Descriptions have issued since the 1st of July 1835, the period at which Settlement Duties were dispensed with on Grants to U. E. Loyalists and Militiamen.

Total - - - - - - - - - 1,662,300 Acres.

Surveyor-general's Office, Toronto,
4 October 1838.

J. Radenhurst.

No. 21.

A RETURN of the NUMBER of ACRES of CROWN LANDS granted under the Regulations of 1825 (without purchasing).

Total - - - - - - 15,100 Acres, being under the quit rent system.

Surveyor-general's Office, Toronto,
10 October 1838.

J. Radenhurst.

N.B.—The original grantees, under this regulation, on application to the Lieutenant-governor in Council, now receive their patents on payment of the fees of 1804; the regulation itself has become obsolete.

J. Radenhurst.

No. 22.

A RETURN of the Number of Acres of Land granted to discharge Soldiers and Seamen.

Previous to the 31st December 1825 - - - 112,200 Acres.

Subsequent to 31st December 1825 - - - 337,200 Acres.

Surveyor-general's Office, Toronto.
16 October 1838.

J. Radenhurst.

No. 23.

A RETURN of the Number of Acres of Crown Lands granted to Magistrates and Barristers.

Total - - - - - - - - - 235,500 acres.

J. Radenhurst.

Surveyor-general's Office, Toronto,
15 October, 1838.

No. 24.

A RETURN of the Number of Acres of Crown Lands granted to Clergymen of different denominations.

Sect.	No. of Acres.
Church of England - - -	29,000
Presbyterian - - - -	3,000
Roman Catholic - - -	4,700
Total Acres - - -	36,900

Surveyor-general's Office, Toronto,
15 October 1838.

J. Radenhurst.

No. 25.

A RETURN of the Number of Acres of Crown Lands granted to Executive Councillors and their Families.

	Name of the Grantee.	No. of Acres.	Date of the Orders in Council.
	Hon. Alexander Grant - - -	6,000	10th July 1793 and July 1799.
Family of Alexander Grant.	Alexander Grant, jun. - - -	1,200	21st August 1796.
	Bella Grant - - - - -	1,200	
	Archange Grant - - - -	1,200	
	Phillis Grant - - - - -	1,200	
	Theresa Grant - - - - -	1,200	
	Betsy Grant - - - - -	1,200	
	Nelly Grant - - - - -	1,200	10th June 1797.
	Nancy Grant - - - - -	1,200	
	Mary Grant - - - - -	1,200	
	Mrs. Theresa Grant - - - -	1,200	
	Hon. Peter Russell - - - -	6,000	17th October 1792 and 1st July 1799.
Sister of Peter Russell.	Elizabeth Russell - - -	1,200	18th July 1795.
	Hon. Henry Alcock - - - -	6,000	1st December 1798 and 9th Feb. 1807.
Family of H. Alcock.	Catherine H. Alcock - - -	1,200	1st December 1798.
	Mrs. Hannah Alcock - - -	1,200	

(*continued.*)

	NAME OF THE GRANTEE.	No. of Acres.	Date of the Orders in Council.
	Hon. Samuel Smith	4,280	23d July 1793.
Family of S. Smith, as the children of a U. E. Loyalist.	Samuel Boies Smith	1,200	1st December 1836.
	Ann Smith	1,200	8th May 1832.
	Isabella Smith	1,200	
	Emma L. Smith	1,200	
	Catherine Smith	1,200	
	Harriet L. Smith	1,200	12th January 1837.
	Hon. David William Smith	7,200	11th July 1795, 10th June 1797 and 1st July 1799.
Family of D. W. Smith.	Mrs. Ann Smith	1,200	
	Mary Elizabeth Smith	1,200	6th October 1796.
	Sarah Smith	1,200	
	David W. Smith, jun.	1,200	
	John Smith	1,200	21st April 1798.
	Mrs. Ann Smith (widow)	1,200	6th October 1796.
	Hon. John Elmsley	6,000	1st July 1799.
Wife of John Elmsley.	Mrs. Mary Elmsley	- -	15th June 1797.
	Hon. James Baly	6,000	1st July 1799.
Wife of James Baly.	Mrs. Susan Baly	1,200	23d July 1793.
	Hon. John M'Gill	6,000	4th July 1799.
Wife of John M'Gill.	Mrs. Catherine M'Gill	1,200	6th October 1796.
	Hon. William Dummer Powell	6,000	29th Dec. 1788, 1st 1794, 31st Mar. 1797 and 7th Dec. 1802.
Family of W. D. Powell.	Mrs. Hannah Powell	1,200	3d January 1797.
	John Powell	1,200	11th December 1797.
	Grant Powell	1,200	
	Jeremiah Powell	1,200	
	Thomas Powell	1,200	
	Ann Powell	1,200	
	Elizabeth Powell	1,200	
	Mary Boyles Powell	1,200	
	Hon. William Claus	2,000	26th Jan. 1797 and 14th June 1811
Family of Wm. Claus.	William Claus, jun.	1,200	19th January 1818.
	John Claus	1,200	3d November 1836.
	Warren Claus	1,200	8th August 1833.
	Mrs. Catherine Claus	1,200	19th January 1818.
	Mrs. Ann Claus, widow of Lieutenant-colonel Claus	5,000	14th April 1798.
	Hon. Æneas Shaw	6,000	29th July 1795 and 1st July 1799
Family of Æneas Shaw.	Æneas Shaw, jun.	1,200	27th April 1796.
	Alexander Shaw	1,200	
	Charles Shaw	1,200	
	George Shaw	1,200	
	John Shaw	1,200	
	Richard Shaw	1,200	
	Isabella Shaw	1,200	
	Sophia Shaw	1,200	
	Ann Shaw	1,200	5th September 1833.
	Charlotte Steuart Shaw	1,200	5th September 1833.
	Mary Ralston	1,200	12th August 1833.
	Hon. Predeaux Selby	2,000	27th July 1797.
	Hon. Thomas Scott	1,200	1st June 1802.
	Hon. Colonel John G. Simcoe	5,000	9th July 1794.
Son of John G. Simcoe.	Francis G. Simcoe	1,200	18th June 1795.
Family of John Small, Clerk of the Executive Council.	John Small, Esq.	3,700	3d August 1795, 4th Dec. 1806.
	Mrs. Eliza Small	1,200	5th October 1796.
	Joseph A. Small	780	4th October 1796.
	John R. Small	1,200	14th March 1811.
	James E. Small	1,200	14th March 1811.
	Total Acres	136,960	

Surveyor-general's Office, Toronto,
6 October 1838.

J. Radenhurst.

No. 26.

A RETURN of certain large GRANTS made to LEGISLATIVE COUNCILLORS and their Families.

NAME OF THE GRANTEE.	No. of Acres.	Date of the Orders in Council.
Hon. Robert Hamilton	6,060	17th January 1797.
Family of Robert Hamilton. — Robert Hamilton, jun.	1,200	
Family of Robert Hamilton. — George Hamilton	1,200	
Family of Robert Hamilton. — Alexander Hamilton	1,200	
Family of Robert Hamilton. — James Hamilton	1,200	17th January 1797.
Family of Robert Hamilton. — Samuel Hamilton	1,200	
Family of Robert Hamilton. — William R. Hamilton	1,200	
Family of Robert Hamilton. — John Robertson Hamilton	1,200	
Family of Robert Hamilton. — Peter Hamilton	1,200	
Hon. Richard Cartwright	4,422	21st June 1794, 6th Jan. 1796 and 4th June 1796.
Family of Richard Cartwright. — Mrs. Magdelen Cartwright	1,200	
Family of Richard Cartwright. — James Cartwright	1,200	
Family of Richard Cartwright. — Richard Cartwright, jun.	1,200	7th June 1797.
Family of Richard Cartwright. — Hannah Cartwright	1,200	
Family of Richard Cartwright. — Mary Cartwright	1,200	
Hon. John Munro	3,200	29th June 1793.
Family of John Munro. — Harry Munro	1,200	
Family of John Munro. — John Munro, jun.	1,200	
Family of John Munro. — William Munro	1,200	
Family of John Munro. — Cornelia Munro	1,200	1st July 1797.
Family of John Munro. — Christiana Munro	1,200	
Family of John Munro. — Charlotte Munro	1,200	
Family of John Munro. — Mary Munro	1,200	
Hon. Henry Hay	5,000	22d June 1793.
„ Thomas Fraser	6,793	14th August 1797.
Total Acres	43,475	

Surveyor general's Office, Toronto,
6th October 1838.

J. Radenhurst.

No. 27.

SCHEDULE showing the COMPENSATIONS made to CONTRACTORS and SURVEYORS for making SURVEYS in the Province of *Upper Canada*.

Names of Contractors and Surveyors.	Contractor.	Surveyor.	Townships surveyed.	Acres.
William Browne	-	Sr.	Plantagenet	2,709
James G. Chewett	-	„	Medonte	2,803
Mahlon Burwell	-	„	Lobo	2,195
William Browne	-	„	Seymour	3,515 ½
Daniel M'Intire	Cr.	-	Madoc, part of	1,200
Ezekiel Benson	-	Sr.	Mono	2,544
Ezekiel Benson	-	„	Essa	3,253
Ezekiel Benson	-	„	Adjala	2,310
James G. Chewett	-	„	Oro	3,105
James G. Chewett	-	„	Albion	2,635
Gabriel Lount	-	„	West Gwillimbury	1,960
George Richard Ferguson	Cr.	-	Tyendinaga, part of	1,331
Samuel Ryckman	-	Sr.	Eramosa	2,030
Samuel Ryckman	-	„	Nasagiweya, north half of	973
Samuel Ryckman	-	„	Caledon, west part of	1,685
Daniel M'Intire	Cr.	-	Madoc, part of	1,130
Thaddeus Davis	„	-	Nissouri	4,290
Thaddeus Davis	„	-	Zorra	5,069
Daniel M'Intire	„	-	Madoc, part of	1,120
James Pearson	„	-	Innisfil	3,440
James G. Chewett	-	Sr.	Caledon, east part of	1,400
Abraham Nelles	Cr.	-	Esquesing, north part of	1,400
Abraham Nelles	„	-	Erin, south half of	1,720
Gabriel Lount	-	Sr.	Tecumseth	2,350

(*continued.*)

No. 27.—SCHEDULE showing the Compensation made to Contractors and Surveyors, &c.—*continued.*

Names of Contractors and Surveyors.	Contractor.	Surveyor.	Townships surveyed.	Acres.
Mahlon Burwell		Sr.	Houghton	1,505
Billa Flint	Cr.		Marmora	3,456
Zaccheus Burnham	,,		Otonabee	3,150
Mahlon Burwell		Sr.	Yarmouth, north part of	1,026
Mahlon Burwell		,,	Southwold, south part of	719 7/10
Timothy Street	Cr.		Chinguacousy, part of	1,900
John Galbraith		Sr.	Mariposa	3,555
Timothy Street	Cr.		Toronto (township) part of	1,000
Timothy Street	,,		Trafalgar, part of	850
Timothy Street	,,		Esquesing, part of	800
Richard Bristol		Sr.	Toronto, part of	600
Richard Bristol		,,	Chinguacousy, part of	1,800
Richard Bristol		,,	Esquesing, part of	800
Richard Bristol		,,	Trafalgar, part of	600
Reuben Sherwood		,,	Nasagiwega, part of	1,000
Reuben Sherwood		,,	Nelson, part of	1,000
Reuben Sherwood		,,	Toronto, the Gore of	900
Thomas Smith		,,	Sombra	4,445
Mahlon Burwell		,,	Mosa	2,237
James G. Chewett		,,	Vespra	1,970
Zaccheus Burnham	Cr.		Asphodel	1,820
John Edward White		Sr.	Thora	2,216
Andrew Borland and William Roe	Cr.		Orillia	3,851
John M'Donald		Sr.	Clarence	4,201
John M'Donald		,,	Gloucester, part of	2,463
Duncan M'Donell		,,	Cumberland, & part of Gloucester	5,612
Duncan M'Donell		,,	Gloucester, part of	1,221
William Browne		,,	Alfred	1,320
John Smyth	Cr.		Elzevir	3,447
John Bostwick		Sr.	Westminster	1,218
Thomas Horner	Cr.		Dawn	3,773
Samuel M. Benson		Sr.	Hungerford	2,466
Allan Robinet	Cr.		Tosorontio	2,240
Allan Robinet	,,		Mono, west part of	960
Samuel Ryckman		Sr.	Erin, north part of	1,723
Samuel Ryckman		,,	Garrafraxa	4,631
William Browne		,,	Plantagenet, Gore of	1,476
Billa Flint	Cr.		Lavant	1,818
Billa Flint	,,		Torbolton	795
Billa Flint	,,		Fitzroy	1,885
Billa Flint	,,		Pakenham	1,920
Billa Flint	,,		Darling	2,880
Samuel M. Benson		Sr.	Sheffield	3,158
John Goessman		,,	Tiny	3,803
Billa Flint	Cr.		Palmerston	3,114
Allan Robinet	,,		Mulmur	3,572
Allan Robinet	,,		Amaranth	3,248
Mahlon Burwell		Sr.	Zone	2,950
Mahlon Burwell		,,	Gosfield	916
Mahlon Burwell		,,	Raleigh	2,172
Abraham Nelles	Cr.		Harvey	6,100
Abraham Nelles	,,		Burleigh	4,126
Abraham Nelles	,,		Emily	1,114
Mahlon Burwell		Sr.	Howard	1,714
William M'Donald		,,	Russell	2,550
Charles Hayes	Cr.		Belmont, Lake and Methuen	8,535
Samuel M. Benson		Sr.	Hinchinbrook	2,437
Samuel M. Benson		,,	Bedford	2,858
Abraham Nelles	Cr.		Blanford	1,129
John Smyth	,,		Kaladar	3,362
James Kirkpatrick		Sr.	Fenelon	4,147
Mahlon Burwell		,,	East Tilbury	2,494
Mahlon Burwell		,,	West Tilbury	2,306
Mahlon Burwell		,,	Middleton	1,667
Charles Fothergill	Cr.		Verulam, part of	1,870
Reuben Sherwood		Sr.	Mac Nab	5,128
George S. Bolton	Cr.		Verulam, part of	1,870
Owen Quinn		Sr.	Horton	1,080
Allan Robinet	Cr.		Melancthon, part of	1,300
James G. Chewett		Sr.	Mara	2,484
Duncan M'Donell		,,	Ops	3,054
Henry Ewing		,,	Eldon	4,103

No. 27.—SCHEDULE showing the Compensation made to Contractors and Surveyors, &c.—*continued.*

Names of Surveyors and Contractors.	Contractor.	Surveyor.	Townships surveyed.	Acres.
Mahlon Burwell	- -	Sr.	Sandwich	1,578
Mahlon Burwell	- -	,,	Maidstone	2,128
Mahlon Burwell	- -	,,	Rochester	1,584
Mahlon Burwell	- -	,,	Orford, part of	600
Mahlon Burwell	- -	,,	Orford, part of	354
William M'Donald	- -	,,	Osgoode	5,010
John Smyth	Cr.	- -	Olden	3,034
John Smyth	,,	- -	Kenebec	3,456
John Smyth	,,	- -	Oso	2,475
Angus Cattanach	- -	Sr.	Roxborough, part of	1,009
Zaccheus Burnham	Cr.	- -	Douro	1,669
Zaccheus Burnham	,,	- -	Dummer	2,988
Andrew Borland and William Roe	,,	- -	Tay	1,930
Mahlon Burwell	- -	Sr.	Carradoc, part of	1,182
Mahlon Burwell	- -	,,	Southwold, part of	700
Mahlon Burwell	- -	,,	Harwich	3,475
			TOTAL	264,950

No. 28.

A RETURN of NUMBER of ACRES patented to the CANADA COMPANY - - 1,393,388 Acres.

Appropriated

In Blocks	1,100,000	
Scattered Crown reserves	1,384,413	
		2,484,413
Remaining		1,091,025

Surveyor-general's Office, Toronto, U. C.
5 September 1838. *J. Radenhurst.*

No. 29.

A RETURN of the NUMBER of ACRES of CROWN LANDS disposed of by SALE, for which Descriptions have issued.

Total - - - - - - - - - - - 55,084¼ Acres.

Surveyor-general's Office, Toronto,
4 October 1838. *J. Radenhurst.*

No. 30.

A RETURN of the NUMBER of ACRES of CLERGY RESERVES, for which Descriptions have issued.

Total - - - - - - - - - - - 73,806½ Acres.

Surveyor-general's Office, Toronto,
4 October 1828. *J. Radenhurst.*

No. 31.

A RETURN of the NUMBER of ACRES of SCHOOL LANDS, under Patent; viz.—

20,677 Acres.

Surveyor-general's Office, Toronto,
10 October 1828. *J. Radenhurst.*

No. 32.

RETURN of LANDS granted to OFFICERS of the ARMY and NAVY in lieu of REMISSION MONEY.

Total - - - - - - - - - - - 92,526 Acres.

Surveyor-general's Office, Toronto,
10 October 1838. *J. Radenhurst.*

No. 33.

A RETURN of the NUMBER of ACRES of CROWN LANDS located but not described for Patent, exclusive of such as have been sold by the Commissioner of Crown Lands, and of those included in the sale to the Canada Company.

Total - - - - - - - - - - 795,400 Acres.

Surveyor-general's Office, Toronto,
16 October 1838.

J. Radenhurst.

No. 34.

RETURN of the NUMBER of ACRES of LAND for which Orders in Council are filed in the Surveyor General's Office, which remain unlocated; viz.—

To emigrants, &c., subject to the payment of fees - - - 86,050 Acres.

To reduced officers, soldiers and seamen - - - - - 106,300 Acres.

To provincial militiamen - - - - - - - - - 85,200 Acres.

To United Empire Loyalists and Military claimants who served during the revolutionary war with the United States - - - - 295,200 Acres.

Surveyor-general's Office, Toronto,
16 October 1838.

J. Radenhurst.

No. 35.

INSTRUCTIONS from the Right honourable the Lords Commissioners of His Majesty's Treasury, to *Peter Robinson*, Esq., Commissioner for the Sale and Management of Crown Lands in the Province of *Upper Canada*.

WHEREAS his Majesty, by a commission bearing date the 17th day of July 1827, did nominate and appoint you, the said Peter Robinson, to the office and trust of commissioner for the sale and management of Crown lands in the province of Upper Canada, and did strictly enjoin you to follow such orders and directions as you might from time to time receive from the Commissioners of his Majesty's Treasury, or from any one of his Majesty's principal Secretaries of State, or from the Governor or officer administering the government of the province of Upper Canada for the time being: Now we, the Commissioners of his Majesty's Treasury, do hereby require and enjoin you to govern yourself in the execution of the duties of your said office by the following instructions:—

That you do forthwith repair to Canada, and report your arrival to the Governor or officer administering the government, and lay before him his Majesty's commission appointing you to the said office, and these our instructions for the guidance of your conduct in the execution of the duties thereof.

That you do immediately upon your arrival enter into security to the satisfaction of the Governor or officer administering the government, yourself in 5,000*l.*, and two sureties in 2,500*l.* each, that you will diligently and faithfully perform the duties of your said office, and duly account for, and pay over all monies which may come to your hands in the execution thereof.

That as soon as possible after your arrival you do proceed to ascertain the nature and particulars of all the Crown property within the said province under the following heads:—

Waste lands in those districts of the colony which have not heretofore been surveyed or laid out.

Waste lands in those districts of the colony which have been surveyed and laid out, but no part of which has been granted.

Ungranted lands and Crown reserves in those districts where grants have been made.

Lands which have been granted in perpetuity upon payment of quit or other rents.

Lands and reserves which have been granted upon leases for series of years upon reserved rents or otherwise.

That you do make an annual report of the progress you may have made in ascertaining these particulars to us, or to the Commissioners of the Treasury for the time being, and also to the Governor or officer administering the government of the province of Upper Canada.

That no lands or other Crown reserves arising from lands within the province of Upper Canada, be hereafter disposed of or granted, except upon the following conditions:—

By actual sale, or in cases of poor settlers by grants, subject to quit rents in the manner hereafter directed.

That you do from time to time, and at least once in every year, submit to the Governor or officer administering the government, a report of the total quantity of each district of Crown property, within each district of the reserve, so far as you may then have ascertained the same, together with your opinion of the quality of each description of property

property which it may be expedient to offer for sale within the then ensuing year, and the upset price per acre at which you would recommend the several descriptions of property to be offered, obtaining previously a certificate from the surveyor-general of woods and forests within the province, that the land proposed to be offered by you does not contain any considerable quantity of valuable timber fit for his Majesty's navy, or for any other purposes, it being the intention that no grant of the land upon which such timber may be growing should be made until the timber is clear.

That if the Governor or officer administering the government should be pleased to sanction the sale of the whole or any part of the land recommended by you, to be sold at the upset price recommended by you, or at any other price which he may name, you will proceed to the sale in the following manner:—

You will give notice in the York Gazette and in such other newspaper as may be circulating in the province, as well as in any other manner that circumstances will admit of, of the time and place appointed for sale of the lands in each district, and of the upset price at which the lots are proposed to be offered: that the lots will be sold to the highest bidder, and if no offer should be made at the upset price, that the lands will be reserved for future sale in a similar manner by auction.

That no lot should contain more than 1,200 estimated acres.—You will also state in the notices of the conditions of the sale, that the purchase-money is to be paid by four instalments, without interest, the first instalment at the time of the sale, and the second, third and fourth instalments at the intervals of a year.

That if the instalments are not regularly paid the deposit will be forfeited, and the land again referred to sale.

In case of purchasers of land at any sale, not exceeding 200 acres, being unable to advance the purchase-money by instalments as proposed, you may permit the purchaser to occupy the same upon a quit rent, equal to five per cent. upon the amount of the purchase-money, one year's quit rent to be paid at the time of sale in advance, and to be paid annually in advance afterwards; upon the failure of regular payment, the lands to be again referred to auction and sold; the quit rent upon lands so purchased in this manner to be subject to redemption upon payment of 20 years' purchase, and parties to be permitted to redeem the same by any number of instalments, not exceeding four, upon the payment of not less at any one time than five years' amount of quit rent, the same proportion of the quit rent to cease. In case, however, the parties should fail regularly to pay the remainder of the quit rent, the same to be deducted from the instalment paid, and the land to be resold by auction whenever the instalment may be absolved by the accruing payment of the remainder of the quit rents.

That public notice should be given in each district in every year, stating the names of the persons in each district who may be in arrear, either for the instalments of their purchase, or for quit rents, and that if the arrears are not paid up before the commencement of the sales in that district for the following years, that the lands in respect of which the instalments or quit rents may be due will be the first lot to be exposed to auction at the ensuing sales, and if any surplus of the produce of the sale of each lot should remain, after satisfying the Crown for the sum due, the same will be paid to the original purchasers of the land who made default in payment.

That no land be granted at any other time than at the current sales in each district, except upon application from poor settlers who may not have been in the colony more than six months preceding the last annual sale.

That settlers so circumstanced may be permitted to purchase land, not exceeding 200 acres each, at the price at which it may have been offered at the last annual sale, and not purchased, and may pay for the same, or by quit rent computed at five per cent. on the sale price, and thenceforth these persons shall be considered as entitled to all the privileges, and be subject to the same obligations, as they would have been subject to if they had purchased the land at the last sale.

In cases of settlers who shall be desirous of obtaining grantsof land in districts not surveyed, or in districts in which no unredeemable grants hall have been made, you will, under the authority of the Governor, at any time within the period of seven years from the date hereof, grant permission of occupancy to any such settlers for lots of land not exceeding 200 acres, upon condition that they shall pay a quit rent for the same equal to five per cent. upon the estimated value of the land at the time such occupancy shall be granted, and the persons to whom license of occupation may be made shall have liberty to redeem such quit rent at any time before the expiration of the seven years, upon the payment of 20 years' purchase of the amount, and at any time after the termination of the seven years, upon the payment of any arrears of quit rent which may be then due, and 20 years' purchase of the annual amount of the rent.

That no patent shall be granted until the whole of the purchase-money shall have been paid; nor any transfer of the property made, except in case of death, until the whole of the arrears of the instalments or quit rent shall have been paid.

That the purchase-money for all lands, as well as the quit rents, shall be paid to you, or to such persons as you may appoint, at the times and places to be named in the condition of the sale.

You will give public notice, that you have received instructions to apply to all persons holding lands from the Crown in perpetuity, upon the payment of quit rents, as well as to all persons holding lands upon lease for term of years for payment of the rents which may be due from them respectively, to commence from the 1st of January 1827; and

you will, at any time within seven years from the date hereof, sell to the proprietor, at 20 years' purchase, any lands held in free and common soccage (but to no other person whatever), any quit rent which may be payable by them respectively, provided that all arrears up to the end of the year preceding the time of purchase be previously paid.

If these quit-rents are not purchased by the proprietor within the period of seven years from the date hereof, further insructions will be given in regard to the sale by public auction, or otherwise, as may then be deemed expedient.

With respect to the lands upon lease for terms of years, you are desired on no account to sell the same by public auction if the rent is not more than two years in arrear, until the termination of the lease ; but if the rent is more than two years in arrear, and if, according to the terms of the lease, the same is void in consequence of the non-payment of the rent, you are at liberty to submit to the Governor or officer administering the government that any such lots should be sold. If, however, previously to the sale the rent is paid up, you will withdraw the same from the sale ; and you will at any time sell to the lessee of such lands as may be held under lease, at such price as the Governor or officer administering the government may, upon your recommendation, approve of, the land so held, all arrears of rent being in every case paid up to the end of the year preceding the sale ; but in no case at less than 20 years' purchase of the rent.

You will, on the first January and first July in every year, render a complete account of all your sales within the preceding half year to the auditor of provincial accounts, specifying the conditions upon which each lot is sold, and you will at the same period render a complete cash account of the money received and expended by you within the same period, carrying forward to each account any balance which may remain in your hands at the date of the preceding account. And you will, on the first January, first April, first July, and first October in each year, pay over to the receiver-general of the province, any sum which may on those days respectively be in your hands over and above the sum of 500*l.*, which you are permitted to retain for future contingent expenses.

You will not charge the salary and remuneration to which you are entitled under your commission in your accounts, but you will receive the same annually, by warrant of the governor, out of the treasure, which you may have paid into the hands of the receiver of the province in the preceding year.

You are authorized to incur and defray such contingent expenses for authorities, clerks, treasurer and receiver of rents, office-rent, &c., as you may find absolutely necessary, and as the Governor or officer administering the government may sanction and approve, provided, however, that the whole of such contingent expenses shall not exceed one-sixth part of the money to be received by you under his Majesty's commission, and these our instructions.

That you do transmit to us, or to the commissicners of the Treasury for the time being copies of the half-yearly accounts which you may render to the auditor of provincial accounts in Canada, and that the same be transmitted by the first direct conveyance which may offer, after the periods they are respectively rendered.

That in the execution of the duties of the said office you do obey all such orders and directions as you may from time to time receive from us, or the commissioners of the Treasury for the time being, or from any one of his Majesty's principal Secretaries of State, or from the Governor or officer administering the government.

(signed) *MacNaghten.*
J. Leveson Gower.
Eliot.

Whitehall, Treasury Chambers,
the 18th day of July, 1827.

Instructions to Peter Robinson, Esquire, commissioner for the sale and management of Crown lands in the province of Upper Canada.

No 36.

Quebec, 20 September 1838.

To his Excellency the Lieutenant-governor and Lieutenant-general commanding the Canadas, &c. &c. &c.

The humble PETITION of *Edward Shuel*, late an out-pensioner of Chelsea Hospital, on one shilling per day, that humbly begs leave to approach your Excellency.

My Lord and Noble Earl,

YOUR most obedient and very humble servant is one of those unfortunate pensioners who have commuted their pension, the only means to support them for life. I am now in a far advanced stage of my life, can neither work or want; I am also deprived of the use of one side of my body totally, from wounds and other circumstances sustained while in the service of our lamented and most gracious Sovereign Lord King George the Third, and in his Majesty's 58th regiment of foot, for the period of 23 years. I only crave that your Excellency, should the same be in the nature of things, and from compassion and pity on this desolate man, to take him into consideration, as he is in the actual support of a wife and six children without any means whatsoever, to recommend him as an object of pity to the Lords Commissioners of Chelsea Hospital, to be re-instated to his former pension of 1*s.* per day,

day, as all he has got for his commute is exhausted in bringing his family here, and their support of food and raiment is now run out and has no more, or no more means, and by so doing or otherwise, I have the honour to be your Excellency's most obedient, most truly devoted, and very humble servant, at command.

(signed) *Edward Shuel.*

No. 37.

Province du Bas Canada, District de Québec, Comté de Saguenay.

A son Excellence le Très Honorable Jean George Comte *Durham*, Vi-comte Lambton, &c. &c., Chevalier Grande Croix du Très Honorable Ordre Militaire du Bain, l'un des Conseillers du Très Honorable Conseil Privé de Sa Majesté, Gouverneur-général de toutes les Provinces sur et proche le Continent de l'Amérique Septentrionale, &c. &c. &c. &c.

Qu'il plaise à vôtre Excellence,

Les soussignés habitans des paroisses dans le Comté de Saguenay, par la présente requête,

Exposent très humblement,

Que le sol du Comté de Saguenay est très montagneux, et offre peu de terre propre à la culture, comparativement au chiffre de la population qui est d'environ 20,000 âmes.

Que de nouveaux etablissements ont été formés par vos petitionnaires en arrière des concessions primitives à mésure que l'augmentation de la population le rendait nécessaire; mais que plusieurs années d'experience ont convaincu ceux qui s'y sont retirés, et qui yont fait des travaux immenses suivis avec la plus grande perseverance, que ces terrains ne sont nullement propres à la culture, tant par la nature du sol que parceque leur position les expose á des gelées prematures.

Que depuis six ans surtout, ce fléau a causé des ravages affreux et a entièrement privé les habitans des nouvelles concessions de recoltes, et ruiné une très grande partie de leurs habitans, dont des milliers seraient morts de misère et d'inanition sans les sécours bienveillans du Governement, et les sacrifices généreux de leurs concitoyens des concessions riveraines.

Qu'il est d'une necessité impérieuse qu'un grand nombre de vos petitionnaires trouve ailleurs un sol moins ingrat, qui seconde leurs efforts, et leur donne l'espoir de sortir bientot de l'état de souffrance ou ils sont plongés.

Qu'il existe à une petite distance des etablissements actuels, et derrière la chaine de montagnes sur les quelles ils sont situés, une étendue de terre appartenant à la couronne, moins exposé au ravages de la gelée et plus propres à la culture, que les nouvelles concessions des seigneuries situées dans le dit comté de Saguenay; savoir, à partir de la ligne qui divise la seigneurie de Mille Vaches sur le fleuve St. Laurent d'avéc le terrain appartenant à la couronne, en remontant le dit fleuve jusqu'à Taddousac, et de là remontant la Rivière Saguenay jusqu'à Chicoutimy et le lac St. Jean et ses environs, y compris, et audelà, autant qu'il y aura de terres disponibles.

Que vos requérants qui sont absolument forcés d'abandonner leurs etablissements actuels, donneraient la préférence au terrain susdésigné, parcequ'ils pourraient y reçevoir de leurs parens et amis les sécours que necessitent de nouveaux établissements; et que la Rivière Saguenay leur offre des moyens de communication faciles avec le St. Laurent.

Que vos petitionnaires se sont assurés, par des visites faites dans differentes saisons, que le terrain dont ils sollicitent l'octroi, est, sous tous les rapports, propre à la culture, et que le climat y est moins rigoureux, et les saisons plus regulières que sur les montagnes qu'ils habitent à présent.

Que vos petitionnaires ont déjà demandé au Governement de Sa Majesté, par l'entremise de la Chambre d'Assemblée, la permission de s'établir sur le terrain en question; et nommement en mil huit cent trente cinq; mais qu'un certain bail des postes du roi, accordé par le Gouvernement de Sa Majesté à l'Honorable Compagnie de la Baie d'Hudson, a été la raison assignée par le Gouvernement d'alors pour differer l'octroi du dit terrain tel que demandé.

Que la dite compagnie ayant obtenu du Gouveruement de Sa Majesté, l'année dernière, la permission de couper et préparer les bois de construction qui se trouvent sur le terrain à elle ainsi baillée, a cédé, aux mêmes conditions qu'elle l'avait obtenu, ce privilège à un nombre de vos requérants qui l'exercent à la satisfaction de la dite compagnie.

Que vos requérants sont portés à croire que la dite compagnie, dont les agents résident sur les lieux, connoissant l'état de souffrance de vos requérants, ne s'opposeraient pas à l'établissement de vos requérants sur le terrain en question, pourvu qu'aucunes entraves ne fussent, par là, mises à leur commerce avec les aborigènes; c'est à quoi vos requérants s'engageraient solennellement.

Que vos requérants prient votre Excellence de vouloir bien être convaincu qu'il est absolument nécessaire qu'une partie des terres vacantes de la couronne soit accordée au surplus de la population du comté de Saguenay, que des années de deprivations et de souffrances inouies ont réduit à un état affreux de découragement et d'inquietude.

Pourquoi vos requérants prient humblement qu'il plaise à vôtre Excellence leur permettre d'entrer sur les terres de la couronne situées, savoir, a partir de la dite ligne qui divise la seigneurie de Milles Vaches, sur le fleuve St. Laurent, d'avec le terrain appartenant à la couronne, en remontant le dit fleuve jusqu'à Taddousac; et de là remontant la Rivière

Saguenay jusqu'à Chicoutimy et le Lac St. Jean et ses environs y compris, et audelà autant qu'il y aura de terre disponibles. Pour s'y établir et former des etablissements permanents, sous tel système de tenure qu'il plaira à votre Excellence établir, pourvu néanmoins que ce ne soit pas le système féodal qui regit les seigneuries en cette province; et à telles conditions qu'il plaira à votre Excellence leur imposer.

Et vos requérants demandent de plus, qu'il plaise à votre Excellence mêttre un terme prochain à leurs souffrances, en se rendant à leur prière, nonobstant l'éxistence du bail consenti à l'Honorable Compagnie de la Baie d'Hudson, dont vos réquerants s'engagent solennellement, et offrent les garanties les plus formelles de respecter les droits résultants du dit bail.

Et vos requérants ne cesseront de prier.

Comté de Saguenay, 1 Août 1838.

No. 38.

CORRESPONDENCE as to the delay in putting Mr. *Wingfield* in possession of two and a half Lots purchased at a Government sale in the Township of *Anderdon*.

Sir, Toronto, 25 September 1838.

ON the 31st of August, 1837, I purchased at a Government sale at Sandwich, in the western district, Lots Nos. 10 and 11 in the first concession, and north half of Lot No. 4 in the third concession, together with a gore, lying and being in the township of Anderdon, western district, and containing 320 acres. The conditions of the sale were, that the land was sold with all improvements upon it, and possession to be given immediately upon payment of the first instalment.

I sent my first instalment to Toronto immediately upon making the purchase, and received back my location ticket. In the month of May, relying on the good faith of Mr. Samuel Jarvise's (head of the Indian department) word, who told me I might depend upon the honour of the Government giving me immediate possession, I paid the remainder of the purchase-money, in all 1,088 *l.* 15 *s.*, and took out my deed, but have, up to the present date of this letter, been forcibly kept out of possession of the house, peach and apple orchards, and all the improved lands in the above-mentioned lots, by the Indians, who complain the Government have not fulfilled their contracts with them. I therefore hope you will represent the case to his Excellency Lord Durham, and that he will place me in peaceable possession of my property, pay me interest for my money, and recompense me for the expense I have consequently incurred, and the danger I have sustained.

I have, &c.

R. D. Hanson, Esq., &c. &c. &c. (signed) *Rowland Wingfield.*

Sir, Toronto, 26 September 1838.

I AM directed by the Commissioners of Inquiry of Crown Lands and Emigration to inform you that they have this day received a letter from Mr. Rowland Wingfield, complaining of his inability to obtain possession of 320 acres of land in the township of Anderdon, western district, sold to him by Gevernment on the 31st of August, 1837, and the whole purchase-money for which, amounting to 1,088 *l.* 15 *s.*, was paid in the month of April last. They further desire me to request you will have the goodness to furnish them with a statement of the real circumstances of the case, in order that they may be enabled to reply to Mr. Wingfield.

I am, &c.

Hon. R. B. Sullivan, Commissioner of Crown Lands, &c. &c. &c. (signed) *Henry W. Petre*, Secretary.

Sir, Crown Lands Office, Toronto, 29 September 1838.

IN reply to your letter of the 26th instant, I beg to acquaint you, for the information of the Commissioners of Inquiry of Crown Lands and Emigration, that the land purchased by Mr. Rowland Wingfield, in Anderdon, was described for patent on the 4th of April last in his name.

The difficulty of obtaining possession complained of by Mr. Wingfield arises from a misunderstanding between the Indian occupants and their superintendent, respecting the valuation of certain improvements made by them. I have already referred a similar case to S. P. Jarvis, Esq., chief superintendent of Indian affairs, who will no doubt be able to satisfactorily explain why a delay has occurred in the present case.

I am, &c.

(signed) *R. B. Sullivan*, Commissioner of Crown Lands.

Hon. H. W. Petre, Secretary to Commissioners.

Sir, Toronto, 1 October 1838.

I AM directed by the Commissioners of Inquiry of Crown Lands and Emigration to enclose copies of letters received from Mr. Wingfield and the Commissioner of Crown Lands, relative to the purchase, by the former gentleman, of two-and-a-half lots in the township of Anderdon; and I shall be obliged by your informing me of the grounds upon which possession has been withheld from him.

I am, &c.

S. P. Jarvis, Esq., (signed) *Henry W. Petre*, Secretary.
Chief Superintendent of Indian Affairs.

Sir, Indian Office, Toronto, 2 October 1838.

I HAVE the honour to acknowledge the receipt of your letter of the 1st instant, on the subject of some land purchased by Mr. Rowland Wingfield, in August 1837, at a Government sale, in the township of Anderdon, and requesting to be informed why possession had been withheld from Mr. Wingfield, to whom a deed had issued on payment of the purchase-money.

In reply I beg leave to observe, that the delay of which Mr. Wingfield complains may have been occasioned by a demand on the part of some of the Indians to be paid the value of the soil, which they had agreed to evacuate to enable Government to dispose of the same, and with the proceeds establish a fund for the general purposes of the tribe; which demand, if acceded to, would (it was conceived) not only be prejudicial to the general interests of the tribe, but would defeat, in some degree, the very object the tribe had in view when they resolved to sell a portion of their reserve.

I enclose an extract from Sir George Arthur's reply to a deputation of chiefs, who addressed his Excellency on the subject of the sale of this reservation, by which you will perceive that nothing now delays the payment of the full sum claimed but the consent, in writing, of the tribe.

I have, &c.

Hon. H. W. Petre, (signed) *S. P. Jarvis.*
&c. &c. &c.

No. 39.

PAPER furnished by *S. P. Jarvis*, Esq. Chief Superintendent of Indian Affairs, in reply to Queries submitted to him by the Commissioners of Crown Lands and Emigration.

Sir,

I AM directed by the Commissioners of Crown Lands and Emigration, to request that you will furnish them with information on the subject of the Indians in the province, and the property to which they are entitled, under the following heads.

I am, &c.

H. W. Petre, Secretary to Commission.

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1. Number of Indians within the colony?

It is impossible to answer this question correctly. The bands of Indians inhabiting the country north of Lakes Huron and Superior are numerous.

The resident Indians within the province are as follows:—The Chippewas of the St. Clair Rapids, Chevail Ecarté, River aux Sables—Number, 911.

The Hurons of Amherstburgh; the Chippewas of Amherstburgh; the Shawanees of Amherstburgh; the Munsees of Amherstburgh—Number, 197.

The Chippewas of Delaware; the Munsees of Delaware; the Moravians of Delaware—762.

The Six Nations, 2,149.

The Mississagas of River Credit, 240.

The Mississagas of Rice Lake, 135.

The Mississagas of Mud Lake, 159.

The Mohawks of the Bay of Quinté, 337.

The Mississagas of Grape Island, 214.

The Chippewas of Cold Water and the Narrows, 426.

The Chippewas of Manitoulen Island, Lake Huron, 188.

The Ottawas of Manitoulin Island, Lake Huron, 80.

The Chippewas of La Cloch and Mississaging, 225.

The Chippewas of St. Joseph, 90.

The Chippewas of St. Mary's, 99.

The Chippewas between Manatouwanning and Penetanguishine.

The Chippewas of Lake Nippising, 59.

The Pottawatamies of Sanging, 238.

The Chippewas of Sanging, 152.

The Chippewas of Michipicoton, 57.

Besides these, there are of Pottawatamies, Chippewas, Ottawas and Minonunies, from 1,800 to 2,000, who chiefly reside on the shores of Lake Michigan, and on the south shores of Lake Superior, but who nevertheless consider themselves as owing allegiance to the British Crown.

2. The quantity of land which they hold?

The Upper St. Clair Indian reserve contains about 9,000 acres. The lower reserve extends one mile in front on the River St. Clair, and about four miles in depth. There are several islands which the Indians claim, which may contain about 5,000 acres.

The reserves at the River aux Sables contain about 5,000 acres.

The Huron reserve, near Amherstburgh, extends six miles along the River Detroit, and is seven miles in depth.

Point Pele contains about 3,500 acres.

The Chippawas of the River Thames have about 12,000 acres in the township of Carradoc.

The Moravians Detawarco occupy a tract of about 26,000 acres in the township of Zone, and 25,155 acres in the township of Oxford.

The Six Nations had originally six miles on either side of the Grand river, from the mouth to the source of the river. They have still left about 200,000 acres.

The Mississagas of the River Credit have rather more than 3,000 acres, near to the mouth of the river.

The Mississagas of Rice and Mud Lakes, including the Alawack settlers, about 6,000 acres.

The Mohawks of the Bay of Quinte, about 58,000 acres.

The Chippawas of Lakes Huron and Simcoe, residing at the Narrows and Coldwater, until very lately possessed a tract of about 9,000 acres. They have recently surrendered it to Government, for the purpose of being sold.

They are now in treaty for the purchase of about 1,000 acres on the east side of Lake Simcoe, where they propose erecting a village.

The Great Manatouwanning island, which is especially reserved for the use of all Indians who may be disposed to settle upon it, contains from 800,000 to 1,000,000 of acres.

The tribes at La Cloch, Mississaging, and those tribes residing to the north of Lakes Huron and Superior, consider the vast extent of country which they occupy as hunting grounds belonging to them.

The Pottawatamities, and Chippawas of Sanging, on the south shore of Lake Huron, claim the peninsula north of Owen's Sound to Cahot's Head.

3. The manner in which their lands have been acquired; whether by grant from Government, or by being permitted to retain part of their original possessions?

The Six Nations Indians, including the Mohawks of the Bay of Quinti, held their reserves by grant from the Crown. The territory was purchased of the Mississagas for the express purpose of being given to those tribes, as a reward for their fidelity and services during the old American war.

The most of the land occupied by Indians in other parts of the province are special reserves in their original possessions, made by themselves when they sold the adjacent lands to Government.

There are, however, some few tracts in the Newcastle district which have been reserved by Government for the use of the Mississaga Indians, and some which have been purchased by the Indians themselves; viz. at the Rice and Mud Lakes, and at Balsam Lake.

4. The manner in which the land is held, whether by individuals or the tribe?

The Indians in all cases hold their lands in joint tenancy, to them and their posterity.

5. Whether they are permitted to sell it, and upon what terms?

They are not permitted to sell, lease, or in any other manner dispose of their lands, but with the consent and concurrence of Government.

Should they do so, the land thus sold, or otherwise disposed of, reverts to the Crown. *See* Royal Proclamation, dated St. James's, 1768.

6. The quantity actually sold?

This query can best be answered by reference to the surveyor-general's office.

7. The value received for it?

The commissioner of Crown lands can best answer this query.

No. 40.

COPY of CIRCULAR LETTER addressed by Secretary of Commission of Inquiry of Crown Lands and Emigration, to Sheriffs of each District in *Upper Canada*, and of replies received thereto.

Sir,

I AM directed by the Commissioners of Inquiry of Crown Lands and Emigration, to request that you will furnish, for their information, a return of all the public sales of land which have taken place in your district up to the present time, on account of the non-payment of the wild land tax, including in such return, the amount of land sold at each sale, the name of the purchaser, the amount of tax due at the time of sale, and the price per acre at which the land was sold. I shall be obliged by your furnishing such return at your earliest convenience.

I am, &c.

Sir,

Sir, Sheriff's Office, London, 29 September 1838.

YOUR application for a return of the public sales of land in this district, must be made to H. V. A. Rapelje, Esq., sheriff, district of Talbot.

I have made no sales since my assuming the duties of this shrievalty.

I have, &c.

(signed) *James Hamilton*, Sheriff, L. D.

Henry W. Petre, Esq.

Sir, Sheriff's Office, Kingston, 8 October 1838.

I HAVE the honour to acknowlege your letter of the 3d instant, and to acquaint you, for the information of the Commissioners of Inquiry of Crown Lands and Emigration, that since the month of May last, when I assumed the duties of sheriff of this district, no public sales of land have taken place through me, on account of the non-payment of wild land tax. My predecessors in this office have left me no documents whatever relative to such matters; I therefore, regret that it is not in my power to render the return required by you.

I have, &c.

H. W. Petre, Esq.
Secretary to the Commissioners of Inquiry
of Crown Lands and Emigration, Toronto.

(signed) *A. M^cDonell*,
Sheriff, Midland District.

Sir, Sandwich, 10 October 1838.

I HAVE just had the honour of your letter of the 3d instant, and beg to state without delay in reply, for the information of the Commissioners of Inquiry of Crown Lands and Emigration, that with every disposition to furnish the information required, I have no documents in my possession from which such a return as that desired could be framed; but, that I presume the same can readily be furnished by the treasurer of the district, under whose directions the occasional sale of lands on account of arrears of assessment takes place.

Perhaps it may not be considered out of place to observe, that I infer that the return called for is not meant to extend back to the commencement of the existing system, as the information wanted has already been furnished to the provincial parliament, up to, I believe, the year 1834, and will be found detailed in the printed parliamentary records.

I beg further to add, that I only entered on the duties of sheriff, in October of last year, and that no sale of lands has since taken place; Parliament having, in consequence of the unsettled state of the times, interdicted the sale lands, on account of arrears of assessment, until the close of the present year.

I have, &c.

Henry W. Petre, Esq.
Secretary of Board of Commissioners of Inquiry
on Crown Lands and Emigration, &c. &c.

(signed) *R. Lachlan*, Sheriff, W. D.

Sir, Sheriff's Office, Ottawa District, L'Orignal, 11 Oct. 1838.

I BEG to acknowledge the receipt of your communication of the 1st instant, which I received on the 8th, requiring me to furnish certain information respecting the sale of lands for taxes in this district; and in answer thereto, I beg to state for the information of the Commissioners of Inquiry, that the commission appointing me to the office of sheriff of this district bears date 26th May 1835; this puts it beyond my power to furnish a statement of sales made by my predecessor in office.

During my incumbency, there has been but one public sale of lands for taxes, and I have taken the liberty of transmitting you a copy of my book of sales, adding the calculation of the price per acre to it, and also some observations that may elucidate the subject, and show the benefit of the act in question. By reference to my return, you will observe but a small part of the lands returned to me for sale by the treasurer were ever exposed to sale, the proprietors thereof having paid the amount due on their land into the hands of that officer; and several others, previous to the day of sale, paid the amount due into my hands as sheriff. The taxes due on several lots, were levied by distress, found upon the lands charged with the taxes; several lots were allowed to be sold by the owners, to confirm their title, being the most ready and least expensive manner of mending defects in their title.

I would also beg leave to remark, that by reference to the return, you will observe that a comparatively small proportion of the lands actually sold have been forfeited, as they were redeemed during the time allowed by law for redemption; and, of course, remain the property of the original proprietor.

Having had the agency of extensive tracts of lands in this section of the country, and having formed some fine settlements in this district, I would beg to observe, before closing these remarks, that there were many more settlers entered upon their lands in this district, than in any previous year; this being the year after the first sales of land for taxes in this province, and the opportunity was seized upon by many poor men, who are now reaping the advantage of their purchases.

Should you require any further information that is within my power to furnish, I shall be most happy to communicate it.

I have, &c.

Henry W. Petre, Esq.
Secretary to the Commissioners of Inquiry
of Crown Lands and Emigration.

(signed) *Ch. P. Treadwell*, Sheriff.

Sir,

Sir, Sheriff's Office, Picton, 15 Oct. 1838.

Yours of the 3d instant is before me; and, in answer, can only say, that I have no knowledge whatever of any lands having been sold for the taxes in this district.

I have, &c.
(signed) *Owen M'Mahon,*
Sheriff, District P. Edward.

Henry W. Petre, Esq.
Secretary to the Commissioners of Inquiry of
Crown Lands and Emigration, &c.
Public Buildings, Toronto.

No. 41.

Letter from *William Patton*, complaining of Error in Surveyor-general's Office.

Sir, Georgina, 23 Oct. 1838.

I beg leave to submit to you the following statement:—About Midsummer of 1836 I went to Toronto, to obtain from the surveyor-general the location of 100 acres of land, to which I was entitled, as I was an old servant of the Crown. As the Governor happened to be absent from Toronto, I could not then get my location ticket; but they told me that they would give it to any one in Toronto who should call for it. I told them my daughter lived in town, who afterwards sent it to me by letter. The location ticket was for the east half of No. 17, in the 5 Con., in the township of Medonte, in the county of Simcoe, in the Home District. I immediately, on the receipt of the location ticket, set out for the above township, together with my son and another person, to raise a house, in performance of my settlement duties, upon the lot. On my way to Medonte, I called at a Mr. M'Kay's, who told me that my lot had been deeded three years. On my arrival at Medonte I was informed by a Mr. Miller, who lived contiguous to the lot, that he had never seen any one looking at the lot, nor did he believe that it was deeded, and he further stated that no settlement duties whatever were done upon the land, and that he had resided there six years. I went with Mr. Miller's son and the two persons above mentioned, and examined the lot; not a tree was cut upon it.

Hearing that the lot was deeded, and not being able to obtain certain information about it, I returned to Georgina, and I immediately went to Toronto, to the surveyor-general's office, to know if my lot was deeded or not. The person in attendance in the office told me, upon my giving him the number, that I never got that lot; that it had been deeded five years ago. I replied that I had the location ticket, but I had forgotten to bring it with me. I instantly returned to Georgina, and the week following I went to Toronto, and produced my location ticket at the surveyor-general's office, when I was again refused the land, and was told that it had been deeded 12 years. I was offered several vacant lots, and the deed immediately of any of them I might choose; but I refused them all, stating that I wished to have the land to which I had a right by my location ticket, and which is still in my possession. I was then ordered out of the office, the officer telling me and my son-in-law that we were troublesome people.

I have now to request that you will be pleased to lay the above statement before his Excellency the Governor-general, and to beg that his Excellency will be graciously pleased to direct justice to be done to an old seaman.

I have, &c.
(signed) *William Patton.*

R. D. Hanson, Esq.,
Commissioner of Crown Lands and Emigration,
Toronto.

No. 42.

Attorney-general's Office, Halifax,
Sir, 10 October 1837.

We had the honour to receive your letter of yesterday, by the command of his Excellency the Lieutenant-governor, requesting our opinion as to the effect of improvements made upon granted lands by other persons than the grantees of the Crown, and without authority from such grantees. The improvements required to be made upon such lands are, by the words of the grant, necessarily limited to the grantee, his heirs or assigns, being the only parties upon whom the Crown could enforce a condition considered necessary for the improvement of the country; which, running with the land, by the acceptance of the grant, became binding upon them severally; but where the condition of the grant has been complied with, and the improvement actually made by a stranger, upon whom the Crown could impose no condition, it is nevertheless, in our opinion, quite sufficient in law to bar an escheat. By this no injustice can be done to the grantee, as he has the power within the time limited by law to resume the possession of his lands, and avail himself of all the improvements made by a wrong doer, which would in such case enure to his benefit against the Crown, in the same

same manner as if made by himself, or by his authority; but should he not assert his right in time, but suffer such wrong doer to remain until he had by possession acquired a title against him, such title would be protected against the Crown by the grant, provided the conditions thereof were performed, nor could a question of title between parties, under such circumstances, be made the subject of inquiry in a proceeding for escheat.

We have, &c.

(signed) *S. E. W. Archibald*, Attorney-general.
J. H. Johnston, Solicitor general.

No. 43.

INSTRUCTIONS from Lord *Bathurst* as to the Disposal of WASTE LANDS in *New Brunswick*.

Sir, Downing-street, 1 March, 1827.

I AM to convey to you the following instructions for your guidance in disposing of Crown Lands in the province of New Brunswick.

That you do, as soon as possible after the receipt of this despatch, proceed to ascertain the nature and particulars of all the Crown property within the said province under the following heads:—

Waste lands in those districts of the colony which have not heretofore been surveyed or laid out, but no part of which has been granted.

Ungranted lands and Crown reserves in those districts where grants have been made.

Lands which may have been granted in perpetuity upon payment of quit or other rents.

Lands and reserves which may have been granted upon leases for series of years upon reserved rents or otherwise.

That you do make an annual report of progress you may have made in ascertaining these particulars to the Secretary of State, or the Commissioners of Crown Lands for the time being, and also to the Governor or officer administering the government of New Brunswick.

That no lands or other Crown reserves arising from lands within the province of New Brunswick be hereafter disposed of or granted, excepting upon the following conditions, by actual sale, or in case of poor settlers, by grants, subject to quit-rents, in the manner hereinafter directed.

That you do from time to time, and at least once in every year, submit to the Governor or officer administering the government, a report of the total quantity of each district of Crown property within each district of the reserve, so far as you may then have ascertained the same, together with your opinion of the quality of each description of property which it may be expedient to offer for sale within the ensuing year, and the upset price per acre at which you would recommend the several descriptions of property to be offered; provided that the land proposed to be offered for sale does not contain any considerable quantity of valuable timber fit for his Majesty's navy or for any other purpose, it being the intention that no grant of land upon which such timber may be growing should be made until the timber is cleared.

That if the Governor or officer administering the government should be pleased to sanction the sale of the whole or any part of the land recommended by you to be sold at the upset price recommended by you, or at any other price which he may name, you will proceed to the sale in the following manner. You will give public notice in the Gazette, and in such other paper as may be circulating in the province, as well as in any other manner that circumstances will admit of, of the time and place appointed for sale of the lands in each district, and of the upset price, and that unsold lands will be reserved for future sale in a similar manner by auction.

That no lots should contain more than 1,200 estimated acres. You will also state in the notices of the conditions of the sale, that the purchase-money is to be paid by four instalments, without interest, the first instalment at the time of sale, and the second, third and fourth instalments at intervals of a year.

That if the instalments are not regularly paid, the deposit will be forfeited, and the land again referred to sale.

In case purchasers of land at any sale not exceeding 200 acres, should be unable to advance the purchase-money by instalments as proposed, you may permit the purchaser to occupy the same upon a quit-rent equal to five per cent. upon the amount of the purchase-money. One year's quit-rent to be paid at the time of sale in advance, and to be paid annually in advance afterwards; upon the failure of regular payment, the land to be again referred to auction and sold.

The quit-rent upon lands so purchased in this manner to be subject to redemption upon payment of 20 years' purchase, and parties to be permitted to redeem the same by any number of instalments, not exceeding four, upon the payment of not less at any one time than five years' amount of quit-rent, the same proportion of the quit-rent to cease, however, if the parties should fail regularly to pay the remainder of the quit-rent; the same to be deducted from the instalment paid, and the lands to be re-sold by auction whenever the instalment may be absorbed by the accruing payment of the remainder of the quit-rent.

That public notice should be given in each district in every year, stating the names of the persons in each district who may be in arrear either for the instalments of their purchase-money or for quit-rents, and that if the arrears are not paid up before the commencement of

the sales in that district for the following years, that the lands in respect of which the instalments or quit-rents may be due will be the first lot to be exposed to auction at the ensuing sales, and if any surplus of the produce of the sale of each lot should remain after satisfying the Crown for the sum due, the same will be paid to the original purchasers of the land who make default of payment.

That no land be granted at any other time than at the current sales in each district, except upon application from poor settlers who may not have been in the colony more than six months preceding the last annual sale. That settlers so circumstanced may be permitted to purchase land, not exceeding 200 acres each, at the price at which it may have been offered at the last annual sale and not purchased, and may pay for the same, or by quit-rent, computed at five per cent. on the sale price, and thenceforth these persons shall be considered as entitled to all the privileges, and be subject to the same obligations as they would have been subject to if they had purchased the land at the last sale.

In cases of settlers who shall be desirous of obtaining grants of land in districts not surveyed, or in districts in which no unredeemable grant shall have been made, you will, under the authority of the Governor, at any time within a period of seven years from the date hereof, grant permission of occupancy to any such settlers for lots of land, not exceeding 200 acres, upon consideration that they shall pay a quit-rent for the same equal to five per cent. upon the estimated value of the land at the time such occupancy shall be granted; and the persons to whom claims of occupation may be made shall have liberty to redeem such quit-rent at any time before the expiration of the seven years, upon the payment of any arrears of quit-rent which may be then due, and 20 years' purchase of the annual amount of the rent.

That no patent shall be granted until the whole of the purchase-money shall be paid, nor any transfer of the property made, except in case of death, until the whole of the arrears of the instalment or quit-rent shall have been paid.

That the purchase-money of all lands, as well as the quit-rents, shall be paid to you, or to such persons as you may appoint, at the time and places to be named in the conditions of the sale.

You will give public notice that you have received instructions to apply to all persons holding lands from the Crown in perpetuity upon the payment of quit-rents, as well as to all persons holding lands upon lease for term of years, for the payment of the rents which may be due from them respectively, to commence from the 1st of January 1827; and you will at any time within seven years from the date hereof sell to the proprietor (but to no other person whatever), at 20 years' purchase, any lands held in free and common soccage, free from any quit-rent which may be payable by them respectively, provided that all arrears up to the end of the year preceding the time of purchase be previously paid.

If these quit-rents are not purchased by the proprietor within the period of seven years from the date hereof, further instructions will be given in regard to the sale by auction or otherwise, as may then be deemed expedient.

With respect to the lands on lease for terms of years, you are desired on no account to sell the same by public auction, if the rent is not more than two years in arrear, until the termination of the lease; but if the rent is more than two years in arrear, and if, according to the terms of the lease, the same is void in consequence of the non-payment of the rent, you are at liberty to submit to the Governor or officer administering the government that any such lots should be sold.

If, however, previously to the sale the rent is paid up, you will withdraw the same from the sale; and you will at any time sell to the lessee of such lands as may be held under lease, at such price as the Governor or officer administering the government may upon your recommendation approve, the land so held, all arrears of rent being in every case paid up to the end of the year preceding the sale; but in no case at less than 20 years' purchase of the rent.

The usual fees payable on grants of land are to be paid by the purchaser, and the Lieutenant-governor will determine whether the whole, or what proportion of them, are to be paid on the party receiving a license to occupy the land.

You will on the 1st of January and 1st of July in every year, render a complete account of all your sales within the preceding half year, to the auditor of provincial accounts, specifying the conditions upon which each lot is sold; and you will at the same period render a complete cash account of the money received and expended by you within the same period; carrying forward to each account any balance which may remain in your hands at the date of the preceding account. And you will on the 1st January, 1st April, 1st July, and 1st October in each year, pay over to the receiver-general of casual revenues any sums which may on those days respectively be in your hands, over and above the sum of 500 *l.*, which you are permitted to retain for future contingent expenses.

You will receive from the receiver-general the following rewards for your services in the sale of lands, and the other duties to be executed by you in pursuance of these instructions; viz. five-sixths of the net amount which may be paid into the hands of the receiver-general of our said province, as the consideration for the sale of lands, provided such five sixths do not exceed 500 *l.*; then you will be allowed 500 *l.* as a reward for each year, and no more.

You will not charge this remuneration in your accounts, but you will receive the same annually by warrant of the Lieutenant-governor, out of the treasure which you may have paid into the hands of the receiver-general in the preceding year.

You are authorized to incur and defray such contingent expenses for authorities, clerks, receiver of rents, office-rent, &c. as you may find absolutely necessary, and as the Governor

or officer administering the government may sanction and approve; provided, however, that the whole of such contingent expenses shall not exceed one-sixth part of the money to be received by you for the sale of lands under the instructions. That you do transmit to the Secretary of State, or to the Commissioners of the Treasury for the time being, copies of the half-yearly accounts which you may render to the auditor of provincial accounts in New Brunswick, and that the same be transmitted by the first direct conveyance which may offer after the periods for which they are respectively rendered.

That in the execution of these instructions, you do obey all such further orders and directions as you may receive from the Commissioners of the Treasury for the time being, from one of his Majesty's Principal Secretaries of State, or from the Governor or officer administering the government of New Brunswick.

I am, &c.

Thomas Baillie, Esq. (signed) *Bathurst.*
Commissioner of Crown Lands, New Brunswick.

No. 44.

HEADS of INSTRUCTIONS for the Disposal of CROWN LANDS in *New Brunswick.*

LAND to be surveyed and valued in one or more continuous tracts, according to the local peculiarities of the province.

The points most adapted for settlement to be fixed upon for this purpose in as many different directions as may be considered expedient, and as the number of deputy-surveyors will admit.

Plans of tracts in each quarter to be prepared for public inspection.

The land to be laid out in lots of 100 acres each, and no person to be allowed to purchase more than 1,200 acres, except under special circumstances, to be approved by the Lieutenant-governor and council.

The plans may be inspected in the office of the surveyor-general and with his deputies in each district, on payment of a fee of 2 *s.* 6 *d.*

Settlers unable to pay the whole sum may have the option of paying the purchase-money by four annual instalments, with interest, one instalment to be paid in advance; in which case a location-ticket will be given, for which the sum of 2 *l.* must be paid down, and to be exclusive of the annual instalments as above; the patent is not to be issued until the whole of the instalments are paid.

The usual conditions of settlements to be exacted and inserted in the patent. The lands sold under this regulation are not to be charged with quit-rent, or any further payment beyond the purchase-money for the expense of the patent.

Persons desirous of buying land in situations not included in the tract already surveyed must previously pay for the expense of survey; and the price must, of course, depend upon the quality of the land and its local situation.

Smaller lots than 100 acres may, under particular circumstances, be purchased, on making application in the usual manner.

Poor settlers may receive grants of 50 acres, on payment of a fee not exceeding 20*l.*; the land, of course, to be subject to the necessity of cultivation within a limited period; the fee to be paid by this class of settlers is intended merely to reimburse the expense of survey.

No. 45.

MINUTES of PROCEEDINGS as to GRANTS of LAND in *New Brunswick* subsequent to 12th March 1827.

(By Authority). Secretary's Office, 12 March 1827.

Ordered that lists of all persons to whom lands have been allotted prior to the 1st of January 1826, and who have neglected to take out grants for the same, pursuant to the Royal Instructions, be forthwith published, and such persons notified that unless they take out their respective grants before the 31st day of December next, they will be considered as having abandoned their allotments; and the minutes of council under which those allotments may have been claimed will be cancelled, and the lands will be considered as open to new application.

By order of his Excellency in Council.

Secretary's Office, 8 March 1828.

Numerous petitions having been presented to his Excellency the Lieutenant-governor, setting forth that many persons who had obtained minutes of council for lands for which, owing to the particularly distressed state of the country, they have been hitherto unable to take out their grants, and praying for further time; his Excellency, with the advice of his Majesty's council, has been pleased to extend the time within which persons who have obtained minutes of council for allotments of land may apply for their grants until the first day of January next; and all such persons as shall neglect so to apply within the time limited will be considered as having forfeited their allotment.

(By Authority).

His Excellency the Lieutenant-governor having found it necessary to bring under the consideration of his Majesty's government the present system of disposing of Crown lands in this province, with a view to the obtaining of further instructions thereon, has thought proper, for this purpose, to suspend the same; public notice is therefore hereby given, by order of his Excellency, that no more sales under that system will take place after this date until further orders.

Fredericton, 10 January 1829.

No. 46.

LETTERS from COMMISSIONER of CROWN LANDS in *New Brunswick*, in conformity with Instructions of 1st March 1827.

Sir, Department for Crown Lands, Fredericton, 10 July 1827.

IN the commencement of a new system for the disposal of Crown lands, much delay must necessarily take place; but I have the honour to inform your Excellency, that as soon as I may be furnished with the conditions of sale, I shall be prepared to proceed to the sale of several tracts submitted for your Excellency's approval. In looking over my instructions, it appears very evident that no quit-rent of the nature of that formerly covenanted for can now be demanded; but no mention is made as to any condition of cultivation, and if I may be permitted to express an opinion, I must strongly urge your Excellency not to include in the condition of sale any clause exacting a degree of cultivation within a limited period; it might be said that such a clause would prevent extensive speculations, but I cannot suppose that this will ever take place to any great degree, as the constant sale of Crown lands would naturally regulate the market, and oblige the large landowners to dispose of their lands upon equally favourable terms. Under these circumstances, I have to request that your Excellency will cause me to be furnished with a copy of a notice of the conditions of sale, and I entertain a hope that your Excellency will concur in opinion with me as to the conditions of cultivation.

I have, &c.

His Excellency (signed) *Thomas Baillie.*
Sir H. Douglas, &c. &c. &c.

Sir, Department for Crown Lands and Forests, 13 July 1827.

IN proceeding to ascertain the nature and particulars of such tracts of land as it may be expedient to offer for sale during the present year, much time will be required. I have, therefore, to suggest for your Excellency's consideration, that sales should take place at an early period of the vacant lots of land in settlements already laid out and surveyed.

By this measure the new system would be immediately put in action, and in the mean time every exertion would be made to present new tracts to the attention of the public.

I need not point out to your Excellency the many advantages which settlements already formed possess over the yet unsubdued wilderness for the actual settler or emigrant, and how much more gladly he would embrace the opportunity of procuring land in those districts than in the more remote and unknown parts of the country.

Herewith enclosed, for your Excellency's consideration, is a schedule of such tracts as I should recommend for sale at an upset price of 1*s.* per acre.

The quality of land in each district is stated in the schedule; and no considerable quantity of timber for the use of his Majesty's navy is to be met with.

Should your Excellency concur in opinion with me as to the expediency ofoffering those tracts for sale, I shall be prepared in the early part of July to proceed to the sale according to the instructions communicated to me on that head, provided your Excellency has no further directions to present for my guidance.

I have, &c.

His Excellency (signed) *Thomas Baillie.*
Major-general Sir Howard Douglas, Bart.,
&c. &c. &c.

Sir, Crown Lands Office, Fredericton, 21 September 1827.

I HAVE the honour to report for your Excellency's consideration, the description of a tract of land eligible for sale during this and the ensuing year, viz.

Twenty thousand acres, situate between Beaver Harbour on the Bay of Fundy, and Josiah Trues on the road leading from Fredericton to St. Andrew's, being within the bounds of District No. 14, in the parish of Pennfield, and county of Charlotte.

This tract consists principally of fine tillageable land, being a rich loam, covered with a growth of red oak, maple, birch and beech, and it does not comprise any quantity of pine timber fit for the use of the Royal Navy.

The above situation possessing great facilities for the settlement of colonists arriving at the several ports in the Bay of Fundy, and being at no considerable distance from the seat of government, I beg leave to submit to your Excellency the expediency of reserving one-half of the lands

lands now recommended for the accommodation of emigrants, in four separate blocks, to contain two thousand five hundred acres each, and that the four remaining blocks be offered for sale in the usual manner.

I beg leave further to recommend for your Excellency's consideration, that the lots in the immediate vicinity of streams be laid off on both sides of each stream, in such manner as to afford eligible sites for mills, and I also beg leave to recommend that the above described land be offered for sale at an upset price of one shilling per acre.

I have, &c.

(signed) *Thomas Baillie.*

His Excellency Major-general Sir H. Douglas, Bart.
&c. &c &c.

No. 47.

LETTER and INSTRUCTIONS from *Lord Goderich* to COMMISSIONER of CROWN LANDS, *New Brunswick.*

Sir, Downing-street, 2 February 1832.

I HAVE the honour to transmit to you herewith an additional instruction, under the Royal sign manual, for your future guidance in the disposal of the waste lands of the Crown in the province of New Brunswick.

These instructions have been drawn up with the object of improving and simplifying the system now pursued in the sale of lands, from which any sudden departure might be attended with inconvenience to the inhabitants and to the land department. I am, however, anxious that you should fully understand the general views which I entertain with respect to the disposal of the Crown lands in the several North American provinces, for which purpose I enclose an extract from a despatch which I have recently addressed to Sir John Colborne on this subject.

I am aware that various causes have hitherto operated against the sale of land in New Brunswick, and that, consequently, any sudden rise in the price might be attended with injurious effects; as the present instructions, however, abolish the fees on location tickets, and as the conditions of cultivation are now omitted, it appears to me that the price which has been heretofore asked is hardly a sufficient security to prevent large tracts of land from getting into the hands of persons, whose object is, not to improve it, but to sell the timber on speculation, reserving the land for disposal when it shall have acquired an increased value by the settlement and improvement of the vicinity.

I therefore think that a moderate advance ought to be immediately made, and it has been suggested to me that no lands ought now to be disposed of under 2*s.* 6*d.* an acre, receiving the dollar at 4*s.* 4*d.*, and I trust that by judicious arrangements in the survey and selection of eligible tracts for sale, the price of the best land may at no distant period be fixed at 5*s.* per acre.

You will perceive that the present instructions do not bind you to an exclusive mode of disposing of the Crown lands, but leave it open to you to submit to auction those lands which may possess such local or other advantages as, in your opinion, would render it desirable to offer them for sale by the simple and in many respects preferable mode of public competition.

That clause of the royal instructions giving you the power to grant leases is of course intended to apply chiefly to such positions as may point out the site of a future town, a fort or dock yard; and also to such other situations as may be likely at a future period to prove highly valuable to the Crown.

Although the instructions still admit of land being sold partly upon credit, yet I entertain considerable doubts on the propriety of encouraging individuals to purchase by instalments, and conceive the plan of immediate payment to possess many advantages.

I am, however, desirous of receiving your opinion as to the propriety of still further restricting the time allowed for paying up the instalments, and of omitting the clause altogether at no distant period.

I have, &c.

(signed) *Goderich.*

WILLIAM REX.

AN additional Instruction to our right trusty and well-beloved Matthew Lord Aylmer, Knight Commander of the most Honourable Military Order of the Bath, our Captain-general and Governor-in-chief in and over our Province of New Brunswick, or to our Lieutenant-governor or Officer administering the Government of the said Province for the time being. Given at our Court at St. James's, the First day of February 1832, in the second year of our reign.

WHEREAS it is necessary that provision be made for relieving our faithful subjects within our said province of New Brunswick from the delay, expense and inconvenience of and incident to the methods now in use there of issuing grants, under the public seal of the said province, in our name to purchasers of land therein situate, who may contract with us for the same:

same: we do, therefore, direct and require you, in making all grants of land which shall hereafter be made within our said province, to observe the several rules and regulations following, that is to say:

1. We do hereby declare, that all fees of office heretofore claimed or taken by any public officer or officers whomsoever, within our said province, upon the application for, or upon the issuing any grant of land, or ticket of location of land, or at, upon or in respect of the doing of any official act, matter or thing in pursuance of or connected with any such application, grant or ticket of location, or in or about making any survey of any land so to be granted or located, or in or about the registering of any such grant or ticket, shall be and the same are hereby absolutely abolished, in so far as such fees, or any of them, are claimed or taken in virtue of any authority or supposed authority, license or permission, or supposed license or permission from us, or any of our royal predecessors; and we do hereby, as far as in us lies, command all persons holding any office of trust or emolument in our service within the said province, that they do henceforth abstain from taking or demanding any such fees of office as aforesaid, under pain of our highest displeasure.

2. And we do further require and demand you, that you do not sell or convey to any person or persons in our name, or on our behalf, any of our lands situate within our said province, until the same shall have been first surveyed and rendered distinguishable by a reference to the public charts and surveys deposited in the office of the Commissioner of Crown Lands of our said province.

3. And we do further direct, that whenever any person shall be desirous to become the purchaser of any lands belonging to us within the said province, such intended purchaser shall intimate such his desire by subscribing a petition, addressed to yourself, indicating, with reference to such public charts and surveys as aforesaid, the precise piece or parcel of land which he or she may be desirous so to purchase, and the price at which he or she may be desirous so to purchase the same.

4. And for the observance of greater regularity herein, it is our pleasure that every such petition as aforesaid shall be in the form contained in the Schedule marked (A.) hereunto subjoined, and that all such petitions be ready prepared in blank, and that such blank forms shall be delivered gratuitously to every person who shall make application for the same; and that every such petition shall be delivered at the office of the said Commissioner of Crown Lands; and that all such petitions when received shall be firmly bound up in one or more successive volume or volumes, to each of which volume or volumes shall be subjoined a full index, showing the name of every applicant, and the description of land for which his or her application may have been made, with the date of every such application.

5. We do further declare, that it shall be the duty of our said Commissioner of Crown Lands, or in his absence of his proper deputy, at the foot of every such petition, to signify either that the same is approved, or that your decision thereupon is postponed; and in case of any such postponement, the said Commissioner of Crown Lands shall also state shortly in writing, at the foot of every such petition, the reason why the same is so postponed, and shall, with the least possible delay, bring every such petition as last aforesaid under your consideration for your decision thereupon.

6. And we do further direct, that whenever any such application as aforesaid shall have been approved by the said Commissioner of Crown Lands, or by you (as the case may be), the party applicant shall, on his or her application at the office of the said Commissioner, receive a notice of such decision in the form contained in the Schedule hereto subjoined, marked with the letter (B.)

7. We do further direct, that there be at all times kept in the office of our said Commissioner of Crown Lands an adequate number of blank forms of grants of land to be made by us or on our behalf within our said province, which said forms shall be by him filled up as occasion may require; and for avoiding all uncertainty herein, we do further direct, that all such grants as aforesaid shall be drawn up and expressed in the form contained in the Schedule hereunto subjoined, marked with the letter (C.)

8. And we do further direct, that any person who may have received any such notice as aforesaid from our said Commissioner of Crown Lands, and who shall in pursuance thereof, by the time and at the place therein for that purpose appointed, pay into the hands of our said Commissioner of Crown Lands the purchase-money mentioned in any such notice, he shall thereupon be entitled to receive from our said Commissioner of Crown Lands the original grant from us of the lands comprised in such notice, which grant shall for that purpose have been previously executed by you, and by you deposited in the hands of our said Commissioner of Crown Lands of our said province.

9. And in cases wherein any such lands as aforesaid may be purchased by instalments, then we direct that such grants as aforesaid shall be delivered on the payment of the last instalment, and not before.

10. And we do further direct, that every such grant as aforesaid shall be executed by you in duplicate, and that both the original and duplicate shall be executed or subscribed by the grantee or grantees therein named, or by his, her or their lawful agent or agents, on his, her or their behalf, in testimony of his, her or their acceptance thereof; and we do further direct, that such execution by the said grantee or grantees, and the delivery of such original grant to him, her or them, shall in each case be attested by our said Commissioner of Crown Lands, by an endorsement to be superscribed upon each original grant, or in case of his absence by some one of his deputies.

11. And

11. And we do further direct, that duplicate copy of every such grant shall forthwith be made by the Secretary and Registrar of Deeds of and for our said province, to be by him presented and recorded amongst the records of his office.

12. And we do further direct, that our said Commissioner of Crown Lands shall at all convenient times after the receipt by him of any such sum or sums of money as aforesaid, deliver to the Receiver-general of our said province an account in writing, under the hand of our said Commissioner, of such his receipts, and shall pay the same into the hands of the said Receiver-general, who shall thereupon give to the said Commissioner of Crown Lands a receipt, under the hand of him the said Receiver-general, for the amount of every such payment, which receipt shall be a full and sufficient discharge to him the said Commissioner of Crown Lands, his heirs, executors and administrators, for all and every of the sum or sums of money mentioned in such receipt.

13. Provided nevertheless, and it is further our will and pleasure, that nothing herein contained shall prevent you from causing to put up to sale by public auction any of our lands within our said province, in any case in which it shall appear to you that the interest of our revenue or the welfare of our subjects requires, or would be promoted by the adoption of that mode of bringing to sale any such lands; and also that, provided that nothing herein contained shall extend to demising any such land for any term or term of years, at the best reserved rent which can be obtained for the same, it being nevertheless our pleasure, that no such term be made to endure for a longer period than 21 years, and that no covenant be contained in any such lease for the renewal thereof on the expiration of any such term; and we do further direct, that in the making of all conveyances in pursuance of any such sales by auction as aforesaid, and that at the granting any such leases as aforesaid, the various regulations hereinbefore contained shall be followed and observed, with such variations only as may be unavoidable.

14. And whereas divers quit-rents have hithertofore been reserved, and are now payable to us upon and in respect of divers lands hithertofore granted by us or by our royal predecessors within our said province: Now we do hereby authorize you in our name, and on our behalf, to make an absolute sale and alienation of such quit-rents in fee-simple and perpetuity to the proprietors for the time being of any lands subject to and chargeable with the same, who shall, on or before the 24th day of June 1836, effect the purchase thereof; and after the said 24th day of June 1836, to any other person or persons who may be willing to effect such purchase; and in effecting the sales of any such quit-rents, it is our pleasure, that the regulations hereinbefore contained respecting the sale of lands be observed and followed in all respects by the Commissioner of Crown Lands, with such variations only as may be unavoidable.

(A.)

To Major-general Sir *Archibald Campbell*, G. C. B. &c. &c. &c.

The Petition of of the parish of county of

Humbly sheweth,

That he is a British subject, and is desirous of purchasing acres of land, situate as follows;

at the price per acre, payable immediately, or payable by four equal instalments, the first instalment payable in advance at the time of sale.

That the said land is in its natural wilderness state, no improvement whatever having been made thereon.

[If any improvements have been made, state to what extent, and by whom made.]

And as in duty bound will ever pray.

(B.)

Department of Crown Lands.

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Sir,

Take notice, that your petition of the of for the purchase of acres of land in the parish of in the county of in this province, is approved, at the sum of pounds, payable immediately, or pounds, payable by four equal yearly instalments; and that on payment of the said purchase-money by you, or on your behalf, a grant of the said land will be delivered to you, or to your duly authorized agent, at this office.

signed)

Commissioner and Surveyor-gen[l]
Crown Lands and Forests.

(C.)

FORM of GRANT in *New Brunswick.*

WILLIAM the Fourth, by the grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, &c. To all to whom these presents shall come, greeting:—Know ye, that we, of our especial grace, certain knowledge and mere motion, have given and granted, and do by these presents, for us, our heirs and successors, in consideration of the sum of pounds to us paid, give and grant unto all that lot or piece or parcel of land situate in the and bounded as follows; that is to say,

which said lot or piece or parcel of land, as particularly marked and described in the annexed plan, as also in a plan or survey of the settlement, tract or township of (as the case may be), by surveyors, A. D. 18 , together with all hereditaments and appurtenances whatever thereunto belonging or in anywise appertaining:

To have and to hold the said of land, and all and singular the premises hereby granted, with their appurtenances, unto the said his heirs and assigns for ever, he and they yielding and paying for the same to us, our heirs or successors, one peppercorn of yearly rent on the 25th day of March in each year, or so soon thereafter as the same shall be lawfully demanded. And we do hereby save and reserve to us, our heirs and successors, all mines of gold, silver and other precious metals, and all coals in or under the said lands, with full liberty at all times to search and dig for and carry away the same, and for that purpose to enter upon the said land or any part thereof.

I witness, &c.

No. 48.

COMMUNICATIONS from *Alexander Wedderburn*, Esq., Emigration Agent, *New Brunswick.*

Sir, Saint John, New Brunswick, 1 August 1838.

I HAVE the honour to lay before you, for the information of his Excellency the Lieutenant-governor, a return of emigrant arrivals during the past month, being 236 souls, and the minimum of any similar period since 1816; the cause assigned being alarm at the Canadian troubles, as stated to their friends, for the reluctance of persons to emigrate; who, however, from the restoration of tranquillity, anticipate a reanimated influx during the next year.

With this prospect of a re-action in emigration, and with a due deference to the instructions laid upon me, that I "will be careful to report to government occasionally such matters as may appear to me likely to facilitate the location and employment of emigrants, and advance their interests in the province," I have the honour to submit for his Excellency's consideration an eligible source of employment for them and amelioration of their condition on arrival in the country; viz. the opening of the canal between the St. Lawrence and the Bay of Fundy; for which object I have given my best attention to the Report of the late Mr. Telford respecting the Bay Verte Canal, to ascertain what number of labourers and artisans would be required, the time occupied, and the average rate of wages attainable, which are founded on data from practical sources. Predicating the present upon Telford's plan, 156,000*l.* will be required for the completion of the canal, which will absorb the labour of about 1,100 men for three years, the season admitting 200 days for excavating earth, and 50 more for rock work, Sabbaths exclusive; the remainder of the time will be made up in various casualties and habits of the persons employed, who will consist of—

Common labourers	-	800	average wages now	4*s.*	per day.
Masons	-	40	- „ -	10*s.*	„
Carpenters	-	10	- „ -	8*s.*	„
Stone-cutters	-	60	- „ -	10*s.*	„
Quarry-men	-	60	- „ -	5*s.*	„
Blacksmiths	-	10	- „ -	10*s.*	„
Truck-men	-	120	- „ -	1*s.* 6*d.*	„

Thus 1,100 persons being required for manual purposes, assuming the average population of married emigrants, 5,500 are supported, and increased as they are annually changed.

On the 2d January 1832, I had the honour to transmit a detailed report on this subject to the then Lieutenant-governor, but I am not aware that it was ever received by him; and I now respectfully beg leave to assure his Excellency, Sir John Harvey, that an earnest desire to render useful and acceptable service alone induces me to bring it under the notice and beneficent protection of his Excellency.

I have, &c.

Captain Tryon, &c. &c. &c. (signed) *A. Wedderburn*, E. A.

Sir,

Sir, St. John, New Brunswick, 15 September 1838.

The communication which his Excellency the Lieutenant-governor was pleased to have made to me relative to the secretaryship to the Canadian commission requires my respectful thanks, which I have now the honour to offer; and at the same time to request to assure his Excellency that in any case of appointments of emolument at his disposal, I should be most reluctant to encumber the list for patronage; being aware that often, probably too often, there are too many clients upon the feelings as well as duties of a Governor in these colonies; and beyond devotion for useful public service, I have little to advance for his consideration. The extent to which I would solicit is merely to represent that, among the occasional temporary employments that so occur, my humble abilities would be willingly applied so long as I remain in the country.

The courtesy, however, which his Excellency has on more than one occasion extended to me, demands, on my part, an endeavour to evince my desire to render him service in my vocation; nor am I aware how else I can do so, than by claiming, with all deference, his permission to lay before him my humble views of what may tend to promote metropolitan and inter-colonial emigration, in a manner which at no distant day will make more apparent the high political and commercial relation of New Brunswick with the western and oriental possessions of the British Empire. In endeavouring to do so, however, I pray that a brief relation of *facts* may alike plead my insufficiency to treat the subject and exonerate me from a charge of prematurity or presumption in my observations.

From causes now unnecessary to refer to, a strong desire some time ago manifested itself among natives of this province to emigrate to Upper Canada, and application was made to me for guidance how to proceed to various points about Toronto, Simcoe and the Ottawa; to the extent of my information I instructed them; but, there being few opportunities for going from this port to Quebec, I was obliged to direct them through the United States, where probably they remained with their families, and are for ever gone from the British provinces.

This reflection, combined with other considerations, enlarged my official anxiety about direct communications between the colonies, without the foreign *intransitu*, and led in some degree to inquiries for labour, &c. on the Bay Verte Canal, which I had the honour to submit to his Excellency in my report on the 1st of August.

About the same time a desire was shown among mechanics (old country ones) to move to New South Wales and Van Diemen's Land; and several called on me for information. Nor did the desire of enterprise rest here, for I was elsewhere instrumental in settling a fourth advantageously at Waingano in New Zealand, brought up in part by me in St. John.

This last circumstance I presume to refer to, in consequence of the opening whale fishery in the eastern seas, which now is only a prelude to matters of more commercial and political relations of national consideration and emigrant interest, at the same time essentially uniting both hemispheres. Some time ago I was applied to by gentlemen connected with the chamber of commerce to review the category on the fisheries promulgated by the Nova Scotia Assembly. Aware of my inability to do any justice to so important a subject, I retired from the honour conferred, but privately prosecuted the subject; that by so doing, some views might be given to attract British labour, capital and emigrant enterprise to these shores; and on the 1st September, I submitted to the council a note on the subject; but when I did so, I was not aware that his Excellency was visiting the eastern coast; and I trust the reasons for withdrawing the notes for the present, as stated in the Courier of Saturday, 15th (to-day), will be found valid enough. Thus sir, inofficially, I presume to make my sincere acknowledgments to Sir John Harvey for his courtesy, and to express my deep though humble sense of the benefit of his presence in New Brunswick.

I have, &c.

(signed) *A. Wedderburn.*

Alexander Wedderburn, Esq., Emigration Agent, New Brunswick.

Emigration-office, St. John's, New Brunswick,

Sir, 15 October 1838.

In reply to your communication from Fredericton, of 3d instant, requiring information relative to emigration here, I have the honour to acquaint you that the following is the number of emigrants arrived at this port between the 1st January 1831 and the 1st October 1838, amounting to 36,962 souls, and the duty collected therefrom, under the 2d Will. 4, c. 36, s. 2, which went into operation 22d September 1832, to 6,917*l.* 1*s.* 8*d.* currency, for the purpose recited in said Act. For ten years previous to 1830, 3,000 was the average annual arrivals in the province; since when they have arisen over 9,000,—7,200 at this harbour alone.

After the surrender of the casual and territorial revenues of the Crown to the province, an Act was passed on the 22d July 1837, stipulating the terms upon which emigrants and others would receive lots for *settlement*. At its expiration, if not before, it may be found expedient to establish district and more frequent public sales for general accommodation.

Many persons have been here about lands, with the ostensible object of settling, but who have subsequently left the province. There was, however, no difficulty to their obtaining lands; on the contrary, every facility was afforded, and the greatest cordiality evinced by

the Crown land department to promote their views. I am also aware of persons who arrived here with the avowed purpose of going to the United States, proceeding into the interior for settlement, or remaining for labour. With some provisional exceptions, no system of emigration location similar to that in Upper and Lower Canada in 1823 and 1825 has existed here; the settlement of the province (save the discharged soldiers, pensioners and commuted pensioners) has been advancing by a solitary solvent emigration.

I am not aware that inconvenience at sea has arisen from the numerical proportion of passengers to the tonnage of vessels carrying them, under the 5th & 6th Will. 4, c. 53; but its provisions would be beneficially extended to protect emigrants from capricious and arbitrary acts of masters and other officers of vessels at sea. Such do occur in unnecessary but compulsory labour without compensation, but enforced by stoppages of water, as by law required, or by other unwarrantable means. The government agents too should be authorized by law to board the vessels, demand reports, and obtain other required information, as they are instructed to do, on the arrival of vessels in port having emigrants on board.

As one high principle of beneficial national emigration is based on providing valid employment for emigrants in the various departments of individual or collective industry in the resources of the colony of their destination, I have assiduously given my humble but earnest consideration to such local objects as would engage them with advantage, and happily this province daily developes its abundant store of almighty bounty for the useful purposes of public and private improvement. With these conditions before me, I recently sought the honour of laying before Sir John Harvey some matters arising out of my instructions, in their identity with emigrant amelioration here. No doubt his Excellency's comprehensive mind had long before, and far more deeply embraced the subjects; but I transmit them to Canada, as his Excellency has been pleased to intimate that he will forward the original papers from Fredericton, attached to his report; of which most obliging consideration I avail myself, and request your reference to the documents themselves without further remark here, beyond saying, that one is on the employment of emigrant labour on opening the canal between the Saint Lawrence and the Bay of Fundy, at the Bay Verte; the other, diversion of the labour and capital of emigrants from the United Kingdom to the prosecution of the coast and deep sea fisheries around the province. The vast value of this colonial treasure, the advantages of locating fishing stations (as adopted on the coast of Scotland) along the range of the eastern shore, are very manifest; apart from the urgency of resisting the foreign encroachments, which have so prejudicially abused what the British emigrant might enjoy; and I shall at all times feel most desirous to add my humble mite to advance the interest of the cause in which you are now engaged.

I have, &c.

Major Head, &c. &c. &c.

(signed) *A. Wedderburn.*

No. 49.

LETTER and REPORT from Dr. *Gesner*, as to Mineralogical Resources of *New Brunswick*.

Sir,

AGREEABLY to instructions I had the honour to receive from his Excellency Sir John Harvey, relative to information required by Major Head on the mineralogical resources of the province, I beg leave to submit the following brief report; and regret that as I was absent on the geological survey, and did not receive the above communication until to-day, I have been unable to comply with those instructions at an earlier period.

During the last and present seasons, I have been engaged in examining the geological structure and mineral wealth of New Brunswick, under the direction of his Excellency the Lieutenant-governor, and from what has been already discovered, it is certain that the province contains vast supplies of the most useful and important minerals; notwithstanding they are at present but very partially explored and imperfectly developed.

Extending along the south-east side of New Brunswick, and on a line parallel to the Bay of Fundy, there is a range of mountains composed principally of granite and trap rocks. This mountainous district is skirted on both of its sides by the transition series of slates and limestone, which form almost all the islands in the Passamoquoddy Bay and the southern coast of the main land, wherein they have not been broken up and overlaid by enormous masses of trap.

In these formations, numerous strata of limestone and marble have been found, and several kinds of roofing slate and granite have been discovered at very advantageous situations for working them. The limestone is now used, and preparations are now making to open quarries of granite.

Upon this coast the ores of iron, copper, lead and manganese appear, some of them in great quantities; but the deposits of these minerals have not been sufficiently examined to enable me to give the details of their extent and the true value of the metals contained in them.

An extensive bed of iron ore had also been discovered at Woodstock, and a copper mine has been recently opened in the county of Gloucester.

The high lands have but a scanty and poor soil; but being penetrated by numerous rivers and creeks, which are skirted with intervale, even this the most barren district in the province is rendered habitable.

In

In my recent examination of the tertiary deposits of Charlotte county, large tracts of marl were discovered; this substance, by a proper application, cannot fail to prove important to the agriculture of that part of the province. Besides those, immense quantities of freestones which are used in architecture and for grindstones exist on the shores of Chignecto Bay and Cumberland Basin; of the latter, great numbers are shipped annually to the United States. There are also several salt and other mineral springs in the interior of the country.

Extending in a south-west direction from Northumberland Straits and the Gulf of St. Lawrence, and crossing the river St. John, there is one of the most expanded coal districts ever discovered. The coal district occupies a large area in the central portion of the province, but its boundaries have not yet been correctly ascertained.

I have just completed a section of one of the diameters of this broad coal field, which extends from Richibucto in a south-west direction to the Oromocto Lake, a distance of one hundred and thirty miles. The out-croppings of the coal have been found at a number of places, and one of them is worked to a limited extent on the Salmon River, at the head of the Grand Lake.

During the present month, I have been highly gratified at the discovery of the old red sandstone and carboniferous limestone underlining the southern side of a coal basin extending to Fredericton and Gagetown, where it is evident coal may be obtained in large quantities.

These coal measures are covered in some places by new red sandstone, gypsum and secondary limestone, which afford a most excellent soil; and throughout the whole province there are extensive tracts of land with rich intervals, which will grant a certain reward to the labours of the agricultural settler. Many of these tracts are still covered with excellent timber, and so far as I am informed, they are ungranted by the Crown.

Of the geological features of the north-western sections of the province I am unable to make any report, as they have not yet been explored. It is nevertheless probable that they contain minerals equally as valuable as those of the eastern districts.

I have, &c.

To Captain Tryon, Private Secretary, &c. &c. &c.
St. John, 29 September 1838.

(signed) *Abraham Gesner.*

REPORT.

To his Excellency Major-general Sir *John Harvey*, K.C.H. and C.B., Lieutenant-general and Commander-in-chief of the Province of New Brunswick, &c. &c. &c.

May it please your Excellency,

AGREEABLE to your Excellency's directions, I have proceeded to commence a geological survey of the province; and beg leave to report, that since the 1st of June last, I have been engaged in exploring the county of Charlotte and the coast bordering on the Bay of Fundy.

It affords me much pleasure to state, that from the examination already made, the most useful and important results are likely to follow, both in regard to the agricultural and commercial interests of the country; and the science of geology itself cannot but be more or less improved by the facts discovered in a province hitherto unexplored.

The most important substances already found in the county of Charlotte are marl, granite quarries, iron, lead, copper ores and mineral springs. Specimens of the granite and ore are herewith forwarded to your Excellency.

I first discovered the marl upon the shore of the St. Croix, but it has since been found at numerous places along the coast and in the interior of the country. It contains a large quantity of the carbonate of lime, and therefore almost every kind of soil will be improved by its application.

A beautiful variety of granite occurs at the Warring River, where it empties into the St. Croix. At Oak Point also an abundance of this useful rock may be quarried, and readily shipped down the Scoodie. Iron appears frequently in the state of oxides, and combined with sulphur; from the former, ochres for pigments can be manufactured, and the sulphuret will afford both alum and copperas.

Lead ore has been discovered at Campo Bello, but during a diligent search on every part of the island, I was unable to find a vein of sufficient thickness to admit of profitable running.

On an uninhabited part of the shore between the mouths of the Digdeguash and Magaguadavic, I found a narrow vein of copper ore; this I am confident is connected with a much richer deposit, as the rock for several miles in circumference is highly metalliferous.

There are several mineral springs in the neighbourhood of St. Stephen's, their waters will be analysed before my general report is made, and as early as time will allow. The geological features of the country are extremely interesting, a range of mountains extending from the St. Croix to the St. John has been thrown up by volcanic eruptions, which have changed the character of the secondary rocks, and broken up their once level strata.

The tertiary deposit which embraces the marl, abounds in marine shells and zoophytes; all these shells are of recent species, excepting three; these are extinct in all the climates of the earth in its present condition.

It is to be regretted that the grant of the province to make the survey is so limited ; the whole sum will scarcely be sufficient to meet my travelling and other incidental expenses, and I am prevented from exploring veins of ore with labour adequate to their importance.

I cannot but hope that this brief outline of what has been effected by geological exploration will meet with approval. A full report of all my proceedings will be made to your Excellency as early as possible, and no labour will be withheld to render the survey as perfect as my abilities will allow.

I have, &c.

St. John, August 7, 1838. (signed) *Abraham Gesner.*

NOTE by Sir *John Doratt*, M.D., relating to Appendix (A.) No. 3.

THE only hospital appertaining to the city of Quebec is one denominated "The Marine Hospital," in a very unfinished state, having one wing erected, the other only in foundation. The building in its present state admits between 70 and 80 patients ; receives only emigrants and seamen by act of the legislature, being supported by a capitation tax on emigrants, and a tonnage duty from the shipping.

The hospital belonging to the convent of L'Hotel Dieu, at Quebec, admits from 25 to 30 patients, partly supported by the revenues of the convent, and aided largely by the legislature. This institution admits persons of every class and religion, but refuses admittance to all persons labouring under contagious diseases.

(signed) *John Doratt*, M.D.

APPENDIX (C.)

TO

REPORT

ON

THE AFFAIRS

OF

BRITISH NORTH AMERICA,

FROM

THE EARL OF DURHAM,

HER MAJESTY'S HIGH COMMISSIONER,

&c. &c. &c.

(PRESENTED BY HER MAJESTY'S COMMAND.)

Ordered, by The House of Commons, *to be Printed,*
27 *March* 1839.

[*Price* 8*d.*]

139.

SCHEDULE.

1.—REPORTS of Commissioners of Inquiry into the Municipal Institutions of Lower Canada.

The Commission - - - - - - - - - - - - - - p. 3

Copy of Letter of Instructions from Chief Commissioner - - - - - p. 4

Preliminary Report of Assistant Commissioners - - - - - - - p. 5

General Report of Assistant Commissioners - - - - - - - p. 7

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2.—REPORT from the Bishop of Montreal on the state of the Church within his Diocese - p. 57

British North America.

APPENDIX (C.)

1.—REPORTS OF COMMISSIONERS OF INQUIRY INTO THE MUNICIPAL INSTITUTIONS OF LOWER CANADA.

THE COMMISSION.

Province of Lower Canada. } DURHAM.

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

To *Charles Buller*, greeting.

WHEREAS it is highly expedient and desirable that the counties, cities, towns, parishes and townships in Our province of Lower Canada should respectively enjoy as extensive a control as may be consistent with their own improvement, and with the general welfare of Our said province, over all matters and things of a local nature, to the end that intercourse may be facilitated, industry promoted, crime repressed, education appreciated, and true liberty understood and advanced:

Know ye, therefore, that We, reposing great trust in your zeal, ability and discretion, have nominated, constituted and appointed, and by these presents do nominate, constitute and appoint you, the said Charles Buller, to proceed with the utmost despatch to inquire into the safest and most efficient means of endowing the said counties, cities, towns, parishes and townships with such powers and privileges as to you may seem meet for the effecting of the important ends aforesaid; and Our further will and pleasure is, that you, after due examination of the premises, do and shall from time to time report to Us, under your hand and seal, what you shall find touching or concerning the premises upon such inquiry as aforesaid; and also that you shall, from time to time, suggest such alterations or modifications of the laws and regulations at present in force as may appear likely to promote the objects aforesaid. We do by these presents give and grant to you full power and authority to call before you such and so many of the grand voyers, surveyors of highways and justices of the peace in Our said province of Lower Canada, and such other officers of the Crown and other persons as you shall judge necessary, and by whom you may be the better informed of the truth in the premises, and to inquire of the premises and every part thereof by all other lawful ways and means whatsoever; and We do also give and grant to you full power and authority to cause all and singular the officers aforesaid in Our said province of Lower Canada, or any other person or persons having in their custody any records, orders, regulations, books, papers or other writings relating to the premises, or in any way connected therewith, to bring and produce the same before you. And for your assistance in the due execution of this Our Commission, We do hereby authorize you to nominate and appoint such person or persons as you shall think fit, to be Assistant Commissioner or Assistant Commissioners, for the purposes aforesaid, or any of them, and to delegate to him or them such and so many of the powers hereinbefore vested in you as may seem expedient; and Our will is, and We do hereby direct and ordain that the person or persons so nominated by you shall possess and exercise any powers and authorities so as aforesaid delegated to him or them, in as full and ample a manner as the same are possessed and may be exercised by you under the authority of these presents; and We do hereby further authorize and empower

you, at your discretion, to appoint such person as Secretary to this our Commission as you shall see proper.*

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 affixed thereto.

Witness Our right trusty and right well-beloved John George Earl of Durham, Viscount Lambton, &c. &c., Knight Grand Cross of the Most Honourable Military Order of the Bath, one of Our Most Honourable Privy Council, and Governor-general, Vice-admiral and Captain-general of all Our provinces within and adjacent to the continent of North America, &c. &c. &c.

At Our Castle of St. Lewis, in Our city of Quebec, in Our said province of Lower Canada, the 23d day of August in the year of Our Lord 1838, and in the second year of Our reign.

(signed) *D. Daly*, Secretary.

Castle of St. Lewis, Quebec, 25 August 1838.

APPOINTMENTS.

General Commission of Inquiry into Municipal Institutions.

Chief Commissioner:—
The Honourable Charles Buller.

Assistant Commissioners:—
William Kennedy and Adam Thom, Esquires.

MUNICIPAL COMMISSION.

(COPY of a LETTER of INSTRUCTIONS addressed by the Honourable *Charles Buller*, M.P., Chief Commissioner of Municipal Inquiry to the Assistant Commissioners.)

Gentlemen, Castle of St. Lewis, Quebec, 25 August 1838.

BEFORE entering on the duties which you have undertaken in consenting to act as Assistant Commissioners in the inquiry respecting the municipal institutions of this province, it is necessary that I should point out the objects of that inquiry more specifically than they are to be found in the commission itself.

You cannot, however, have failed to observe from the whole tenor of that commission, that the word "Municipal" has been used in its largest sense; that it has not been conjoined with any other that would limit your inquiries to incorporated towns; and that within the scope of your investigation will be included every matter that may be properly submitted to local or municipal management. The chief of these have been pointed out in the commission, which mentions increased facilities of internal communication, the encouragement of industry, and the repression of crime, as primary objects of attention. It is indeed impossible to enumerate exactly the various branches of inquiry, or define them very precisely. The class includes all those concerns of the people which it is advisable to exclude from the business of the central executive government, and leave to be managed by the separate local divisions which have an interest in them. The limits of this class have been more or less wide in different countries. There would be no objection to your extending your inquiries to all the matters comprehended in the widest classification, but custom and general opinion have sufficiently marked out the most important of those which come within the province of municipal administration.

Having determined the objects of municipal government, you will proceed to ascertain how they have been provided for in this country. You will inquire and report about the provision which has been made for the formation and maintenance of those internal communications, which, as they concern only local divisions, can never be objects of interest to a central government. The system by which the roads and bridges of the province have been managed will be one of the first and most important subjects of investigation. The paving, draining and lighting of towns will present kindred subjects of inquiry. You will also direct your attention to the means provided for the erection and maintenance of public buildings, both in town and country. The management of the entire police of the province will come under your consideration. You will inform me of the system which has been established for the purpose of protecting the persons and property of the inhabitants, both of the towns and rural districts, and of the degree of efficiency with which it has been administered. It will not be your business to inquire into the various particular charities, hospitals and medical institutions which have been founded throughout the province by the benevolence of individuals, and governed according to the regulations prescribed by their founders; but the general provision for the poor is an important part of local arrangements. You will therefore investigate the system which has been established for the general relief of destitution and the suppression of mendicancy and vagrancy.

There

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* No Secretary was appointed to the Commission.

There are other matters which no wise government would leave entirely to mere local arrangement, but in the management of which it has been found that the central government may advantageously avail itself of a well-organized municipal machinery: such are the inferior judicatures, the subordinate magistracy, and the institutions of education. I do not desire from you a complete view of the judicial establishments of the province, because the administration of justice is a subject the importance of which will demand and receive from his Excellency a separate investigation; but you will inquire into the establishments which exist unconnected with the higher courts of civil and criminal jurisdiction, for the settlement of petty disputes, the repression of minor offences, and the enforcement of police regulations. You will especially direct your attention to all those judicial institutions which are in any degree of a popular nature, and in which the inhabitants of the various provincial subdivisions have a voice in the selection of the local judges.

The choice of a local magistracy has in some countries been wholly, or partly, left to the people of the locality. You will inform me how far the inhabitants of this province have been intrusted with any share of this power, either by direct selection or recommendation of their magistrates, or by the attribution of magisterial functions to the popularly-elected officers of a town or district—applying the latter word according to general usage.

In the same way, you will inquire how far the inhabitants of the local divisions of the province have had a voice in the management of local schools or the appointment of schoolmasters, and how far the support of the institutions of education has been made to depend upon local imposts.

After these investigations, our information on this head as to the present establishments of the province will require to be completed by your turning your researches from the mode in which municipal purposes have been provided for, to the municipal machinery which may happen to exist. The example of various nations supplies instances of the existence of a very complete machinery for local government available for all municipal purposes, but actually applied to none, or to very few, furnished with very inadequate powers, or intrusted with very incomplete duties. Thus, in the parishes of England a machinery for local self-government exists, which might be rendered applicable to every description of municipal business, but which is, in fact, restricted to the management of a very small portion. In Upper Canada there appears to exist a systematic, comprehensive and popular organization of the townships. The people of these districts are intrusted with the freest election of municipal officers, but the officers thus chosen seem to be intrusted with hardly any duties, and certainly are invested with hardly any of the powers, which are necessary for a really efficient municipal government. The inhabitants of these townships appear to have a very popular choice of nearly useless functionaries; and a very perfect municipal machinery exists without being rendered available for the most important municipal purposes. You will inquire, therefore, whether any thing of a similar nature exists in this province; whether, for any purposes, the inhabitants of small local districts are in the habit of managing any portion of their own affairs, or meeting to discuss their local concerns, or selecting their local officers. You will describe the municipal machinery which may happen to exist for any purpose, and any existing institutions for any species of local self-government, which may be applied to the higher kinds of municipal duties.

To leave to local management whatever can be safely intrusted to it, and in such local management to give a voice to as large a number of the people as can use the suffrage for the common advantage, will be your great object; in the prosecution of which, you will conduct your inquiries in the way which you may deem best calculated to enable you to draw just conclusions and to furnish an early report.

I have, &c.

William Kennedy,
Adam Thom, } Esquires.

(signed) *Charles Buller.*

PRELIMINARY REPORT OF THE ASSISTANT COMMISSIONERS OF MUNICIPAL INQUIRY.

To the Honourable *Charles Buller*, Chief Commissioner of Inquiry into Municipal Institutions.

Municipal Commission Office, Quebec,

Sir, 27 October 1838.

In conformity with your letter of instructions, as chief of the commission appointed to inquire into the municipal institutions of the province of Lower Canada, we proceeded to lay down a plan for conducting the inquiry on a comprehensive basis, and, in the way that promised to enable us most readily to meet the exigencies of a community lying under a suspension of constitutional rights. With a view to the economy of time, as well as to the obtaining of accurate information, we came to the conclusion, that we should discharge the duties of the commission most satisfactorily by directing our investigation, in the first instance, to the cities of Quebec and Montreal. Those cities had been incorporated for

a term of three years by Acts of the provincial legislature. If the experiment of incorporation had been successful, their inhabitants would, of course, feel anxious for the renewal of the statutes which expired in 1836; if it had been unsuccessful, it was necessary to ascertain the cause of failure, in order to guard against its recurrence in future legislation. It was fair to assume, that the lapse of their municipal government would be productive of injury and inconvenience in growing commercial towns like Quebec and Montreal; we were, therefore, impressed with the conviction that we should best consult the public interest and wishes, by making the municipal regulations of these towns the subject of a separate report, to be submitted as early as possible to his Excellency, Her Majesty's High Commissioner, as material for legislative enactment. Thus we had reason to hope that, in the course of a few months, the benefit of improved and extended municipal institutions might have been conferred upon the principal seats of provincial intelligence and wealth, in which the disorder and discomfort occasioned by the absence of these institutions is strikingly apparent.

Another consideration weighed with us in giving precedence to Quebec and Montreal, the desire of obtaining the advantage of the auxiliary information to be derived from this branch of the inquiry before directing our investigation to the rural districts, where habits of self-government are almost unknown, and education is so scantily diffused, as to render it difficult to procure a sufficient number of persons competent to administer the functions that would be created by a general scheme of popular local control.

In accordance with this plan, we called for the evidence of persons presumed to be acquainted with the subject, as to the working of the Act which provided for the incorporation of Quebec. The inquiry was so far matured, that we should have been prepared, after devoting a little time to hearing evidence in Montreal, to submit to his Excellency a complete scheme of incorporation for both cities. After the performance of this, the more urgent part of our duty, it was our intention to have made a circuit of the rural districts, for the purpose of carefully examining the practical operation of such institutions as may have been devised for the regulation of local affairs, and of determining, from personal observation, to what extent, and under what restrictions, the agricultural population might safely become the depositories of municipal authority. The vague and conflicting character of the evidence submitted to us, even on matters of ordinary social concern, satisfied us of the necessity of closely examining, on the spot, the wants of the rural districts, their modes of local government, and their capacities for municipal organization. We were farther confirmed in this opinion, by the discouraging manner in which intelligent and experienced persons, both of British and Canadian blood, spoke of the *habitans* in relation to the business of local management. They were almost unanimous in affirming, that the ignorance which prevails among this class, together with their deep-rooted dislike to every kind of tax and assessment, must render any attempt to improve the country, by means of a comprehensive municipal system, impracticable.

From the line of proceeding which, under the circumstances referred to, we deemed it expedient to adopt, events untoward for the settlement of these colonies constrained us to depart. We were, therefore, obliged to alter the plan of investigation, so that we might be enabled to furnish a general report on the subject of our inquiry, which, while it might be insufficient to show precisely the machinery which ought to be constructed for the administration of local affairs in the province, might at least serve to demonstrate that some advances towards a less defective system are imperatively demanded. Instead of visiting Montreal and the townships and seigniories, as we proposed, we were forced to content ourselves with examining some of the executive officers who act in these localities, aided by whose testimony, with documents from various sources, we have drawn up a statement of the existing municipal establishments of Lower Canada, and the machinery that might be applied to the working of an improved and comprehensive system of local administration. The nature and efficacy of superior municipal institutions seem to be very imperfectly understood in this province; and the evidence we have collected from parties examined is exceedingly meagre and indefinite. It is indeed comparatively valueless as a help to establishing a better order of things. One important inference, however, we could not fail to draw from it, namely, that there is no such thing as systematized local self-government in Lower Canada, and that although long under the rule of England, the province has participated far too sparingly in the benefits of sound British institutions.

We do not propose to include minute details of evidence in the report which we are preparing to lay before you, but to embody under their proper head such hints for amendment as may seem of sufficient note to be adopted or recorded.

We may be permitted to remark, that perhaps in no particular is the unhappy condition of this colony more conspicuous than in the apathy, or despondency, or party jealousy, with which persons, neither deficient in education nor wanting in the spirit of enterprise, are disposed to regard the constitution of new popular authorities for the management of matters of common interest. The proper fruits of representative government are not to be found in Lower Canada. We look in vain for the young, vigorous and generous institutions which ought to have grown up under its shade. The Constitutional Act conferred a representative government on the province. Yet, hitherto, the higher municipal functions have been discharged, partly by the provincial legislature, and partly by officers appointed by the central executive. The mass of the people, whose incapacity is censured or deplored, have been allowed the exercise of the greater privilege of electing provincial representatives, while, with singular inconsistency, they have been denied the minor right (the exercise of which

which would have been a wholesome preparatory for the discharge of the superior trust) of choosing municipal authorities, and thereby gradually acquiring a disciplined knowledge of their social duties in the school of practical citizenship. There are persons, too, who now plead for the restoration of the greater right, and still would hesitate to grant the lesser, contending that, until education is generally diffused, a system of popular local government would do more harm than good, and that, consequently, until a new and instructed generation shall arise, the Canadian farmers ought to remain without a voice in the management of the affairs with which they are most familiar, and for the prudent direction of which they have a paramount interest in providing.

We have, &c.

(signed) *William Kennedy,*
Adam Thom,
Assistant Commissioners of Municipal Inquiry.

GENERAL REPORT OF THE ASSISTANT COMMISSIONERS OF MUNICIPAL INQUIRY.

SOCIAL ASPECT OF THE PROVINCE OF LOWER CANADA.

The institutions by which the affairs of a country are to be regulated ought to be framed in accordance with the spirit of the people, their capacities for government, and the circumstances of their physical condition.

To bestow upon a people modes of government greatly in advance of the general state of society is hardly less unwise than to cause institutions to linger in the rear of the public mind. The imprudence of a sudden transition from political inexperience and dependence to the loosest habits of democracy is visible in the republics of South America; it may be questioned whether most of the evils that afflict Lower Canada have not originated in an error of a like description.

What is the present condition of the province, and how far are its inhabitants prepared, by previous discipline, to profit by a more liberal and comprehensive system of internal administration?

The earlier French settlements in Canada were made ostensibly with the view of converting its aboriginal inhabitants to the Roman Catholic faith. It happened, however, that of the Indians, a greater number were slain in provincial feuds than were christianized by missionary zeal. A military policy eventually prevailed in the government of the colony; and to sustain this policy, the Court of France created a military *noblesse*, poor, proud, restless, and contemptuous of commerce. There was no real order of proprietorial nobility in the country. In 1763, France ceded Canada to England. In the same year, a Governor and Council were appointed, and a proclamation was issued, which substituted for the "Custom of Paris," heretofore the law of Canada, the civil and criminal law of England. It was ordered, that in legal proceedings the English language should alone be used; the Governor was empowered to convene an Assembly elected by the "freeholders and planters," and representatives were chosen accordingly for all the parishes except Quebec. Owing to difficulties arising out of the form of the oath prescribed to the representatives, the Assembly never sat. Thus, in the very first year of possession, did England hasten to ingraft her representative system on the sterile institutions of a colony, whose only progressive movement had been from monastic rule to military despotism. At a subsequent period, Governor Carleton and the chief law officers of the colony united in the opinion that the Canadians were not ripe for so large a share of legislative power as had at the outset been volunteered for their acceptance.

By an Act passed in 1774, it was provided, that in the administration of the colony, the Governor should be assisted by a Legislative Council, to consist of not less than 17 and not more than 23 persons (resident in the province), to be appointed by the Crown. The Act empowered the Council to impose such taxes (and such only) as the inhabitants of any town or district within the province might be "authorized by the said Council to assess, levy, and apply within the said town or district for the purpose of making roads, erecting or repairing public buildings, or for any other purpose respecting the local convenience and economy of such town or district." This Act re-established the French civil law in Canada.

In the year 1791, the Imperial Parliament divided the province into Upper and Lower Canada, and gave to each a constitution modelled after the form of the British; thus, within the narrow limit of 28 years, we find Lower Canada placed under four different modes of government; viz., French military authorities; English Governor and Council, with English law; English Governor and Legislative Council, with French civil law; and a constitution framed in imitation of the British, which constitution, after a troubled existence of less than half a century, has been suspended by the same imperial authority that called it into being.

Lower Canada embraces a vast extent of territory in proportion to its population, its superficies extending over almost 250,000 geographical square miles,*—about half the aggregate superficies of the British North American provinces. At the cession of the colony in 1763, its population was estimated at 70,000. The return of the census of 1831 was,

For the district of Montreal - - - - - - -	290,000
Ditto - ditto - Quebec - - - - - -	151,980
Ditto - ditto - Three Rivers - - - - -	56,570
Ditto - ditto - Gaspé - - - - - -	13,312
Estimated increase from 1831 to 1836 - - - -	88,000
TOTAL - - -	599,862

Of which it is computed that seven-eighths are Roman Catholics. The number of persons of this aggregate population, who are of British origin, has been generally estimated at 200,000, of whom the great majority reside in the cities and parishes of Quebec and Montreal and the townships. The inhabitants of French origin are chiefly distributed along the banks of the St. Lawrence, as far up as Montreal. The land adjacent to this magnificent river exhibits the appearance of a continuous line of villages, a military mode of settlement, which presents obvious facilities for municipal organization.

The bulk of the population of the townships is composed of old American loyalists and more recent settlers from the United States; the remainder are emigrants from Britain. The townships in which settlements have been made are unequally peopled, some containing a sufficient number of inhabitants to form substantial communities, others varying in amount from, it may be, five to a hundred families and upwards.

The *habitans*, or agricultural population of French origin, hold their lands by feudal tenure, which prevails in the "seigniorial" districts. Though under the sway of England for 75 years, they are but little changed in usages, and not at all in language. A very small proportion of them are acquainted with the first rudiments of education; they use comparatively few imported articles, and their system of agriculture is generally rude and antiquated. Owing to the neglect of manure and a proper rotation of crops, the land in many places has become exhausted, and its cultivators, year after year, sink deeper in poverty. Scanty harvests during the last six or eight years, caused mainly by imperfect modes of culture or injudicious cropping, have reduced considerable numbers of the *habitans* in the district of Quebec to a state of extreme destitution. In the district of Montreal, the farming is better, and the people more prosperous. The *habitant* is active, hardy and intelligent, but excitable, credulous; and, being a stranger to every thing beyond his own contracted sphere, he is peculiarly liable to be made the dupe of political speculators. His ignorance of the English language prevents him from acquiring any knowledge of the sentiments and views of the British Government and people, except what he may derive from educated persons of his own race, interested, it may be, in deceiving him. Never having *directly* experienced the benefits of British rule in local affairs, and almost as much insulated from British social influences as if the colony had never changed masters, it is idle to expect that he should entertain any active feeling of attachment to the Crown.

For opening new settlements the *habitant* has many useful qualifications, being usually competent to provide, by his personal skill, all the essentials requisite for his situation, such as house, clothing, and the ordinary farming implements. But having cleared his land, erected a dwelling for himself and a church for the *curé*, he remains stationary, contented with his lot, and living and dying as his ancestors lived and died before him. At the present day, for instance, a traveller may pass through districts where there is an abundance of excellent milk, and be unable to procure either butter or cheese with the sour and black-looking country bread which is served up at his meals; and it is by no means an uncommon circumstance for a *habitant* to sell his manure to a neighbouring farmer, or throw it into the adjoining river, while every season his crops are deteriorating, in consequence of the degeneracy of the seed and the exhaustion of the soil.

By the *habitant* a small gain, or saving of actual coin, is deemed much more important than a large expenditure of time; and he will not easily be induced to venture on an immediate pecuniary outlay to secure a remote advantage, unless indeed the money is to be devoted to litigation, in which he loves to indulge.

There is no class resembling English "country gentlemen" among the Canadians; nor do the doctors, notaries and lawyers, who overabound in the colony, form an efficient substitute for such a class. Needy and discontented, they are more disposed to attempt an improvement in their own condition by political agitation, than to labour for the advancement of their uninstructed neighbours. The only body of men to whom the *habitans* can look for aid and direction are the parochial clergy, who, in the districts where their authority is unimpaired, act as a vigilant moral police, the efficiency of which is manifested in established habits of sobriety and order. Persons acquainted with the province are well aware that, in the disaffected districts, the influence of the Canadian clergy is much diminished.

It appears, then, that the mode of village settlement adopted by the Franco-Canadians is favourable to the establishment of municipal institutions, and that the obstacles to be encountered are the absence of education, popular inexperience, blind repugnance to taxation,

* Bouchette.

tion, and the absence of a wealthy and instructed class, interested in the prosperity of the many, and desirous of engaging gratuitously in the administration of local affairs.

The townships afford better materials for municipal government than the seigniorial districts; but, even in these localities, the state of education is very backward. A gentleman well acquainted with the townships writes thus from Frelighsburg, in the county of Missisquoi, on the borders of the United States. "The people are not anxious for municipal institutions, and if they receive them, they are prepared for a very limited power. I must warn you that the power of taxation, for any purpose whatever, would produce the greatest dissatisfaction. The Commissioners would therefore do well to confine the local officers to performing administrative functions simply; and if they do so, it is evident that their powers cannot be very extensive. But there is one set of powers which might be exercised by the officers to the great benefit of the people, and that is the control of roads. If the Commissioners see fit to recommend them to receive and exercise the same powers as the Grand Voyer now does, I am convinced that nothing would be looked upon as a greater boon. The expense, the trouble and vexation of procuring the establishment of a new road, or of altering the course of an old one, are so great that individuals undergo them only when necessity absolutely compels them. In a country such as this, the greatest facility ought to be given to the laying out of roads. It is by them that the country becomes settled and improved: without them it is nothing. Still I should not think it advisable to change the system. Here the method of making and repairing roads is infinitely preferable to any other—to that especially of the United States. The Commissioners might also, with great advantage, intrust to local officers the granting of warrants against debtors leaving the country, and for a sum much less than the one now fixed: they might reduce it to, say, 5*l.* currency. The substance of the above suggestions is, shortly, 1st. Freeholders to recommend officers (I have said nothing about the term of service; but I think part of them should go out of office every year: if three be appointed, one to go out; if five, two). 2d. Powers limited to those now exercised by the Grand Voyer, and to granting warrants against absconding debtors. The warrant and whole proceedings to be brought before the Commissioners' Court for small causes, if the sum due be 6*l.* 5*s.*; and if greater, to be brought before the King's Bench."

It is to be observed that the writer of the preceding remarks, while he alleges that the people are not anxious for municipal institutions, bears testimony to the existing necessity for them with regard to the management of roads,—one of the most important matters that can fall within their range. Such, with the exception of the cities, is the general aspect of the province. But, unhappily, it must be added, that the distrust and animosity engendered by political dissension between the settlers of different races have materially increased the difficulty of establishing a sound and comprehensive system of local administration.

GENERAL CHARACTER OF PROVINCIAL LEGISLATION.

The mere concession of a form of general government, in outline resembling its own, may amount to a very imperfect fulfilment of the duties owing by the imperial state to a conquered colony. It is possible that the original may be excellent and the outline correct, and yet the constitution fail to benefit the country to which it has been transplanted. When, in 1791, Mr. Pitt introduced to the House of Commons the Bill for granting a representative system of government to Lower Canada, Mr. Fox remarked, that "the only means of retaining distant colonies with advantage, was to enable them to govern themselves;"—an opinion undoubtedly just, if the speaker's ideas were not limited to the gift of some peculiar constitutional forms. The value of British constitutional forms to a people of foreign origin, language and manners, has been tested in Lower Canada, and may be ascertained by an examination of the provincial statute book, and an estimate of the benefits which have accrued to the colony from domestic legislation.

The bulk of the statutes of Lower Canada bear upon matters of a strictly municipal character, and the labour of the present investigation has been materially increased by the necessity of sifting a mass of petty enactments, framed to endure for periods so short as rather to keep society in an anxious and unsettled state, than to afford it the blessings of security and repose.

The Governor and Council who exercised their authority under the British statute, 14 Geo. 3, c. 83, commonly called "The Quebec Act," were, as has been stated, so far restricted as to be incompetent to impose any tax or duty, excepting only local rates for local objects. This power of taxing—limited and exceptional as it was—was amply sufficient to provide for the establishment of efficient municipal institutions; but, at so early a stage in the career of a thinly-peopled and newly-conquered colony, these institutions would most probably have been deemed premature, perhaps even dangerous. Besides, to secure their effective operation would have been a heavy burthen upon the indolence of colonial administration. A comparatively small portion of the legislation of the Governor and Council was, at all events, directed to objects of a municipal nature. Their legislation, if not remarkable for pains-taking, had the merit of being at once general and moderate; neither usurping the functions of a parish meeting on the one hand, nor encroaching on the prerogatives of the Imperial Parliament on the other.

Very different has been the course pursued by the legislature created by 31 Geo. 3, c. 31. The constitutional legislature of Lower Canada has too often betrayed its ignorance of

its proper functions by dabbling in affairs unworthy of legislative cognizance, or grasping at matters beyond its legislative range; equally anxious to extend the limits of its authority, and reluctant to delegate to other bodies a share of that authority. So much addicted has it been to this two-fold deviation from its legitimate province, that, during a term of 45 years, it has effected little or nothing towards fulfilling its highest and most important duty—the purging of the civil code of universally acknowledged evils. Almost every essential improvement introduced into the laws of the colony has been the work of the British Parliament in the Quebec Act, of the Governor and Legislative Council in their Ordinances, or of the Imperial Parliament in the Tenures Act. Such attempts at reform as have been made by the constitutional legislature have referred almost exclusively, not to the law itself, but to the administration of the law. Most of these attempts—developed in temporary statutes—sometimes renewed, sometimes allowed to expire, have caused uncertainty and confusion; while the judicature law (34 Geo. 3, c. 6), by multiplying Courts of King's Bench, and infusing them alternately into the Court of Appeal, has tended to produce and to perpetuate discordant systems of jurisprudence in the courts, both of original and appellate jurisdiction.

Temporary laws, with a few exceptions, founded either on natural or constitutional necessity, are a barbarous solecism in legislation. To pass a law once, for a limited period, might evince a modest caution on the part of an inexperienced legislature (though even as an experiment, a temporary law could not have so fair a trial as a permanent one), but it would not be easy to justify the colonial practice of successively continuing, from time to time, temporary Acts without amendment. It would be uncandid to throw upon the ambition or party spirit of any portion of the constitutional legislature of Lower Canada the odium of a system which is so general in colonies, and which has even been sanctioned by the British Government in its instructions to colonial governors; but it is impossible to doubt that the political leaders of the majority of this province have perverted the power of framing temporary Acts into an instrument of factious aggrandizement.

So far as the existence of any temporary law is necessary or useful, the mere lapse of time must place the whole community at the mercy of any one branch of the legislature, and the other branches must be often tempted to purchase reluctant assent by mischievous concessions. As a general instance of the evil, it is almost needless to mention that, so long ago as the year 1825, the Imperial Parliament was obliged to avert serious disasters by passing the Canada Trade Act, perpetuating certain temporary revenue laws of Lower Canada. As special instances of the unseasonableness of temporary laws, we may mention the brief incorporation of Quebec and Montreal, and the Act for establishing registry offices in the townships.

Temporary laws, by encouraging every raw representative to try his hand at statute-making must promote slovenly legislation; and even qualified representatives will too frequently be disposed to overlook the blunders of an enactment, which is only destined to continue for one or two years. The system, moreover, while it reserves too much discretionary authority to the legislature, to be exercised at the caprice of any particular branch thereof, also serves to conceal from the country at large the real amount of legislative labour. Exclude from the statute book of Lower Canada its slightly amended and merely continued laws, and its compass will be reduced very considerably. Deduct from the sum total of the enactments which it contains those that relate to matters purely municipal, which experience proves to be better cared for by local authorities than by general representative bodies, and the remainder will hardly seem of sufficient importance to warrant the expense of maintaining a provincial legislature.

The subjoined tabular statement of the various ordinances and statutes respecting the cities of Quebec and Montreal may be taken as a fair specimen of the petty legislation of Lower Canada.

No. I.

CITY of QUEBEC:—ORDINANCES and STATUTES.

SUBJECT.	Volume.	Page.	Year.	Reign.	Chapter.	REMARKS.
Markets -	Ord.	5	17	Geo. 3	4	Regulates markets of Quebec and Montreal.
„ - - -	13	180	1	Will. 4	28	- - Partially suspends the foregoing Act till 1st May 1836.
„ - - -	14	262	6	„	32	Continues 1st Will. 4, c. 28, till 1st May 1840.
Hay-market - -	9	94	57	Geo. 3	16	- - Leaves regulating of the same in Quebec and Montreal to magistrates of the respective districts.
Bakers - - -	Ord.	17	17	„	10	Regulates bakers in Quebec and Montreal.
„ - - -	8	40	55	„	5	- - Regulates bakers in Quebec, Montreal and Three Rivers, repealing the preceding ordinance till 1st May 1817.
„ - - -	9	40	57	„	9	- - Continues and amends the foregoing till 1st May 1819.
„ - - -	9	392	59	„	11	Continues temporary Acts till 1st May 1821. *N. B.*—Since 1st May 1821, suspended ordinance again in force.
Accidents by fire -	Ord.	33	17	„	13	- - Provides against accidents by fire in Quebec, Montreal and Three Rivers.

No. I.—City of Quebec:—Ordinances and Statutes—*continued.*

SUBJECT.	Volume.	Page.	Year.	Reign.	Chapter.	REMARKS.
Accidents by fire -	Ord.	189	30	Geo. 3	17	Amends foregoing ordinance.
„ - - -	13	536	2	Will. 4	37	- - Establishes fire society in Quebec, suspending so far the two ordinances till 1st May 1834. *N. B.*—Since 1st May 1834, ordinances in force in Quebec.
Police - - -	9	86	57	Geo. 3	16	- - Provides for regulation of police in Quebec, Montreal and Three Rivers, former Acts having expired on 1st May 1816.
Highways, &c -	2	56	39	„	5	- - Partially repeals 36 Geo. 3, chap. 9, with respect to Quebec and Montreal.
„ - -	9	183	57	„	29	- - Amends foregoing, with respect to salaries of surveyors.
Port of Quebec -	4	68	45	„	12	- - Regulates shipping in port of Quebec and Montreal, erecting Trinity-house in Quebec, and repealing all former ordinances and statutes, 28 Geo. 3, c. 5, 30 Geo. 3, c. 1, and 37 Geo. 3, c. 4.
„ - - -	54	72	51	„	12	Amends the foregoing Act.
„ - - -	10	204	2	Geo. 4	7	Further amends first above mentioned.
Upper Town Market	4	222	47	Geo. 3	8	Provides for erection and regulation thereof.
New Market-place, St. Paul-street.	12	366	9	Geo. 4	53	Establishes the same.
„ - - -	13	350	2	Will. 4	13	Amends and extends the foregoing Act.
St. Roch's Market -	13	128	1	„	19	Provides for the establishment of the same.
Incorporation - -	13	14	1	„	52	Provides for the same.
„ - - -	13	28	3	„	6	- - Amends foregoing Act, with respect to time of electing councillors and mode of electing mayor.
„ - - -	13	140	4	„	27	- - Amends 1 Will. 4, c. 52, with respect to mode of conducting election of councillors.
Beaches, or Strand -	11	392	7	Geo. 4	11	Regulates same until 1st May 1829.
„ - - -	13	332	2	Will. 4	9	- - Continues and amends foregoing Act till 1st May 1834.
„ - - -	13	72	4	„	3	Continues foregoing Act till 1st May 1836.
Wharfingers - -	13	508	2	„	32	- - Compels same to advertise unclaimed goods till 1st May 1834; continued, without amendments, by two subsequent Acts, till 1st May 1840.
Assessors - -	12	130	9	Geo. 4	16	- - Increases number of the same for Quebec and Montreal till 1st May 1831; continued, without amendment, by two subsequent Acts, till 1st May 1840.
Watching and lighting.	9	16	58	Geo. 3	2	- - Establishes the same in Quebec and Montreal till 1st May 1821.
„ - - -	10	82	1	Geo. 4	11	Continues foregoing Act till 1st May 1823.
„ - - -	10	266	3	„	6	- - Continues and amends 58 Geo. 3, c. 2, till 1st May 1825.
„ - - -	11	10	5	„	1	Continues and amends further, until 1st May 1827.
„ - - -	11	398	7	„	12	And until 1st May 1829.
„ - - -	12	206	9	„	30	- ditto - ditto - 1833.
„ - - -	13	230	1	Will. 4	34	Continues whole, till 1st May 1834.
„ - - -	13	70	4	„	9	- ditto - - - - ditto - 1836.

No. II.

City of Montreal:—Ordinances and Statutes.

SUBJECT.	Volume.	Page.	Year.	Reign.	Chapter.	REMARKS.
Markets - -	Ord.	5	17	Geo. 3	4	Regulates the same in Montreal and Quebec.
„ - - -	13	180	1	Will. 4	28	Partially suspends foregoing Act till 1st May 1836.
„ - - -	14	262	6	„	32	Continues 1 Will. 4, c. 28, till 1st May 1840.
Haymarket - -	9	94	57	Geo. 3	16	- - Leaves regulating of the same in Montreal and Quebec to magistrates of respective districts.
Bakers - - -	Ord.	17	17	„	10	Regulates same in Montreal and Quebec.
„ - - -	8	40	55	„	5	- ditto - - ditto - and Three Rivers, repealing ordinance till 1st May 1817.
„ - - -	9	40	57	„	9	Continues and amends foregoing till 1st May 1819.
„ - - -	9	392	59	„	11	Continues temporary Acts till 1st May 1821. *N. B.*—Since 1st May 1821, suspended ordinance again in force.
Accidents by fire -	Ord.	33	17	Geo. 3	13	- - Provides against the same in Montreal, Quebec and Three Rivers.
„ - - -	„	189	30	„	7	Amends foregoing ordinance.

(*continued.*)

No. II.—City of Montreal:—Ordinances and Statutes—*continued*.

SUBJECT.	Volume.	Page.	Year.	Reign.	Chapter.	REMARKS.
Accidents by fire -	12	390	9	Geo. 3	57	-- Establishes fire society in Montreal, suspending, so far, the two ordinances till 1st May 1834.
„ - -	13	190	1	Will. 4	30	Amends foregoing Act. *N. B.*—Since 1st May 1834, ordinance in force in Montreal.
Police - - -	9	86	57	Geo. 3	16	-- Provides for regulation of the same in Montreal, Quebec and Three Rivers, former Acts having expired on 1st May 1816.
Highways, &c. -	2	56	39	Geo. 3	5	-- Partially repeals 36 Geo. 3, c. 9, as to Montreal and Quebec.
„ - -	9	138	57	„	29	Amends foregoing Act as to salaries of surveyors.
Watching and lighting	9	16	58	Geo. 3	2	-- Establishes the same in Montreal and Quebec till 1st May 1821.
„ - -	10	82	1	Geo. 4	11	Continues foregoing Act till 1st May 1823.
„ - -	10	266	3	„	6	Continues and amends till 1st May 1825.
„ - -	11	10	5	„	1	- - ditto - - - ditto - - 1827.
„ - -	11	398	7	„	12	- - ditto - - - ditto - - 1829.
„ - -	12	308	9	„	30	- - ditto - - - ditto - - 1831.
„ - -	13	230	1	Will. 4	34	Continues whole till 1st May 1834.
„ - -	13	70	4	„	9	- - ditto - - ditto - 1836.
Corporation - -	13	46	1	„	54	Provides for the same.
„ - -	13	140	4	„	27	-- Amends foregoing Act with respect to the mode of conducting elections of councillors.
Wharfingers - -	13	508	2	„	32	-- Compels them to advertise unclaimed goods till 1st May 1834. Continued, without amendment, by two subsequent Acts till 1st May 1840.
Assessors - -	12	130	3	Geo. 4	16	-- Increased number for Montreal and Quebec; continued to 1st May 1840.
Harbour (Police) -	1	1	33	Geo. 3	1	-- Regulates the bringing of gunpowder into the same, and defends also the same.
„ - -	4	68	45	„	12	-- Regulates shipping in harbour of Montreal and Quebec, creating Trinity-house jurisdiction for both cities, and repealing all former ordinances and statutes, 28 Geo. 3, c. 5; 30 Geo. 3, c. 1; 37 Geo. 3, c. 4.
„ - -	54	72	1	„	12	Amends the foregoing Act.
„ - -	10	204	2	Geo. 4	7	Farther amends.
„ - -	13	432	2	Will. 4	24	-- Partly repeals preceding three Acts, erecting Trinity-house in Montreal.
(Finance) - -	12	686	10&11	Geo. 4	28	Provides for improving and enlarging harbour.
„ - -	13	90	1	Will. 4	11	Extending provisions of foregoing Act.
„ - -	13	530	2	„	36	Farther extends - - ditto.
„ - -	14	464	6	„	58	- - Vests dredging-machine in harbour commissioners, who shall be appointed by any Act to be passed during the present session of the Provincial Parliament.
New Market - -	4	210	47	Geo. 3	7	Provides for building the same.
„ - -	4	336	48	„	4	Authorizes erection of temporary stalls.
„ - -	5	18	49	„	5	-- Repeals the foregoing Act, declaring the temporary stalls to be "new market-house."
„ - -	14	38	6	Will. 4	7	Continues the same.
Markets and weigh-houses.	9	400	59	„	14	-- Authorizes extension of new market, and erection of weigh-house in each market.
Haymarket weigh-house.	9	94	57	Geo. 3	16	Authorizes erection of same.
St. Ann's Market -	11	408	7	Geo. 4	14	Authorizes establishment of same.
„ - -	12	276	9	„	38	Amends and extends the foregoing Act.
Prees de Ville Market	12	282	9	„	39	Establishes the same.
St. Lawrence Market	12	286	9	„	40	Provides for establishing of same.
„ - -	12	700	10&11	„	30	Amends the foregoing Act.
„ - -	13	236	1	Will. 4	36	-- Provides for better regulation, repealing former Acts.
„ - -	10	92	1	Geo. 4	6	-- Authorizes and establishes the same, but proves abortive.
Common - -	13	86	1	Will. 4	10	Vests the same in city.

Under legislation so minute and inconstant, the laws by which the affairs of a community are regulated must generally be mere matter of surmise, and inconvenience and incongruity the certain result. The chimnies of Montreal have been swept one year under the Act Will. 4; and the next under a revived ordinance of Geo. 3. The dues on the Lachine Canal, a most expensive public work, were uncollected for a year, owing to the non-renewal of the Act which authorized the collection. In consequence of a like omission, the wharfage dues of the Montreal Harbour were not legally exigible during the same year.

year. Other instances might be adduced to show, that so long as the constitutional legislature exercised its functions, it was possible that local Acts of primary importance to the public interests might be suffered to expire, in order that a single branch of that legislature might, as a condition of the revival of these Acts, extort from the other branches compliance with its demands. In 1836, the House of Assembly declared its intention to adjourn its sittings until its demands had been granted. It is needless to advert to the ultimate consequences of this determination; they are matter of history.*

DIVISION OF THE PROVINCE.

The province of Lower Canada is divided into five districts: Quebec, Montreal, Three Rivers, Gaspé and St. Francis which are subdivided into Counties, Townships, Parishes and Extra-parochial places.

Districts.

The "Districts," properly so called, are almost exclusively judicial. They are independent of each other, and differ occasionally, both in the theory and practice of the law; the inferior district of Gaspé being dependent on the district of Quebec, and, in fact, forming part thereof. The only other characteristic of the districts, whether dependent or independent, is, that they have each their own grand-voyer, with the single exception of the district of St. Francis.

St. Francis.—It is to be remarked, that while the district of St. Francis was merely an inferior district, dependent partly on the district of Montreal, and partly on that of Three Rivers, the grand-voyers of these districts had full jurisdiction each in his own section; but now that it is superior and independent, some degree of confusion seems to exist with respect to the legal position of the said grand-voyers within its limits. They both act as if no such district were in existence; and yet, by the road laws, any offence against the laws can be punished only within the district where it was committed. A question thus arises as to which district is understood—the judicial or the road district.

Gaspé.—The inferior district of Gaspé includes the two counties of Gaspé and Bonaventure. It contains a scattered population of mixed races, British, Canadians, natives of Jersey and Guernsey, and Acadians. Placed at the *embouchure* of the St. Lawrence, and distant about 400 miles from Quebec, the affairs of Gaspé have occupied but a comparatively small share of public or legislative attention, and its inhabitants are in a most primitive state as regards local improvements. Mr. Power, who represented Gaspé in the House of Assembly, states, that "the roads in the district are very bad; there are, in fact, no roads in the settlements in the interior. The people are much dissatisfied with the administration of justice. They complain of the distance they have to travel to New Carlisle, the principal town and seat of justice, and wish for a judge in each county. There is but one circuit in the year; there is no description of police; and though magistrates have been appointed, the greater part of them did not qualify, being without the requisite landed property. Law has no great force in the district, people doing much as they like."

Looking to the position which Gaspé occupies upon the map, it becomes a question whether it would not be sound national policy, as well as for the advantage of the district itself, to unite it with the improving province of New Brunswick. An arrangement of this kind would certainly tend to simplify the administration of Lower Canada, would benefit the district itself, and would render the province more compact for the working of improved institutions. In the event of the severance of Gaspé from Lower Canada, perhaps the most convenient boundary would be the river Mitis, or Rimouski.

Counties.

The counties are principally political subdivisions, laid down with a view to the returning of members to the Provincial Parliament.

By 2 Will. 4, cap. 44, the counties had potentially, for a short time, a municipal character, through the collective action of the road commissioners of the respective parishes, townships, &c., and of the justices of the peace who homologated or rejected *procès verbaux*; but, as it was discretional with any parish or township to continue under the old system, or to avail itself of the Act, very few counties, more especially in the seigniorial districts, ever assumed the character in question.

By 2 Will. 4, cap. 66, and by 4 Will. 4, cap. 8, the counties, moreover, have had and will, until the 1st of May 1840, have potentially a judicial existence. But of the said Acts only two counties have availed themselves in any degree; and even those two have not established quarter sessions of civil and criminal jurisdiction, which the Acts were intended to introduce.

Parishes and Townships.

Parishes (which, so far as they are ecclesiastical, are almost exclusively for Catholic purposes) and townships are merely divisions for local improvement, and for the better prevention of abuses prejudicial to agriculture. By means of these divisions, the farmers are enabled

* The capricious legislation of the province has not been rendered less injurious by a steady and well-sustained executive. From the year 1799 down to the present time, the administration of Lower Canada has passed from one Governor to another, on an average, once in every two years.

enabled to provide for the repairing of roads, and the inspection of fences, ditches, water-courses, &c. Each parish and township is subdivided into not more than nine sections. Parishes vary in extent, but the townships usually embrace a superficies of 100 square miles, or 10 miles square, or 64,000 acres each.

Parochial Officers and Parish Funds.

For the management of the secular concerns of the Catholic churches, a court or council exists in the several parishes, composed of three acting churchwardens, and of persons who have filled the office of churchwarden: of the three wardens, the senior is the principal. One of the number is elected every year; in most cases by the court or council, though in a few localities by the *notables* or principal parishioners. Where there is more business than the wardens are able to get through, as sometimes happens, a portion of it is devolved upon committees of the council. Ten or twelve years ago, Mr. Papineau's party in the House of Assembly brought forward a bill to empower the parishioners to choose their churchwardens. The agitation of this measure, which passed through the House of Assembly, created considerable excitement at the time; but the bill was rejected by the Legislative Council, and ultimately abandoned. Mr. J. Langevin, who has acted as churchwarden in Quebec, says, that the present system of election works satisfactorily, as the persons chosen are generally respectable.

The senior churchwarden collects the pew-rents and all monies owing to the church, which go to the support of the edifice. Where the business of the parish is extensive and the outlay considerable, a paid agent is chosen to receive and disburse money and register the accounts, which are examined annually by two persons nominated by the council. No salary or entertainment is allowed to the wardens or members of the council. When the funds of the *fabrique* are insufficient for any large undertaking, such as the erection of a church, the requisite assessments are raised in this manner: a list, with the amount of each parishioner's contribution, is made by trustees appointed by the majority of the parishioners; this list is submitted to the superior courts of law, and, should it receive their sanction, becomes an assessment binding on the parties whose names are inrolled in it. The money thus raised is expended under the superintendence of the trustees. The law for regulating this department of parish business is contained in old French ordinances, which are so doubtful and contradictory as to occasion frequent litigation. A suit of this kind was commenced at Three Rivers, which lasted 15 years.

No part of the funds of the *fabrique* is appropriated to the relief of the poor. Mr. Langevin states, that if such a disposal of the parish money had at any time taken place, it must have been by way of loan, or with the formal sanction of the parishioners, on some extraordinary occasion, there being no legal authority for it. The income of the Catholic clergy is derived from their share of all grain grown on the lands of the Catholic parishioners, which share is not a tenth, but a twenty-sixth bushel.

School Districts.

According to the system of elementary schools, each county has been divided into districts, generally, if not always, smaller than a parish or township. The number of school districts has varied under different Acts of the legislature.

PRINCIPAL OFFICERS OF THE DIFFERENT DEPARTMENTS OF GOVERNMENT IN LOWER CANADA.*

Assistant Civil Secretary.
Provincial Secretary and Registrar.
Receiver-general.
Inspector-general of Accounts.
Clerk of the Special Council.
Inspector-general of the Queen's Domain.
Surveyor-general.
Adjutant-general of Militia.
Commissioners of Crown Lands.
Agent for Emigrants at Quebec.

Administration of Justice:

Chief Justice of the Province.
Chief Justice of Montreal.
Three Judges of the Court of King's Bench at Quebec.
Three Judges of the said Court at Montreal.
Provincial Resident Judge at Three Rivers.
Provincial Judge of the District of Gaspé.
Provincial Judge of the District of St. Francis.

Judge

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* Every officer of any note in the province is appointed by the Crown, and all hold their appointments during its pleasure.

Judge of the Court of Vice-Admiralty at Quebec.
Attorney-general.
Solicitor-general.
Advocate-general.

Sheriffs:

District of Quebec.
„ Montreal.
„ Three Rivers.
„ Gaspé.
„ St. Francis.

Coroners:

District of Quebec.
„ Montreal.
„ Three Rivers.
„ Gaspé.
„ St. Francis.

Clerks of the Crown:

District of Quebec.
„ Montreal.
„ Three Rivers.

Clerk of the Court of Appeals:

Prothonotaries of the Court of King's Bench:

District of Quebec.
„ Montreal.
„ Three Rivers.
„ Gaspé.
„ St. Francis.

Clerks of the Peace:

District of Quebec.
„ Montreal.
„ Three Rivers.
„ Gaspé.
„ St. Francis.

Inspectors of Police:

District of Quebec.
„ Montreal.

CUSTOMS.

Collectors:

District of Quebec.
„ Montreal.
„ St. John's.
„ Coteau du Lac.
„ Stanstead.
„ Beauce.

HIGHWAYS and BRIDGES.

Grand Voyers:

District of Quebec.
„ Montreal.
„ Three Rivers.
„ Gaspé.

SUBORDINATE JUDICATORIES.

CIRCUIT COURTS.

A GRAND desideratum in Lower Canada is a supreme court of original jurisdiction for the whole province; there being at present four co-ordinate courts, each of them supreme in its own particular district. Hence inconvenience, delay, expense, uncertainty and confusion.

The existing system has doubtless been framed, and from time to time extended, with the laudable view of bringing justice as near as possible to every man's door; but it has, unfortunately, had a different effect. To work well, one supreme court must necessarily

be accompanied by a thorough organization of circuits; whereas the multiplication of supreme courts not only diminished the necessity for such organization, but was intended to supply its place.

These observations are necessary before entering upon any notice of the present system of circuits, which extends to the rural districts the jurisdiction merely of the "inferior terms" of the supreme courts—a jurisdiction little more extensive than that of the commissioners for the trial of small causes—being confined to suits not exceeding the amount of 10*l.* sterling. In the townships not comprised within the district of St. Francis, it is a just ground for complaint, that the circuit stations have not been multiplied since the enactment of 34 Geo. 3, c. 6, to meet the wants of a rapidly-peopling country.

Small Cause Courts.

By 6 Will. 4, c. 17, any parish, seigniory, township or extra-parochial place, on petition of not less than 100 freeholders (200 in the cities of Quebec and Montreal) may call on the Governor "to appoint as commissioners such and so many fit and proper persons as he shall think fit," "to hear and determine in a summary way, according to the facts as proved, and to law to the best of their knowledge and judgment, all suits and actions purely personal (with the exceptions hereinafter made) to the amount of 6*l.* 5*s.* currency."

The small cause courts are held weekly in the cities, and, in the rural districts, on the first and third Saturday of every month, with power of adjournment. The commissioners act gratuitously, assisted by a clerk, who is paid by fees.

There are various opinions as to the working of this Act, which has been but a short time in operation; the first commission under it having only issued May 20, 1838. In Quebec, there are ten commissioners of English extraction and three of French; many of the latter having declined to accept the appointment when offered to them by Sir John Colborne. One of the most active (Mr. T. L. M'Pherson, notary) estimates the costs of suit at from 5*s.* to 7*s.* 6*d.* He thinks the court might advantageously determine personal causes to the amount of 10*l.* sterling. Mr. Rodier, a commissioner of the Montreal Small Cause Court, states that the weight of the business presses very heavily on the time of the commissioners, who ought, he conceives, to be paid for their services.

In Quebec and Montreal, the court appears to give satisfaction; but there is reason to apprehend that there will be a falling off in the attendance of commissioners, unless they are paid.* Mr. Knoulton, of Brome Township, thinks the commissioners should be allowed reasonable fees for their trouble. The court, he says, works decidedly ill in his district; men being appointed to act as commissioners who are destitute of public regard. The small cause courts will, of course, greatly increase petty and vexatious litigation, and as the commissioners must reside within the limits of their jurisdiction, it is probable that there will be not a few cases of interested oppression. Such courts, if established in and for larger districts, as counties for example, might be placed on a less questionable footing. Local residence would not be so objectionable, and there being a wider circle for the selection of commissioners, it is to be presumed that a better class of persons would be chosen.

Magistrates.—The magistrates are unpaid, and are appointed by the Crown. By a law of the provincial legislature, which will exist until the 1st May 1840, it was provided that every justice of the peace should possess immovable property, worth, after the discharge of all liabilities, at least 300*l.* currency. The practical result of this law was to lead to the withdrawal of some of the most valuable magistrates. The law calling for a qualification in land was also extended to the militia, which caused the dismissal or disqualification of many useful and intelligent officers.

By various provincial Acts the powers of justices are defined and regulated. Sometimes they may act singly, sometimes two together, sometimes three, sometimes in special sessions in any part of the province, and sometimes in quarter sessions in the various judicial "districts."

One of their most important duties in quarter sessions is, to decide on the legality or illegality of the grand-voyer's *procès verbaux*—a duty which, as it bears on legal forms rather than on questions of fact, cannot be prudently left to unprofessional men. Hence, among other reasons, an almost universal feeling in favour of having paid professional chairmen of quarter sessions.

To make a judicious choice of magistrates in the rural districts, or even in the cities, must always have been one of the most difficult duties of the provincial executive; and the difficulty has been much increased by the act of qualification, which exemplifies the danger of following too closely the analogies of England. In the corporate towns of England no pecuniary qualification is now required, and in the counties the qualification is so generally diffused as not materially to fetter the judicious exercise of the regal prerogative; and there, moreover, the landed qualification is what it cannot generally be in Canada, a pretty fair index of intelligence and respectability. Here, the qualification was the more uncalled for, as nothing of the kind had been required for the admission of a member of the legislature, whether of the House of Assembly or of the Legislative Council. It was farther objectionable,

* In Lower Canada, especially among the inhabitants of French extraction, there is a general indisposition to serve the public without pecuniary remnaeration. This reluctance is not of recent growth. "At present," remarks Sir James Marriott, the accomplished and sagacious Advocate-general, in his 'Plan of a Code of Laws for the Province of Quebec'—"at present, the Canadians, as it is stated upon good authority, complain of the attendance upon juries in civil suits as a heavy burthen and interruption of their occupations; though they like well enough to be tried by juries, they do not like to be the triers without some compensation."

objectionable, as open to the charge of being a party measure, inasmuch as it had a tendency to affect more extensively that race which, being newer to the country, and very generally devoted to commercial pursuits, possessed rather personal than real property. Besides, a qualification in land is nominal and delusive in Lower Canada, because from the want of a registry of real estate, even the apparent proprietor, acting in good faith, may be utterly ignorant of the incumbrances on his possessions; and because through the operations of the law of marriage, an insolvent husband may feel himself justified in taking the requisite oath. The system of unpaid magistracy, as incidental to the criminal law of England, was naturally introduced into the province with that law; and the utter unfitness of the people for such an institution is a striking instance of the imprudence of unadvisedly engrafting the code of one country on that of another. There was not in 1763, nor is there now, a sufficient number of men capable from education, intelligence and disinterestedness of deciding singly between contending parties; and the magisterial system ought to be so far modified as to require two or three justices of the peace for every district of any importance. In other words, there ought to be local courts, sitting *at least* once a month in sections of country larger than parishes and townships, and smaller than "districts," technically so called. The greatest care ought also to be taken to guard against the admission of uneducated, indolent, factious or otherwise improper persons into the magistracy, and the duties hitherto incidental to the office might be advantageously lightened by the establishment of more effective institutions.

Courts of Quarter Sessions.

By the 2d Will. 4, c. 66, and 4th Will. 4, c. 8, both of which Acts will expire on the 1st of May 1840, county courts of quarter sessions, having a civil as well as a criminal jurisdiction, may be held whenever, under the provisions of the said Acts, court-houses and gaols have previously been erected; half the expense of erecting such edifices being paid by the counties, and the remainder by the province. Such buildings have, however, been erected only in two counties, L'Acadie and St. Hyacinthe, and even in these, with a solitary exception in St. Hyacinthe, courts of quarter sessions have never been held. With respect to the civil jurisdiction of these courts, the law seems to have been hastily framed. It was designed to extend to all claims, whether real or personal, not exceeding 10 *l.* sterling; without making any provision for evocation or appeal, even in cases that might be evoked from the "inferior term" of the Court of King's Bench to the superior,—thence carried to the Court of Appeal, and thence to the Privy Council.

Courts of monthly, or even weekly sessions might be very useful, if controlled and guided by an impartial chairman of professional education—a mixed system which has worked well in Nova Scotia. These courts might furnish, either on the bench or in their grand juries, valuable instruments for county objects of a municipal character, such as the management of the poor, police, &c. One palpable advantage they would afford to the rural population, viz. the means of appealing against a *procès verbal* of the grand-voyer, without incurring the expense and trouble of forwarding it to the chief town of the district.

There were, until 1830, paid professional chairmen of quarter sessions for Quebec, Montreal, Three Rivers and Gaspé, but some of the parties filling the office having fallen under the displeasure of the House of Assembly, they were all obliged to retire in consequence of the House refusing to vote their salaries. The discontinuance of these officers has been a subject of much complaint, and has proved exceedingly prejudicial to the due administration of justice.

PUBLIC BUILDINGS.

There are no public buildings of a municipal character in the province other than court-houses and gaols, with the exception of such as will be mentioned under the head of "The Poor."

In the court-houses of Quebec and Montreal are held the sittings of the Court of King's Bench, and of the Courts of Vice-Admiralty and Quarter Sessions.

Court-houses and Gaols—(Districts.)

These have been built partly at the expense of the province by public grants, and partly at the expense of suitors by fees on suits. There are two of these buildings in Gaspé.

Court-houses and Gaols—(Counties.)

By 2 Will. 4, c. 66, amended by 4 Will. 4, c. 8, every county was authorized (voting by parishes or townships) to erect a court-house and gaol; half the cost to be advanced by the government if it did not exceed 600 *l.* currency, and the remainder to be assessed on the real property of the county, according to a rule which must be pronounced vague and iniquitous. The edifices were to be repaired, and establishments maintained by fees on suits. Of this Act only the counties of L'Acadie and St. Hyacinthe practically availed themselves, although it held out the advantage of a county court of civil and criminal jurisdiction as the recompense for the erection of a court-house and gaol.

Houses of Correction.

These did exist under temporary laws, and, as might be expected, were purely temporary themselves; they exist no longer.

Court-houses—(Circuits.)

There are none; public school-houses are convertible into judicial edifices for the occasion.

Police.

Police may be either preventive or executive.

At the date of the arrival of the Earl of Durham as Governor-general, there was not, in any part of the province, a body of preventive police, the night-watch of Quebec and Montreal (the only force of the kind that had ever existed) having been broken up in May 1836, in consequence of the expiring of the statute in that case made and provided. By the Provincial Ordinance, 2 Vict. c. 2, an efficient system of preventive police was established in the cities of Quebec and Montreal, the authority of which has since been extended by proclamation, issued under the said ordinance, to the respectively adjacent parishes.

The executive police of the province are the captains, subalterns and serjeants of militia, the militia itself being but a nominal force, which includes every male inhabitant between 16 and 60 years of age. By the Permanent Ordinance, 27 Geo. 3, c. 6, militia-men are declared to be, *ex officio*, peace-officers within their respective "parishes;" and, by the statute 6 Will. 4, c. 37, they are declared to be so within their respective "districts." But constables, properly so called, may be appointed by the justices of the peace, acting either singly or collectively; and by 6 Will. 4, c. 19, s. 6, bailiffs of any Court of King's Bench are authorized to act as constables within the district of such court. The whole militia, too, of the province may be considered as a preventive police, inasmuch as the Provincial Ordinance, 1 Vict. c. 22, s. 13, enacts that "all or any of the militia in any parish, township, extra-parochial place or county, may be ordered out by the civil authority in execution of the laws."

Village Police.

For the removal of nuisances and the prevention of accidents by fire in towns and villages, it was enacted by 4 Geo. 4, c. 2, that wherever there were 30 inhabited houses on 15 *arpents** of land, or less, or on a greater extent of ground a greater number of houses, not more than half an *arpent* apart, the freeholders should meet and choose from their number five trustees, who, on application of three freeholders, should appoint an inspector of the borough or village, to cause the regulations of the Act to be executed, and to enforce penalties. This Act was in force until May 1836, when it expired. It was revived, with amendments, by 6 Will. 4, c. 46, and will expire again in May 1840. According to the terms of this Act, nearly the whole of the Franco-Canadian settlements would be legally classified as villages, so dense is the population.

It may in general be remarked that the criminal law of England, which was introduced by the Royal Proclamation of 1763, and confirmed by the Quebec Act of 1774, necessarily brought with it all its system of executive police; which is, either actually or potentially, still in force, unless so far as it may have been modified by provincial enactments.

The imposition of constabulary duties on the militia is both burdensome and unsafe. Offenders are passed from captain to captain, by whom the serjeants are ordered to take charge of them; and they being indifferent to the due execution of an irksome duty, escapes are frequent, whenever the party in custody has reason to dread the result of his detention. If the *habitans* have any political sympathy with the prisoner, his escape is certain. There are no prisons nor places of temporary confinement in the rural districts; so that a prisoner may be passed along from militia-man to militia-man, for 200 miles, before he can be lodged in a place of safe keeping. The system offers no security whatever for the protection of the public peace or the rights of property. The following complaint of the want of a proper police was addressed to the Assistant Commissioners of Municipal Inquiry by three respectable inhabitants of the township of Hull, in the county of Ottawa, one of them—we believe two—being in the magistracy, Messrs. Wright, Taylor and Brigham.

"You are, no doubt, aware that our situation is immediately on the Chaudière Falls, where pass yearly above 160,000 pieces of timber for the Quebec market. In consequence of the obstruction of the navigation, the whole of the people employed in this branch of business are, from time to time, collected in this vicinity. Frequent breaches of the peace occur, offenders pass with impunity, and because we are unable to put the law in force, many profligate characters commit crimes and persist in their wicked courses, knowing that it is impossible for us to get them to Montreal. Thus a very heavy tax is levied upon the magistracy in attending to complaints. No good results therefrom; in fact, the magistrates have nearly given up the idea of trying to send culprits to Montreal, as all that are sent, as by law authorized (through the militia), have made their escape, and returned worse characters and more difficult to restrain than before.

"You will perceive, from the above facts, that something more efficient is requisite for this place than any other perhaps in the province, with the exception of the cities of Quebec,

* An *arpent*, or French acre, is about four-fifths of an English acre.

Quebec, Montreal and the town of Three Rivers. It is true that provision was made by our late legislature for the erection of court-houses and gaols in the several counties of the province; but the jarring interests called into play by the provisions of the Act have rendered it useless in this county, and, we believe, in almost every other in the province.

"The laws regulating our roads are also very defective; those who make the most use of them not being obliged to do any thing towards their repair. Something should be done to compel merchants and residents, who do not own lands, to do their share of labour in supporting the roads."

Through the incompetency of the existing legislature to impose even local rates for local purposes, the heavy expense of maintaining the necessary police force of Quebec and Montreal, instead of falling, as it ought to fall, upon the localities that benefit thereby, is thrown on the general funds of the province. It cannot be too deeply regretted that, during the discussions of the passing of the "Imperial Act," 1 Vict. c. 9, the friends of Lower Canada did not, in general terms, demand the full benefit of the analogy of the Quebec Act, by which the Governor and Council, though restricted as to the power of *general* taxation, had full authority to impose local rates for local purposes.

The absence of this essential power must have crippled every attempt to introduce early and extensive plans of improvement, whether legal, municipal or educational. The following are the enactments respecting matters of rural police.

RURAL POLICE:—ORDINANCES and STATUTES.

Volume.	Page.	Year.	Reign.	Chapter.	REMARKS.
Ord.	185	30	Geo. 3	4	- - *Abandon des animaux.* Extended by 4 Geo. 4, c. 33, s. 27, and virtually repealed by 6 Will. 4 c. 56, till 1st May 1845.
14	356	6	Will. 4	55	Preserves grass on beaches below city of Quebec.
14	362	6	„	56	- - Remedies abuses prejudicial to agriculture; consolidating and repealing all former Acts till 1st May 1845.
4	292	47	Geo. 3	14	- - Provides for appointment of inspectors and constables in towns and villages till 1st Jan. 1811, &c.
10	512	4	Geo. 4	2	- - Provides for police of William Henry, and other villages, repealing all former Acts till 1st May 1826.
14	322	6	Will. 4	46	- - Revises and amends the foregoing Act till 1st May 1840.
11	368	7	Geo. 4	3	- - Provides for maintenance of good order in churches, &c., repealing all former Acts till 1st May 1830: Continued by 10 & 11 Geo. 4, c. 21, till 1 May 1834. „ 4 Will. 4, c. 9, „ 1836. „ 6 Will. 4, c. 32, „ 1840.
9	74	57	Geo. 3	14	- - Facilities; administration of petty justice in rural parishes, till 1st May 1819: Continued by 59 Geo. 3, c. 20, till 1 May 1821. „ 1 Geo. 4, c. 3, „ 1823. „ 3 Geo. 4, c. 2, „ 1825. „ 5 Geo. 4, c. 24, „ 1827.
10	368	3	Geo. 4	21	Provides for establishment of fairs till 1st May 1826.
12	748	10&11	„	42	Establishes market in village of St. Hyacinthe.
13	8	1	Will. 4	51	- - Provides for ascertaining boundaries of parishes, "for civil purposes."
13	764	2	„	66	- - Authorizes the erection of court-houses and gaols in the counties till 1st May 1840.
13	64	4	„	8	Amends the foregoing Act.
14	288	6	„	37	- - Provides for safe conveyance of criminal prisoners from country parts to common gaol.

SCHOOLS.

By the 41 Geo. 3, c. 17, which is still in force, "a majority of the inhabitants" of any parish or township, by petitioning the Governor for the establishment of one or more schools of royal foundation, may subject the whole parish or township to the expense of erecting suitable school-houses for the instruction of pupils and the accommodation of teachers. By subsequent statutes grants of money were made in favour of school districts; and by the more recent Acts of the Provincial Legislature, all of which, however, have expired, such heads of families as were qualified to vote for members of Assembly were authorized to elect school trustees for each school district.

In the session of 1835-6, the House of Assembly sent up a Bill to the Legislative Council, where it was rejected, which proposed to give to the majority of the inhabitants of any parish, township or extra-parochial place, assembled for the purpose, the power of taxation to a certain extent for the support of schools; but it went no farther than barely to *give* the power, neither offering inducement, nor imposing obligation, with a view to ensure its exercise.

Very few, if any, parishes or townships availed themselves of the provisions of the 41 Geo. 3, c. 17, for assessing themselves for the support of schools--one out of many proofs, that optional taxation is not suitable to the people of Lower Canada.

Under the school laws the actual practice has, in all instances, fallen short in point of regularity and efficacy of the requirements of the statutes. Of the various enactments contained in those laws, hardly any are accompanied by provisions calculated to produce their punctual fulfilment and practical operation. As might have been anticipated, they have been neglected or evaded in all those particulars that involved any sacrifice of immediate interest or convenience on the part of the inert and unreflecting mass for whose benefit they were devised.

POOR.

The Poor of Lower Canada, so far as they have been the objects of legislative provision, may be divided into two classes.

First Class.—The first class consists of such individual objects of charity as are to be found in every country—the insane, the sick, the infirm, the friendless, and the destitute.

Second Class.—The second class consists of such multitudes of persons in particular localities as require aid to avert the consequences, whether present or prospective, of an alleged failure of the crops.

The first class has been practically subdivided into residents and strangers.

I. Residents.

Charitable institutions in Lower Canada were early founded by religious communities of the Roman Catholic faith; but we find that previous to the foundation of the General Hospital of Quebec (which is at present, as heretofore, under the charge of nuns governed by a superior), an office for the relief of the poor, "*Bureau des Pauvres*," had been established at Quebec. The expenditure of this office was controlled by trustees, and every colonist and community was bound to contribute annually to the funds. In the country parishes the maintenance of the poor was provided for in a similar manner.

So far as the statute-book affords information on the subject, it appears that steps towards the support of the poor were first taken by British authority at the commencement of the present century. In the preamble of 41 Geo. 3, c. 6, is recited the substance of a suggestion contained in the Lieutenant-governor's speech, "for securing and supporting such indigent persons as from a temporary or lasting derangement of intellect are incapable of earning their subsistence, and regarding the means to be employed to prevent the inhuman practice of exposing and deserting new-born infants." On this suggestion the legislature, "until further and more effectual provision could be made," authorized the Governor to apply 1,000*l.* currency a year, for the next three years, for the purposes aforesaid, and for the aid and support of such religious communities as receive and administer relief to sick and infirm persons and foundlings. By a series of temporary statutes the annual grant was gradually raised in the course of eighteen years from 1,000*l.* currency to 3,500*l.* currency, the latter grants having been divided by the legislature in certain unequal proportions between the districts of Quebec, Montreal and Three Rivers. In the Act which raised the grant to 3,500*l.* currency, namely, 58 Geo. 3, c. 13, appears the first symptom of "further and more effectual provision," as promised by the legislature in 1801. This Act authorized the Governor to apply 2,500*l.* currency for the purpose of building and repairing certain wards or apartments in one of the wings of the General Hospital, near the city of Quebec, "for the reception and relief of insane persons," and 2,000*l.* currency for building additional wards and apartments for the aforesaid purposes adjacent to those already in use, at or near the General Hospital in the city of Montreal.

The last Act passed on the same narrow basis was 3 Geo. 4, c. 25, granting 5,585*l.* 17*s.* 10*d.* currency for the year 1823; and even in the same sessions other grants were made on a somewhat more liberal basis. The very next Act, namely, 3 Geo. 4, c. 26, granted 850*l.* currency to the Montreal General Hospital, and 2,139*l.* 6*s.* 9*d.* currency to the Hotel Dieu of Quebec, as an aid "to complete the wards, buildings and dependencies by them recently erected in the city of Quebec, on the ground of the poor of the said Hotel Dieu, with funds arising from savings on the income of the poor aforesaid, and with funds heretofore appropriated for that purpose by the legislature;" and the third Act thereafter, namely, 3 Geo. 4, c. 29, granted 250*l.* currency a year, for two years, to the House of Industry of the city of Montreal.

By the Ordinance 1 Vict. c. 17, of the present year (1838), the following grants were made to charitable institutions to defray the charges of the year commencing in October 1836, and ending in October 1837, viz. 658*l.* 6*s.* 8*d.* currency, towards the expense of supporting the insane persons in the cells of the General Hospital at Quebec; 511*l.* currency towards the expense of maintaining sick and infirm boarders in said hospital, and 100*l.* currency towards their clothing; 580*l.* currency towards the expense of maintaining the foundlings in the hospital of the Hotel Dieu at Quebec, and 15*l.* currency towards their clothing; 200*l.* currency for support of indigent sick in the said hospital; 600*l.* currency towards the support of the foundlings in the General Hospital of the Grey Nuns at Montreal; 220*l.* currency towards the support of insane persons in the cells of said hospital; 850*l.* currency towards defraying the current expenses of the corporation of the General Hospital at Montreal; 400*l.* currency towards the maintenance of the indigent sick in the convent of Ursuline Nuns at Three Rivers, and of supporting the insane persons and foundlings

foundlings under the charge of the Commissioners of the said district; 100 *l.* currency as an aid to the lady managers of the Orphan Asylum at Quebec; 75 *l.* currency to the lady managers of the Asylum at St. Roch's suburbs, Quebec; 100 *l.* currency to the Ladies' Charitable Society (for orphans) at Montreal; 100 *l.* currency to the Ladies' Benevolent Society (for widows and orphans) at Montreal; and 100 *l.* currency for the Orphans' Asylum at Montreal.

The Montreal House of Industry was established by 58 Geo. 3, c. 15, with very inadequate funds, and agreeably to the last will and testament of one John Conrad Marsteller. With the exception of the aforesaid grant of 500 *l.*, it has not received any further aid from the legislature, or any accession to its funds from other sources. For the last two winters an institution, styling itself "House of Industry," has been maintained in Montreal, chiefly (if not altogether) by voluntary subscriptions, and these almost entirely from the British inhabitants. The constitution of the Montreal House of Industry has been slightly amended by 2 Geo. 4, c. 6; 7 Geo. 4, c. 4, and 9 Geo. 4, c. 43.

By the Act 45 Geo. 3, c. 12, for establishing the Corporation of the Trinity House of Quebec, provision was made for creating a fund for "decayed pilots and their widows and children."

II. Strangers.

Strangers having a claim on charitable support have been practically ranked in two classes—Emigrants and Mariners.

Emigrants.—The statute 3 Geo. 4, c. 7, authorized the Governor to advance, for the year 1823, 750 *l.* currency, for the relief of indigent sick emigrants, to be dispensed by justices of the peace residing in Quebec; the preamble of the Act holding this promise—"until permanent establishments for the relief of the indigent sick of all denominations can be made, in addition to those which already exist." Under this Act, the justices of the peace aforesaid established an "Emigrant Hospital."

The sum of 600 *l.* currency was granted by 4 Geo. 4, c. 32, authorizing the admission into the hospital of "indigent sick" of whatsoever denomination, labouring under contagious diseases," as well as of "indigent sick emigrants from the United Kingdom." Farther grants were made; viz., for 1825, 700 *l.* currency; for 1826, 950 *l.* currency, including a sum not exceeding 100 *l.* currency for a plan or plans of an hospital for the medical treatment of sick seamen and others coming from sea—a partial redemption and a partial evasion of the promise conveyed in the first Act on the subject.

For several years similar grants were made of somewhat greater amount (1,000 *l.* and upwards), and, in addition to the Emigrant Hospital at Quebec, a temporary fever hospital was erected at Point Levi, on the south bank of the St. Lawrence, opposite to Quebec, under 10 & 11 Geo. 4, c. 18, "for the reception and medical treatment of such persons arriving in this province from seaward as shall be found labouring under typhus fever, yellow fever, scarlet fever, plague, small-pox or measles, and of paupers infected with any of the said diseases;" the said Act granting 750 *l.* currency for 1830 for the purposes recited. For the said establishment, a further grant of 750 *l.* currency for 1832 was made by 2 Will. 4, c. 15.

A fund was created by 2 Will. 4, c. 17, for "defraying the expense of providing medical assistance for sick emigrants, and for enabling indigent persons of that description to proceed to the place of their destination," by laying a poll-tax on emigrants from the United Kingdom, to be paid by the shipmasters, and to be equally divided between the Emigrant Hospital at Quebec, the Montreal General Hospital, the Emigrant Society of Quebec, and the Emigrant Society of Montreal. The tax amounted to 5 *s.* currency for each emigrant coming out under the sanction of Government, and 10 *s.* currency for every other; the Act to be in force until the 1st of May 1834. In the same session (c. 60) an aid of 100 *l.* currency was granted to the Emigrant Hospital, in addition to a previous aid (c. 15) of 1,500 *l.* currency by 6 Will. 4, c. 13; the Act of 2 Will. 4, c. 17, was continued to the 1st of May 1838, and by 1 Vict. c. 3, to May 1839.

Mariners.—By 10 & 11 Geo. 4, c. 23, was granted a sum of 11,541 *l.* 8 *s.* 6 *d.* currency, to be advanced in three equal instalments, to build "an hospital for the reception of sick seamen and other indigent persons;" and by 3 Will. 4, c. 13, there was a farther grant for completing the building of 2,530 *l.* currency, and an additional grant of 2,000 *l.* currency for erecting wharves, "in order to ensure the safety and preservation of said building."

The 6 Will. 4, c. 35, imposed a duty of a penny currency a ton on "every vessel from any port out of the limits of this province," the portion received in Quebec to be given to the Marine Hospital, and the portion received in Montreal to be given to the General Hospital of that city; the Act to be in force until 1st May 1840.

Various Acts have been passed to establish depôts of provisions for the relief of shipwrecked mariners; the last (6 Will. 4, c. 39) established a depôt near Cape Chat, another at Magdalene River, and four depôts at Anticosti, limiting the appropriations "to the present year only."

The second class of persons who have become the object of legislative provision consists, as has been stated, of such multitudes of persons in particular localities as require aid to avert the consequences, whether present or prospective, of the alleged failure of the crops.

For the relief of this class various measures have been adopted by the legislature; the first object being to enable the distressed applicants to procure seed-grain and seed-potatoes; the second to facilitate the supply of immediate wants.

The legislature attempted to accomplish the first object, sometimes by granting a privilege to the sellers of seed-grain and seed potatoes, and sometimes by advancing loans from the provincial chest, to be repaid in money or in labour.

The former mode was legalized by 45 Geo. 3, c. 5; 51 Geo. 3, c. 6; 57 Geo. 3, c. 1; 3 Will. 4, c. 2; 4 Will. 4, c. 3 & 4.

The advancing of loans from the provincial chest was carried into effect by various Acts. The most remarkable of these is 57 Geo. 3, c. 12, authorizing the advance of 20,000 *l.* on good security; one-half of this sum might, however, according to the Act, be expended as a premium for the sale of seed-corn and seed-potatoes, at a rate varying from 2 *s.* to 6 *d.* per minot, a Canadian measure one-eighth larger than the Winchester bushel.

The excellence of the security, and the vigilance of the authorities in regard to the loans, may be estimated from the fact, that, of all the expenditure under the Act, only one loan of 8 *l.* or 10 *l.* has been repaid, and that not by the personal debtor, but by a cautious purchaser of the debtor's land, who cleared it of the mortgage for his own protection.

With respect to the supply of seed-corn and seed-potatoes, it is worthy of notice, as showing the utter absence of principle or system, that the time limited for the sale of these essentials of husbandry was 25th June, in 57 Geo. 3, c. 1; and in 57 Geo. 3, c. 12, 10th May for wheat, and 20th May for any other kind of grain, or potatoes.

The second object contemplated by the legislature, viz. facilitating the supply of immediate wants, had been indirectly promoted by two ordinances passed by the old Legislative Council, 20 Geo. 3, c. 1, and 30 Geo. 3, c. 9, respectively intituled, "To prohibit, for a limited time, the Exportation of Wheat, Peas, Oats, Biscuit, Flour or Meal of any kind, also of Horned Cattle, and thereby to reduce the present high Price of Wheat and Flour;" and, "To prevent, for a limited time, the Exportation of Biscuit, Flour or Meal of any kind; also of Wheat, Peas, Barley, Rye and Oats."

The legislature, under the Constitutional Act, has granted relief, occasionally, in the form of a loan, and occasionally as a free gift. The most important Act on the subject was 57 Geo. 3, c. 2, authorizing an advance of 15,000 *l.* currency, to be repaid by the parties relieved, but without exacting security for its repayment. So far as can be ascertained, no portion of this money has ever been refunded.

By the 9 Geo. 4, c. 50, a loan of 200 *l.* currency, for the relief of the parish of St. Louis, Lotbiniere, was advanced on the credit of the *Fabrique*, and, failing that, on the credit of certain individuals on behalf of the *Fabrique*.

The 4 Will. 4, c. 1, granted a free gift of about 3,000 *l.* currency, to be divided between certain specified parishes, in sums varying from 37 *l.* 10 *s.* to 588 *l.* 10 *s.*

Within the last two years, several thousand pounds have been apportioned among distressed parishes bordering on the St. Lawrence, for the purpose of providing seed-corn and seed-potatoes, or sustaining the necessities of the inhabitants until harvest should bring them the means of subsistence. Of these advances, 2,000 *l.* have been given to the single parish of Les Eboulemens. No part of the advances has been repaid, nor is it at all probable that any portion ever will be.

The first step towards the correction of this vicious plan of relief was taken during the administration of the Earl of Durham. Applications for aid having been addressed to the Government, his Excellency caused an inquiry to be instituted into the condition of the distressed parishes on the St. Lawrence, with a view to the adoption of such measures as, by striking at the root of the evil, might save the rural population from sinking into a state of helpless and reckless pauperism. A report was made accordingly.

It may be remarked, in relation to the different modes of providing for the necessities and afflictions of the poor of Lower Canada, that some of the arrangements are both objectionable in principle and defective in practice. For instance, it appears that "insane persons," as well as sick and foundlings, are placed in charge of "religious communities" of females. Without intending the slightest disrespect to the members of these communities, whom we believe to be actuated by the best motives, we must say, that considerations of decorum, and regard for the proper treatment of the patients, alike forbid their being placed under the superintendence of women. It is discreditable to the province, and more especially to its constitutional legislature, that such an absurd, inefficient and indecent system should have been permitted to continue. Lunatic asylums, conducted on the humane and enlightened principles which generally preside over these institutions in the cities of Europe, are generally wanted in Lower Canada. For most insane persons, there is, at present, no other receptacle than the common gaol. Is it not, moreover, objectionable, that nearly all relief (part being through commissioners appointed by the Governor) should be dispensed to a mixed population through Catholic establishments?

In the supplying of seed-corn to distressed farmers, no pains whatever were taken, or enjoined to be taken, to ascertain that the seed was *bonâ fide* purchased or used; thus a wide door seems to have been opened for collusion between any *habitant* and a favoured creditor, and to the misapplication of such seed as was really bought. So far from guarding against abuses of this kind, the legislature appears to have encouraged them, for the quantity (40 minots of wheat, 30 of other grain and 20 of potatoes) was fixed and constant, without reference to the extent of the purchaser's farm, and the sale might take place under the

the earlier Acts as late as the 1st July and 25th June; though, in the latest Acts, the period for the sale of wheat extended only to 18th May, and for other grain and potatoes to 18th June. The obvious tendency of the extension of time in the older statutes was to produce fraud or failure of crops. To obstinate perseverance in the growing of wheat, which is neither suited to the soil nor to the severe seasons in certain districts, much of the distress periodically existing among the rural population is attributable. Yet the legislature, in providing supplies of seed-grain, neglected an excellent opportunity of checking a confessedly unprofitable mode of cultivation, by not withholding the privilege in the case of seed-wheat, a privilege which did no more to promote private than public good, inasmuch as the privilege of the seller, at spring prices, would swallow up most of the crop at autumnal prices.

There is reason to fear that much mismanagement prevailed in many of the local committees appointed generally for purposes of local relief, involving a waste which, without injustice and oppression, could never be recovered by the government from the nominal receivers of the loans.

With respect to all such grants it may be broadly asserted, that, even if more judiciously and impartially regulated, they must inevitably retard the progress of agriculture, and lower the independence of the people. And in a new country, where there is a redundancy of uncultivated land, they form but a puny and fallacious palliative for the evils periodically induced by an ignorant application of agricultural labour. The distressed localities lie chiefly in the district of Quebec, where the frost sets in earlier than in the districts farther up the St. Lawrence, and where the soil, unrecruited by fallowing or manure, is unable to bear the exhaustion of continual crops of wheat. Now it clearly was the duty of the legislature to have taken advantage of every occasion that presented itself to discourage the growing (or rather the sowing) of wheat, and to promote the cultivation of the hardier crops and the prosecution of the fisheries. The operation of the feudal laws upon agriculture ought likewise to have been considered. The law of mills and the law of *cens et rentes*, for example, tend to encourage the exclusive cultivation of wheat; on the other hand, the law of tithes and the negative law of duty-free distilleries, lead to a more varied agriculture, the former offering a premium on green crops, and the latter on the inferior and hardier kinds of grain.

VAGRANT POOR.

Complaints have been made by persons residing in the townships bordering on the seigniories, of the burden upon the inhabitants caused by the influx of Franco-Canadian poor. They state that township poor are never found levying contributions on the charitable in the seigniories. In the District of Quebec, the parishes on the south bank of the St. Lawrence make a similar complaint, of the influx of the poor from the parishes on the north side of the river. Parochial and township administration of the poor is evidently wanted, though upon very different principles from those which prevail in countries where the land is overstocked with population.

ROADS AND BRIDGES.

Road Officers.

The road officers of the province are the grand-voyer and his deputy in each district (excepting the district of St. Francis, which is, in fact, subject, partly to the grand-voyer of Three Rivers, and partly to the grand-voyer of Montreal); a surveyor of roads in each parish or township, and an overseer of highways in each subdivision of every parish and township, the subdivisions never exceeding nine. The grand-voyer, whose office originated during the French colonial rule, is appointed by the Governor during pleasure. The deputy grand-voyer and surveyor of roads are nominated by the grand-voyer; and the overseers of highways are elected by the people. The grand-voyer is paid by salary and fees, and pays his deputy according to private arrangement; the surveyors and overseers are gratuitous servants of the public. In the two most important districts, Quebec and Montreal, the yearly salary of the grand-voyer is 150*l.*; out of which he defrays postage, rent, stationery, and all the general expenses incidental to his office.

The duty of the grand-voyer is to open new roads, and to see that the established roads are kept in good repair. His duty, as regards the opening of new roads, he is bound to discharge on the requisition of any one interested person; the requisitionist or requisitionists being liable for the grand-voyer's claim for fees and travelling expenses. Whether he grant or reject the prayer of the requisition, that officer may be presumed to be altogether disinterested in his decision, a presumption which is requisite to justify the judicial despotism of his office. As to the extent of the grand-voyer's judicial power, a degree of doubt, it is true, has existed; some maintaining that an appeal to the quarter sessions may open the merits of the case, and others contending that the court can take

cognizance merely of the form and technical accuracy of the *procès verbal.* The highest legal authority has decided in favour of the latter construction of the Act under which the grand-voyer exercises his authority.

In order to discharge the duty of seeing that the established roads are kept in good repair, the grand-voyer, after public notice being duly given, is bound to make "annual circuit through the highways leading from point to point within his district," and "to examine and inquire whether the surveyors and overseers duly execute their several offices, and in default thereof to prosecute them, or either of them, for neglect."

This yearly tour of inspection is made in a very superficial and imperfect manner. According to the evidence of Mr. Panet, grand-voyer for the district of Montreal, there are portions of his district which have never been visited by himself or his deputy. Mr. Panet adduced the strong plea of impracticability in defence of this omission, adding, that the whole expense of travelling would fall on a very inadequate salary, subject already to many deductions for official charges. Apart from the latter consideration, it is too much to expect that the grand-voyer, even with the aid of a deputy, can complete an official annual "circuit" of the roads in a district so extensive as Montreal,

The surveyor of roads in a parish or township is the grand-voyer's representative therein, as to the repairing of roads, &c.

The overseers of highways support the same character in their respective sections of parishes or townships; though, as will hereafter be set forth more fully, they have also, in some respects, a collective or *quasi* corporate existence.

Highways.

The public highways are of two kinds—front roads and bye-roads.

The front roads are those that run between two ranges of "concessions," or through the front range on the banks of rivers, and thus, generally speaking, they cross the breadth of every farm at right angles to its length. As the seigniorial farms are usually 90 *arpents* in extent, in the proportion of ten breadths to one length, and as the *arpent* is equivalent to 3,600 square yards, every proprietor's share of front road is 180 yards French measure. But, in township farms, which approach to a square form, every settler's share of front road is a good deal larger, in proportion to his quantity of land. Such is the general system of front roads; but there are numerous important exceptions. Hills, bridges, marshes, and all portions of more than average difficulty, which are peculiarly numerous on the undulating surface of the townships, are worked by *joint labour*; the grand-voyer, by his *procès verbal,* designating all those who, on the ground of a common interest, ought to contribute a share. Through all unconceded land, too, and all uncultivated land in possession of the original Crown grantee, the highways are made and repaired by *joint labour* of the parties to whom "the road is useful," that is, by the persons who are obliged to pass over it in going to church, market, &c.

The bye-roads, or as they may be most appositely named, the "cross roads," are altogether made and repaired by *joint labour.*

With respect to the prescribed dimensions of the public highways, every front road is required by law to be 30 feet wide, with a ditch on either side three feet wide; every bye-road, besides having ditches of like extent, is required to be 20 feet wide.

Fence Viewers.—By 6 Will. 4, c. 56, s. 27, which will expire on the 1st of May 1845, the freeholders of each parish or township are empowered to elect inspectors of fences and ditches, in the same manner and to the same number as overseers of highways.

By the 47th section of the same Act, a majority of the persons interested in the clearing or opening of any water-course (*cours d'eau*) may cause the work to be done by *contract,* each person interested contributing his share in money, a power analogous to that which, by the existing law, is reposed in a majority of overseers, with respect to joint labour on bridges, and similar to that which, by an expired law, was vested in the majority of parties interested with respect to joint labour on roads and bridges generally.

In several particulars the fence-viewers are invested with more important functions than overseers of highways, or even surveyors of roads. Every inspector of fences and ditches exercises, like the grand-voyer, judicial as well as administrative powers, being authorized singly, and sometimes in conjunction with one or more, to frame *procès verbaux* with regard to joint labour, subject, however, to the revision of two justices of the peace for the county in which the inspector acts. The inspectors are, in fact, official *experts,* and, as such, are allowed a recompense for the loss of time at the rate of 6*d.* currency per hour—a provision which, as it tends to induce popular vigilance, goes far to remedy the evils incidental to the non-responsibility of these officers to any central power.

Road Funds.

There is no law to authorize the exaction of any amount of annual revenue for the maintenance of roads, or other works of utility in the rural districts; charges which, in England, are provided for out of the county rates, have been defrayed in Lower Canada

Canada out of the provincial treasury. Large sums, the disbursement of which has been intrusted to unsalaried, but not always uninterested, commissioners, nominated by the Governor generally, on the recommendation of members of the legislature, have been appropriated to the opening of internal communications. Mr. Bouchette, surveyor-general of Lower Canada, in his Topographical Dictionary of the province, gives the following account of the sums voted for the formation and repair of roads and canals from 1814 to 1830.

	£.	s.	d.
From 1814 to 1827, both inclusive, 14 years (including 25,000 *l.* for the Welland Canal, Upper Canada) - - -	284,172	–	–
For 1828, 1829, 1830 - - - - - - - -	100,000	–	–
	£. 384,172	–	–

The heavy expenditure on road-making has not produced corresponding results. At the present day there is hardly in the whole province what an Englishman would call a good line of road, while, even in places where from the favourable character of the soil a moderate portion of well-directed labour might afford excellent highways, the roads are (save in summer, when they are simply *bad*) truly and absolutely execrable.

Charges of jobbing, and unfairly directing lines of road through their own property, have been made against the commissioners for applying the provincial grants, and, judging by the general complexion of Canadian management in like matters, probably not without cause. Many of the grants themselves were objectionable on the ground of their being voted for *local* instead of *general* improvements. The direct tendency of such appropriations is to introduce a corrupting influence into the legislature; the majority having it in their power to withhold from the minority grants for improvements in the districts they represent, and thereby depreciate them in the estimation of their rustic constituents. That the majority of the late House of Assembly did stoop to this description of party tactics is borne out by the testimony of some of its most respectable members of Canadian birth, who have declared that, because they declined voting with Mr. Papineau's majority, they found it impossible to obtain grants for any local object, however unimpeachable in its character.

It may be observed, that whenever a highway requires widening, or whenever it may be necessary to construct a bridge for general as distinguished from purely local purposes, there might arise a question as to the propriety of granting provincial aid, but even then aid ought only to be given in connexion with the permanent establishment of a turnpike, so as to provide a fund for the preservation of the provincial work, and for the payment, if possible, of interest on the original advances. For lack of such an appendage, provincial grants have sometimes been pleas for local oppression. By the 2d Will. 4, c. 44, s. 21, for instance, it was enacted with respect to certain roads in the vicinity of Quebec, Three Rivers and Montreal, "that no road in the said country districts or *banlieue*, which shall have been macadamised, shall be held to have been in a sufficient state of repair, unless such road shall have been kept in repair in the same manner, and with materials and quality at least equal to that of the materials with which the same was macadamised." To constrain the parties, who by the road laws are bound to repair the highways, to maintain them according to the terms of this Act must appear harsh and unjust to those who are acquainted with provincial affairs. The natural and equitable mode of keeping up the roads referred to would have been by turnpikes. A few good turnpike roads fairly introduced in the neighbourhood of Quebec and Montreal would be invaluable as models for imitation. Suburban roads are as frequently used by residents of towns as by country people, and it is only by exacting tolls that the former can be assessed for their legitimate share of contribution to the maintenance of these roads. A turnpike was tried with success on the Lachine Road at Montreal, and after much opposition, the same system has been adopted and approved in Upper Canada.

Amendment of Road Law.

The existing law of roads and bridges is as old as 1796. If age, therefore, is a test of excellence, the continuance of this law is a presumption in its favour. But the repeated attempts of the provincial legislature to remedy the admitted defects of the road system by temporary enactments, prove that the law of 36 Geo. 3, c. 9, has not been retained in consequence of its intrinsic excellence and superior applicability to the wants of the colony.

With the laudable view of facilitating improvement and lessening expense, the Act 2 Will. 4, c. 44, of the provincial legislature authorized the freeholders in any parish or township, or extra-parochial place, to elect a road commissioner, who should within the limits of such parish, township or extra-parochial place, have all the powers heretofore vested in the grand-voyer or his deputy (the powers hereinafter reserved for the commissioners of the county, or the majority of them, alone excepted). According to provincial custom, it was a temporary Act, and expired on the 1st of May 1835. Now to submit a

temporary law to the voluntary acceptance or rejection of the people was to divest it even of the character of an experiment. But the measure itself was defective; it contained no provision for the possible case of only *one* commissioner being elected for a county; neither did it create the checks and securities requisite for the working of a novel administrative machinery among a rural population deficient in elementary instruction, and inexperienced in the management of local affairs. The Act, in one word, conveyed too much license to the people, and reserved too small a share of restraining and correcting influence to central authority.

Digest of Evidence respecting the Operation of the Law of Roads and Bridges.

Edmund William Romer Antrobus, Esq., Grand Voyer of the District of Quebec.

A letter dated 6th October 1838, of which the following are extracts, was addressed by Mr. Antrobus to the Assistant Commissioners, explanatory of the duties of the grand-voyer, and the operation of the road laws:—

"The Act for making, repairing and altering the highways and bridges in this province, now in force, was passed in the year 1796. By this Act, the grand-voyers have the direction &c. &c. in their districts.

"The grand-voyer may appoint a deputy. He may cause lands to be cleared, and, in case of heavy works or repairs, may call for the assistance of a parish. He also decides disputes concerning labour, &c. &c., and distributes the work to be done on winter roads. It is his duty to lay out parishes in divisions, for each of which an overseer is elected by the parishioners. He appoints a surveyor of roads in each parish, seigniory or township, also the overseer in default of election, and when vacancies by death or otherwise occur. He (the grand-voyer) is obliged to make an annual tour of inspection, when it is his business to fine his officers for neglect of duty. The *habitans,* generally, wait for the grand-voyer's annual visit, to lay their opinions before him, to whose opinion they bow, and thus many lawsuits and heartburnings are avoided. It has been my good fortune to settle hundreds of these squabbles, and to send home as friends the parties concerned, who, if left to the tender mercies of either the *avocats de campagne* or of the city, might have fought their battles until their means were exhausted.

"When it is necessary to change an old road, or open a new one, &c., a *requête* is presented to the grand-voyer, who, thereupon, calls a public meeting, and, after having heard the parties for and against the prayer contained in the petition, he proceeds to examine the premises personally; and he afterwards decides upon the line of road to be made, and draws his *procès verbal* by which the road is described, and the persons named who are appointed to make and keep the same in repair. This act is subsequently placed before the court of quarter sessions to be ratified. Persons not satisfied with the grand-voyer's decision have an opportunity to file their opposition to the *procès verbal* before this court, which may reject or ratify the same after hearing the parties; but the magistrates who compose the court have only a right to inquire and decide on points of form, and the court is little else, in matters touching the *procès verbaux* of the grand-voyer, than a court of record.

"The above are among the principal features of the Road Act, which, with some amendments much required in consequence of the increase of the population, but which, as you are not likely to amend that Act, it is unnecessary here to mention, I suppose will answer the wants of the people in the road way for the next quarter of a century, perhaps, unless the schoolmaster should be very busy indeed.

"In 1832, the Honourable John Neilson, being then a Member of the House of Assembly and President of the Road Committee, introduced a Bill, which was passed, intituled 'An Act to amend the Act (the above 36 Geo. 3, c. 9),' the object of which was to give the *habitans* the management of their road affairs, without consulting the officer of the government, namely, the grand-voyer. By this Act the inhabitants of each parish were authorized to meet, and if the majority of the proprietors present at such meeting chose (it was not compulsory upon them), they might elect a road commissioner, to whom all the powers vested in the grand-voyer were to be transferred. The duration of this Act was limited to 1835. Mr. Neilson, when he introduced this, his favourite measure, in the House of Assembly, was, as many others were at the time, convinced that the period had arrived when the *habitans* might have the management of their own affairs, and might do without a grand-voyer in the settlement of their road concerns; but, before the expiration of the Act, Mr. Neilson having inquired into the way in which it operated, became convinced that the time *had not arrived,* but that, in fact, the new law did not work well. I believe that Mr. Neilson is now quite aware that the period has not arrived when the Canadians may be left to settle their affairs. I have not, at least I do not recollect having met with a single person of respectability, and who has had the good of his country at heart, since 1832, who expressed himself in favour of the change; and, of all parties I have seen—and I have seen the most respectable and most independent—I know of none who did not rejoice that the said Act had expired.

"Among the persons elected (*vice* the grand-voyers) many could not sign their names. I have now in my office (which was constituted one of record by the new law) *procès verbaux* to which the his mark of my substitute is affixed. I mention this circumstance to show

show that my countrymen (for I also am a Canadian) are not sufficiently educated to be entrusted with the management of their affairs. In most parishes are to be found a doctor, a notary, and perhaps a couple of *avocats de campagne*, who possess learning, that is, who can contrive to read their names when they have written them; but the great majority of the inhabitants of Lower Canada are totally uneducated. It would therefore be cruel, I think, to invest them with powers which, the chances are, would be exercised against their interests.

Mr. Antrobus, in his examination before the commissioners, stated that he had succeeded his father in the office of grand-voyer, which he had now filled for 20 years. Before the introduction of the Road Commissioners' Act by Mr. Neilson, petitions had been presented to the legislature, complaining of partiality on the part of the grand-voyers, and praying for an alteration in the Road Laws. The grand-voyers could have no motives for partiality, not being interested in the localities where their duties called them, nor mixed up in the affairs of the inhabitants. The real grievance at the time was the amount of the grand-voyer's fees, and to lighten these was one of the objects of Mr. Neilson's Act. Had that Act been permanent, it would have produced general dissatisfaction. It was adopted pretty generally in the townships, but very sparingly in the seigniories. It worked well in places where competent officers were chosen, and it would be more convenient than the present system, if proper persons could be found to execute it; but the difficulty is to find educated and disinterested men. The *habitans* will not place confidence in each other. In the Quebec district there is no complaint as to any needless delay in the working of the present Road Law. There is a deputy, who acts for the grand-voyer in each district. He is no additional expense to the country, being paid by private arrangement with the chief, who nominates him. The number of deputies ought to be increased; and thus, by assigning them judiciously to the different divisions of a district, the travelling charges might be greatly reduced. Were a sufficient number of deputies appointed, the grand-voyer would be enabled to remain, as he ought to do, more constantly at his office, to supply the information required by the *habitans*. The yearly salary of the grand-voyer for the district of Quebec is 150*l.*, in addition to which he is entitled to fees on every act of office. Out of these emoluments he is called upon to defray all office charges. The fees are frequently not collected, owing to the poverty of the people. Were it not for the grand-voyer's expenses, new roads would be frequently opened in places where they do not exist. In appointing surveyors of highways, he (Mr. Antrobus) has usually deferred to the wishes of the people, where the party recommended was likely to be efficient. The overseers of highways could very well execute the duty of fence-inspectors. The surveyors are frequently remiss in prosecuting for neglect of road labour, from the apprehension that, when their neighbour's turn of service comes, they may retaliate their official vigilance on themselves.

In Lower Canada there will never be a good road until a rate is established for maintaining the "King's highway."

When the proprietor of a lot is not forthcoming, those to whom the road in front is "useful" are obliged to keep it in repair. This is unjust, and the law ought to be amended by taxing the land for the maintenance of the road, and, if need be, selling it for the purpose. On the cross roads, people come willingly from a distance to work; and if they refuse, the surveyors employ labourers, and sue the recusants for the payment.

The court of quarter sessions, as at present constituted, is totally inadequate to determine appeals on *procès verbaux*; most of the magistrates being altogether unacquainted with law, and some of them mean, dependent and illiterate. Paid professional chairmen ought to preside at quarter sessions, and then these courts would be competent to their duties. There are magistrates in the province who cannot write their own names. Formerly there were professional chairmen of quarter sessions, but the House of Assembly, it is said, from political dislike to the parties filling the office, caused them to be dismissed. The power of nominating the superior local officers should be vested in the central executive. Pure elective institutions are not suited to the province, as, owing to the jealousy of the *habitans*, fit and respectable men will not be chosen by them. At the same time, it must be admitted, that the grand-voyer system is a source of grievance. The powers of the surveyors might with advantage be extended, and all payments to the grand-voyer equalized, the fees diminished, and the salary increased.

The opening of a road at Ramouski (about 200 miles from Quebec) ought to cost no more than opening a road at Beauport. The Road Commissioners' Act might have suited the townships better than the old system, the great comparative extent of the townships not being favourable to the working of the present Road Law. Lands cleared or in cultivation ought to be assessed according to extent, and not according to their positive value. Wild lands ought also to be assessed, of course, more lightly than cultivated lands. If wild lands are worth little or nothing, let the sale of them be the only penalty on the proprietor for non-payment of rates; but it is most unjust to constrain settlers to make roads which add to the value of wild lands, and yet leave those wild lands untaxed. Among the mass of the population, it will be impossible to raise a local assessment, unless payment be made compulsory. The people in the townships are fitted for a more advanced system of local administration than the inhabitants of the seigniories.

No respect will be attached to the courts of quarter sessions until they have paid professional chairmen of learning and integrity. Being ignorant of law, the magistrates are liable to be bullied by the lawyers, and there is no assurance of their arriving at correct decisions or deciding upon proper grounds. No unprofessional man likes to act as chairman of quarter sessions; he has himself remained absent from the court rather than act in this capacity. The magistrates at quarter sessions sometimes decide upon the merits of a *procès verbal*, which is a usurped authority, and absurd in its exercise, the court not having the power to examine witnesses on oath in the matter at issue. This power is vested in the grand-voyer, who also judges of the affair at issue on the spot. The Court of King's Bench has decided against the assumed authority of the magistrates in regard to the *procès verbal*. Perhaps an authority of this description might be advantageously conferred on county courts, accompanied by some modification of the duties of grand-voyer. The more able members of the magistracy have become disgusted by the appointment of inferior persons to the bench, and consequently have grown remiss in the execution of their duty.

Hughes Heney, Esq., Grand Voyer of the District of Three Rivers.

Mr. Heney is of opinion that, in establishing a system of rural municipalities, it would be advisable to preserve an efficient central authority, were it only for the keeping of the road archives. He fears that if the control of municipal affairs were committed entirely to the country people, it would give rise to favouritism; besides, a sufficient number of persons could not be found competent to discharge the functions that might be assigned them. The cost of a *procès verbal* for opening a new road in the district of Three Rivers is about 12*l.*, exclusive of the fees of the clerk of the peace, which amount to about 1*l.* 15*s.* The magistrates have not, in general, sufficient intelligence to qualify them for "homologating" *procès verbaux*. By Mr. Neilson's Act, the *procès verbaux* were to be deposited with the nearest magistrate; after whose decease, copies could not have been obtained.

There is no legal authority to authorize the grand-voyer to demand any part of his fees in advance. The fees are very badly paid; so many small sums being due by poor persons. He (Mr. Heney) has very often lost his fees, or a great part of them; even when the *procès verbaux* have been homologated. He has only, on two occasions, been paid his fees in full. When a requisition has been made to the grand-voyer, it is the *custom* to pay him one-third of his fees.

The greatest grievance now experienced under the grand-voyer system would be removed by the appointment of deputies residing in the districts for which they may be called upon to act. By this means, the charges would be equalized, instead of falling, as they now do, more heavily on the poorer and more remote districts. He (Mr. Heney) has a deputy in the townships; were it not so, the expense would be unreasonably heavy. In the district of Three Rivers, there are in fact two deputies; although the existing law authorizes the appointment of one only. He wishes that he had the power of appointing another. It is possible that the St. Francis district does not fall legally within the road jurisdiction of Three Rivers. Some of the townships of the district are under the superintendence of the grand-voyer of Montreal.

The yearly salary of the grand-voyer of Three Rivers is 90*l.*, out of which he has to provide for all office charges, postage, and the expenses of his annual circuit. The gross amount of his fees for the last year was about 140*l.* The receipt of fees does, to a certain extent, give an interest to the grand-voyer, which might prove prejudicial to justice. When the roads are contiguous, and the locality poor (the same parties being interested) Mr. Heney has united the different roads applied for—amounting sometimes to 16—in one *procès verbal*, and thereby greatly diminishing the expenses.

The *habitans* could not, he thinks, be induced to tax themselves for municipal purposes, or to pay turnpike tolls. They would rather make a circuit of leagues than pay a turnpike. They would not consent to give a money payment, instead of labour value to a greater amount; time and labour being in their situation of comparatively little moment. They have not assessed themselves for schools or gaols, as they were invited to do by law. They are, however, bound by law to build and repair their churches, and they pay pew-rents in money besides.

Unoccupied lands should be made liable for the maintenance of roads and bridges. The wood upon them, when required, should be taken for this purpose, and if necessary, part of the land sold to pay the share of the road expenses, with which, in equity, the property might stand chargeable.

The law, as at present, does not authorize payment to the owners of uncleared land through which roads may pass. This sometimes operates unfairly, as, for instance, in the neighbourhood of towns a road may pass through a "sugary," which is a valuable description of property. A discretional power in this and other points ought to be reposed in the grand-voyer. The road regulations are too imperative. The grand-voyer, or some parallel authority, ought to have the power of adapting the construction of roads to the character of the soil. The law enforces the making of ditches of a certain width, although ditches are frequently not required at all; no regulation ought to be made legally absolute, except that which prescribes the breadth of the road.

Pierre

Pierre Louis Panet, Esq., Grand Voyer of Montreal.

There are about thirty-four townships in the district of the grand-voyer of Montreal. There are also three townships in the district of St. Francis under his control; Stanstead, one of them, is 90 miles from Montreal. The deputy of the grand-voyer of Three Rivers is likewise deputy of the Montreal grand-voyer in these townships. Mr. Panet has never visited them in his "annual circuit," not having time to do so.

Fees are regulated by tariff, approved at court of quarter sessions. The Montreal tariff is different from that of Quebec. The average cost of a *procès verbal* in the Montreal district is from 11 *l.* to 15 *l.* currency, exclusive of the fees paid to the clerk of the peace. The fees of the grand-voyer are very badly paid; he (Mr. Panet) believes he does not receive one-half of his taxed charges. His yearly salary is 150 *l.*, out of which he defrays all the expenses of his office. Is of opinion that the fees should be relinquished, reserving only so much as would stimulate deputies to the discharge of their duty, and prevent idle applications from the country people. By a rule of the court of quarter sessions, the grand-voyer of Montreal has a right to claim four shillings a day towards travelling expenses (going and returning) before he starts. The power should be vested in the grand-voyer of appointing a greater number of deputies. His (Mr. Panet's) deputy resides in Montreal. The townships of the Ottawa are in the Montreal district, but so distant that the grand-voyer has never had an application from them, neither has he visited them in his annual circuit. The Act giving to grand-voyers the right of appointing more than one deputy expired in 1825. If the number of deputies were increased, the amount of fees received by the grand-voyer would be proportionally lessened. The gross amount of the fees received annually for the district of Montreal may average about 300 *l.* The Road Commissioners' Act was put into operation chiefly in the townships. In the parishes of some counties there was not a sufficient number of magistrates to "homologate" the *procès verbaux.* About one-half of the parishes in the Montreal district elected officers under the Act. Has heard that the opening of an extraordinary number of roads was legally approved when this Act came into operation. For example, in 1834 and part of 1835, 52 new roads were sanctioned in the county of Beauharnois. Mr. Brown, of Beauharnois, represented at the time to his brother magistrates, that these roads were too numerous to be completed, but the bench out-voted him. The grand-voyer's emoluments are in no degree affected by his acceptance or rejection of a petition, and whether he complies with or rejects its prayer, he frames his *procès verbal.*

Large sums of money have, since 1815, been granted for road-making by the provincial legislature. In the first instance, the grants were placed at the disposal of commissioners appointed by the government, who were empowered to lay out their roads according to their own discretion, and expend the money on them. Great complaints of mismanagement and non-appropriation arose, and, subsequently, a better system was adopted, by which the road for which the money was granted was specially designated, and vouchers required for accounts. The money thus granted was chiefly expended in the townships; the settlers there being so much impeded by the crown and clergy reserves as to feel necessitated to call upon the government to aid in opening roads.

Under Mr. Neilson's Act, although the commissioners had no fees, the expenses were occasionally greater than under the old law. There were various disbursements to make, as, for instance, for the payment of a sworn surveyor and a notary to draw up the *procès verbal* and furnish copies thereof; none of which charges were exacted from the applicants under the grand-voyer system. In the townships, which sometimes did not employ a sworn surveyor, there was a saving, but little was gained in the seigniorial districts. The commissioners did very little in the fifty parishes which adopted the Act, owing to the difficulty of procuring magistrates to homologate the *procès verbaux,* and the short duration of the law. Only 30 or 40 *procès verbaux* proceeded from these parishes; the remainder, of 150, for the Montreal district, were from the townships. There are about a hundred parishes in the district of Montreal.

Mr. Panet is of opinion that enlarged municipal powers might be intrusted to officers popularly elected, so as to unite in the same body the superintendence of roads, fences, pounds, water-courses, &c., preserving, however, so much of the grand-voyer system as would leave the opening of new roads to officers independent of the localities interested, and free from such personal ties as might be supposed to influence their decisions.

The *habitans* would be very reluctant to pay a regular annual tax; but they would not object to be assessed for any necessary and clearly-understood object as occasionally might arise, such as the repair of roads or the construction of bridges. It would be quite practicable, indeed it has been the custom in many cases, to repair bye-roads by contract, levying the amount expended by assessment. This practice is a convenience to farmers, who might otherwise, when living at a distance from the works, be put to considerable trouble and expense in contributing personal labour.

It would be well to exact money contributions in all cases, except for the front roads or highways; and for these, the kind of contributions, whether of money or of labour, might be left optional. The Act of 1825 was framed with this view; but the intention of its authors was frustrated by the clumsiness of the machinery employed.

A portion of the provincial funds might perhaps be usefully appropriated in laying out great lines of road, under the direction of government engineers, and taxing the people for their support, in proportion to the local advantage they derived from them.

The apportionment of money payments is made by overseers. It would much facilitate their labours, and promote an equitable assessment, if the overseers of parishes or townships were authorized to keep a register of the lands or rateable property.

Much inconvenience is occasioned by the postponement of *procès verbaux* from one quarter sessions to another. Paid professional chairmen are absolutely essential to the efficiency of courts of quarter sessions, and power should be given to magistrates to decide postponed *procès verbaux* in special sessions, to avoid the delay of three months, which, in the climate of Canada, must materially retard improvement.

Jacques Viger, Esq., Surveyor of Highways for the Parish and City of Montreal.

Mr. Viger, in the country part of his district, exercises an authority similar to that of the grand-voyer, assisted by nine overseers or sub-inspectors of highways. In the city, by a clause of the Road Act, the surveyor of the highways is inspector also; so that Mr. Viger, the inspector in Montreal, bears the same relation to Mr. Viger as surveyor that the overseers bear to him as grand-voyer in the country part of his district. In his character of inspector, he is called upon to superintend the execution of the work prescribed or suggested by himself as surveyor, and his city duties are so multifarious, that an overseer named by the magistrates really discharges the duty of inspector. When the opening of a new street is deemed necessary, a petition to that effect is forwarded to the magistrates, who, if favourable to its prayer, call upon the sheriff to form a jury of 12 to be sworn before them at special sessions, and to report upon their oath whether the desired improvement be useful and necessary. If the jury report in the affirmative, the magistrates are empowered to treat and agree with the proprietors of the ground through which the street is to pass. If there be a difference as to terms, the matter is left to arbitrators, whose judgment is final; the losing party paying costs of arbitration. After the plan has been adopted, it is the duty of the surveyor of highways to trace the line of the road or street.

In the construction of a sewer or bridge for the city, the surveyor proceeds by *procès verbal*, which is submitted to the magistrates, notice being given to the parties interested to appear to offer their objections within eight days. The magistrates decide in the same way as in the case of an appeal against the grand-voyer's *procès verbal*. After the *procès verbal* has obtained the sanction of the court, the surveyor of highways passes from the character of grand-voyer into that of road-inspector, and proceeds to superintend the erection of the work thus approved by the court.

Mr. Viger's income is derived parly from salary, and partly from fees, as regulated by tariff. His salary is 200*l.* a year, payable out of the "road fund." His fees have declined to a small amount, his country district being limited to a parish, for which *procès verbaux* are now rarely required; the roads demanded by public concurrence having been already opened, and new streets and sewers being seldom wanted for the city.

Mr. Viger thinks favourably of the turnpike system as regards the maintenance of highways, more especially in the neighbourhood of large towns. The bye-roads he would leave to be maintained by the farmers by contract, as recommended by Mr. Panet,—a practice which has been voluntarily adopted by the people apart from legal enactment. The road from Montreal to La Chine was 16 years turnpike, and paid expenses, and gave satisfaction. The farmers in the immediate vicinity of a large town are not able to maintain the roads, nor is it fair that they should be constrained to do so. After the La Chine road again came under the old system of management, and ceased to be turnpike, a rich and educated man residing on the line returned to the obsolete and defective system of repairing his portion of the road, a system which had been relinquished for 16 years,—a proof of the obstinate adherence to ancient usages which prevails even among the better class of persons in the province.

Joseph Bouchette, Esq., Surveyor-general of the Province.

Mr. Bouchette stated that the grand-voyer system had never been popular; it was both tedious and expensive. There ought, he conceived, to be a new municipal subdivision of the province, and proper officers assigned to the different localities for executing the duties expressly assigned to the grand-voyer.

Poor settlers in the townships are hardly dealt with in being obliged to make new roads through large blocks of uncultivated lands. The holders of those lands ought, in equity, to be called upon to contribute to the roads. A precedent for exacting road duty from absentee proprietors had been set in Upper Canada, where the remedy, Mr. Bouchette alleges, has proved effectual.

Paul Holland Knowlton, Esq., J. P.

Mr. Knowlton, of Brome township, county of Shefford, is a colonel of militia, and a member of the special council, under the administration of his Excellency Sir John Colborne.

In a written communication, Mr. Knowlton submitted the following general suggestions to the commissioners. His own words are quoted:—

"First. It appears to me that a new subdivision of counties should take place; and, if not done by some such power as that with which you are invested, it never can be done; for there are those among us, and they are not few, whose local interests will be,

or

or they will fancy them to be, affected by the first subdivision; and who would move heaven and earth sooner than suffer any loss of property, or of supposed consequence. These considerations must all be set aside; and the only question to ask is, What is best and safest for us as British subjects?

"Second. Give us county courts, or establish new districts. In either case let there be a competent jurisdiction, with a respectable law judge, or with circuit judges, as may be deemed best, bringing the court as near the door of the suitor as possible.

"Third. Abolish the grand-voyer system of road-making, which is illegal under the English tenure, and give us power, in each township, to alter and execute every thing pertaining to highways; matters can be better managed, and at far less expense, by those who have the roads to make than by the grand-voyers."

Mr. Knowlton, being examined by the commissioners, stated that the expense and delay of the grand-voyer system were the subject of much complaint; it was altogether unsuited to the condition of the people in the townships. The grand-voyer, unless specially called upon, had never made an official visit to the townships. The people of those localities are perfectly competent to manage their common affairs, and all road business might be left to them with great advantage. Their fitness had been proved by the experiment under the Road Commissioners' Act; but that Act was defective, inasmuch as the commissioners were bound by the old road laws, which were ill adapted to the townships. Without a new and complete subdivision of the province, no improved system of local institutions can be efficiently established. Such a subdivision must be matter of imperial legislation, as, if left to provincial arrangement, private interests would interfere injuriously.

Mr. *Macbean*, of De Rouville Mountain, in the county of Rouville, thus alludes to the road system in a letter addressed to the commissioners, bearing date September the 10th, 1838:—"I beg you will give your particular attention to the present manner of repairing roads. I conceive the system to be most objectionable. The duties upon the overseers are oppressive, and quite unrequited by remuneration; while the practice of giving personal labour upon the road, exerted as it is at your own discretion, and upon a particular spot, contributes really nothing either to its present or paramount improvement.

"At their own convenience, after seed-time, they turn out at summons of their surveyor, and throw clods upon the roads until it is almost impassable for a few weeks after. When it has become beaten down, it is no more looked after, and the remaining or subsequently formed ruts are left unfilled during the whole season. Oftentimes bridges are broken down or planks removed from their covering, and they remain for weeks unrepaired. The bridge over the Huron or St. J. Baptiste river, above Point Olivier, which fell down last winter, has not yet been repaired or rebuilt, and no one seems to say it is wrong or knows any thing about it. These things penetrate a person from 'the old country' to the quick, and continually stick to and torment him. They are really a never-ending source of chagrin."

Mr. *Henry May*, of Verdun, on the Lower Lachine road, near Montreal, after calling attention to the "imperfect and vexatious manner in which the roads of the district are made and repaired, and to the dangerous state in which they are for the greater part of the year," urges the necessity of establishing "turnpike roads, under trusts or commissioners, to the principal outlets to Upper and Lower Canada." "This," adds Mr. May, "would not only relieve the agriculturists situated on these roads from vexatious interference, at a time when their attention ought to be directed to putting in their crops and harvesting the same, for the short period of the year in which agricultural operations can be carried on, but would likewise greatly improve the entrance to the city of Montreal."

Mr. *Charles Howard* and others, proprietors and landholders of the parishes of Charlesbourg and Beauport, in the neighbourhood of Quebec, state, in a memorial praying for relief, that the mode of giving notice under the Road Act is extremely inconvenient to persons not belonging to the Catholic faith nor residing in the vicinity of the parish churches. The memorialists also complain of the custom of partitioning off small patches of roads for them to keep in repair at a distance from their houses, and profess a willingness to repair a larger portion of road adjacent to their places of residence. Another grievance to which they advert is the practice of overseers, who, when difficulties arise between them and the farmers, have recourse to advocates, and issue summonses from the police office, "thereby heaping ruinous expenses on them, and injuring them with impunity." They pray for a less expensive and more summary mode of trial, so that the penalty may be proportionate to the offence.

Mr. *Charles Houle* and others, inhabitants of the township of Stanfold, Somerset and Nicolet rivers, in a memorial praying for the grant of public money for the opening of a road, represent that they have been five years residing in these districts, and number about 200 families, and that they have no means of communication from their houses to the highway by which they might convey their potash to a market.

David Chisholm, esq., formerly clerk of the peace at Three Rivers, thus describes the effect of the present road system in promoting litigation among the country people:—

"In the general and special sessions of the peace, and before single justices, complaints are almost daily brought against some offender under the road law. Sometimes a common informer files a *qui tam* prosecution against a *habitan* for permitting, for instance, a

cahot to be upon the public highway in front of his house or property. Sometimes the surveyor, or overseer of roads and bridges, is prosecuted for not doing his duty; that is, for not taking care that the good order of the roads is properly attended to. Sometimes, as there is a gradation of road officers, the one prosecutes the other for a neglect of public duty. The grand-voyer informs upon his inferiors, and, in return, the grand-voyer himself is not unfrequently charged with official dereliction.

"The road system has always been a most fruitful source of petty, penal litigation in this province. The moment neighbours quarrel, the first thing they do in order to gratify their animosity is to prosecute one another for some breach of the road law, an offence easily substantiated against almost every landholder in the country. Such prosecutions are of course legally resisted, not only with the view of escaping the prescribed penalties, but also in the hope of gaining a judicial victory over private vindictiveness. Lawyers are employed, and the French Canadian will spend his last penny to get the better of his antagonist; the consequence is, that many of the *habitans* have been driven to want and even to beggary by this propensity to litigation, a passion so congenial to the natures of an ignorant and semi-civilized people.

"As to prosecutions under the road law, I have known many of them to commence before a single justice of the peace for a penalty of 5*s.* which terminated before the Court of King's Bench, after exposing the parties to an expense for law proceedings of 15*l.*, 20*l.* and even 30*l.* There are, first, the proceedings before the justice or justices in special or weekly sessions—not at the door of the litigant, but at Quebec, Montreal or Three Rivers, frequently many miles distant from the homes of the contending parties. There is, next, an appeal to the quarter sessions; and as it is impossible that the decision of any court can satisfy both sides, there is, lastly, a writ of *certiorari* to the Court of King's Bench, which, before it can be returned, will cost, at least, 5*l.* in fees to court officers, besides the usual consideration to lawyers.

"Now, although it is impossible to enforce the provisions of any statute imposing penalties, without admitting the right of any one that chooses to prosecute for these penalties, still, in a country where indolent habits are so prevalent, and where there are thousands who would expend their last farthing on law rather than repair a piece of road, at the cost of, perhaps, a few hours' manual labour, it seems absolutely necessary to have recourse to some more efficacious methods of enforcing the road law than those prescribed by the Act. Resort must be had to some system of municipal superintendence and direction similar to that which exists in Upper Canada. To be sure, the roads in that province are sometimes bad enough, but that is not the fault of the law; it is the effect of a scanty population, and a corresponding want of funds for carrying the provisions of the law into execution.* At any rate, if there were no other blemish in the road laws of Lower Canada than the facility which they afford to the litigious propensities of the French Canadians, no time ought to be lost in applying a remedy to the evil."

CITIES AND TOWNS.

Each grand division of the province has its capital, the seat of district jurisdiction; Quebec, Montreal and Three Rivers for their respective districts of the same name; New Carlisle for the inferior district of Gaspé, and Sherbrooke for St. Francis. The population of Quebec has been estimated at 30,000 (the British and French Canadians being nearly in equal numbers); of Montreal (where the majority are supposed to be British) at 36,000; of Three Rivers, 3,000. New Carlisle and Sherbrooke are as yet rather villages than towns. Quebec and Montreal alone have been incorporated.

A stranger arriving at Quebec experiences at every step the discomfort occasioned by the absence of good local government. He finds streets narrow and ill-paved, huge wooden steps projecting, in contempt of the law, across the broken and unsocial *trottoir*, to the imminent peril of the unwary passenger; unwholesome water, sold by carters who take it from the St. Lawrence; and a total want of public lights: a lantern is the usual resource of those who are obliged to explore their way through the streets on dark and stormy nights. Such is the capital of British North America,—a city beautifully situated, and possessing an extensive commerce.

Montreal has, in some respects, more of British improvement in its appearance and arrangements than Quebec; the paving is indeed very defective, but the new lines of streets are

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* This observation explains the cause of the imperfect working of the municipal machinery of Upper Canada, where the laws are framed in a manner very superior to those of the Lower Province. Persons who are disposed to regard the local administration of the United States as a model for other countries, will probably be unwilling to believe that in the State of New York, whose prosperity has been immensely increased by its canal and railroad communications, the management of the roads is extremely defective, although there is a large population, possessing abundant resources. The last message of the Governor to the legislature of the State of New York contains this reference to the subject: "The present condition of our highways has resulted from the necessity of constructing roads over an extended surface, with the scanty means and efforts of a sparse population. But this inconvenience has, in a great measure, ceased to exist. The labour expended on our highways is a grievous tax, and yet our roads are scarcely improved. Their summer repairs accomplish little more than restoring them to the condition they maintained before the injuries of the winter season occurred. The evil lies in a misapplication of the labour assessed."

are well laid out, and the obstacles to pedestrians are fewer and less formidable than in the provincial capital. A good supply of water is furnished by an incorporated company; and there is a gas company prepared to light the town whenever the local authorities are empowered to conclude an agreement for that purpose. As, under the existing legislature of Lower Canada, no new tax or rate can be imposed, Montreal remains in darkness during the nights of winter, at a time when military guards are planted in almost every street, and the citizens are constantly disturbed by alarms of invasion and insurrection.

From the middle of November until May the inhabitants of the cities are held responsible, under the road law, for the state of the highways and footpaths in front of their houses. It is thus left to individuals to remove the obstacles caused by the snow, instead of resorting to the far more efficient and less annoying mode of providing for the performance of the work by general assessment. Many persons, finding it inconvenient to discharge the duty through servants of their own, have recourse to professional street-clearers, who undertake to keep the ways free from obstruction during the winter season, at a certain specified rate of charge.

The following announcement, taken from the Montreal newspapers of this year, will explain the practice more clearly than general description:

"WINTER ROADS.

"Captain B. S. Schiller will, during the winter season (commencing 1st December, and ending 1st May) undertake to keep the roads free from *cahots**, and to take away the ice and rubbish. He will also clear the footpaths. The charge for the above will be 6*d.* per superficial foot, payable as follows:—One-half on the 1st of December, and the other half on the 1st of March.

"Captain S. hopes his friends will continue the patronage with which he has been favoured during the last 17 years."

Closely connected by commercial relations with Upper Canada, Montreal, under a stable system of government and enlightened institutions, would advance with great rapidity, and become, ere long, one of the most flourishing emporiums on the American continent. Its trade—indeed the whole trade of the province—is almost entirely in the hands of the British. An inclination to commercial pursuits is rarely displayed by the Franco-Canadians; on the contrary, they seem to regard the mercantile class with jealousy and dislike, and their occupations with something approaching to scorn. And what is the result of their anti-commercial habits and foolish prejudices? The division of landed property, which takes place under the law of inheritance daily, reduces the means of the more opulent families. The young men of these families are destitute of the skill and capital required for profitable agriculture, even if they were disposed to maintain themselves by farming. The Catholic Church offers few temptations to the young and aspiring colonist; and there is no army or navy to open a way for him to distinction. Law and medicine are the only professions that hold out the hope of elevation and independence; but these professions are too crowded to render it possible for the majority of practitioners to obtain a satisfactory share of public favour, and consequent emolument. From professional disappointment arises political place-hunting, which, baffled in its object, too often expands into a wild desire for change, criminal in its means, desperate in its aims, the growth of mortified pride, narrow experience, and an unreasoning ambition.

Under a temporary Act, Quebec and Montreal were watched and lighted, after a sort, down to May 1836. The funds were altogether unequal to the proper support of these essential branches of civic government. Lamps fed with oil were distributed at intervals, "few and far between;" and the guardianship of the night was intrusted to a meagre selection of the class of veteran servitors, of whose impotency for all useful purposes the people of London were cognizant before the establishment of "the New Police."

A constabulary force for day and night service in Quebec and Montreal, on the plan of the metropolitan police, has been organized under an ordinance issued during the administration of Lord Durham. The force in each city is placed under the direction and supervision of an inspector and superintendent, who is also a justice of the peace, and acts in that capacity. The propriety of uniting the functions of magistrate and executive chief of police in one and the same person may well be questioned; but in these particular cases it may doubtless be justified on the ground of present necessity. Such a necessity would cease to exist, if Quebec and Montreal were again incorporated upon safe, equitable and comprehensive principles.

Mr.

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* The French word "*cahot*," literally, a jolt or shake, is applied in Lower Canada to the inequalities on the winter roads, caused by the masses of snow accumulated, in consequence of the clumsy construction of the winter carriages in use among the *habitans*.

Where "*cahots*" abound, they destroy the pleasure of sleighing, and add materially to the fatigue of man and horse during a long journey. No such nuisance exists in the townships, Upper Canada or the United States. Attempts have been made, but in vain, by the authorities, to coerce the *habitans* into a reform of their vehicles; had these attempts been persisted in, the country folks would probably have shown their determination to uphold the jolting system, by stopping the supplies to the town markets. It is indeed recorded, that such was actually the case, and had the effect of causing the Governor and Legislative Council of the day to repeal an ordinance prescribing, under a slight penalty, a small alteration in the form of the Canadian train or cariole.

Mr. T. A. Young, inspector and superintendent of police for Quebec, has furnished the subjoined return of the force on duty in that city, as a day and night police, on the 27th of September 1838; with a statement of the expense of its maintenance, and an estimate of contingencies.

QUEBEC CITY POLICE.

	£.	s.	d.
One inspector and superintendent, per diem	1	–	–
One chief constable „	–	6	–
One serjeant-major „	–	4	–
Two serjeants, at 3*s.* 6*d.* each „	–	7	–
Four corporals, at 3*s.* each „	–	12	–
Twenty-four privates, at 2*s.* 6*d.* each „	3	–	–
Expense per diem	5	9	–
Weekly expense	38	3	–
Annual expense £.	1,989	–	–
Contingencies:			
Clothing £. 448 13 –			
Stationery, printing, surgeon's account, expresses, secret service, &c. &c. 200 – –			
	648	13	–
TOTAL EXPENDITURE for One Year £.	2,637	13	–

Since the date of the preceding return, the provisions of the police ordinance have been extended to the parishes in the neighbourhood of Quebec and Montreal, and a considerable increase of the force in both cities has been made owing to this extension and the disturbed state of the province.

The police, as an improvement upon the past, has generally afforded satisfaction, and in Quebec it has been very useful from the facilities it gave for the apprehension of runaway seamen. A testimony of its usefulness appears in the presentment of the grand jury at the last September session of the Court of King's Bench for the district of Quebec:—

"The grand jury have noticed with much satisfaction the great advantages experienced by the public in the recent establishment of the police in this city, on an improved system, under the authority of his Excellency the Governor-general, and strongly recommend an increase to the members of this useful description of force; added to which, the grand jury respectfully recommend that public lamps be again fixed throughout the city,—a measure of great necessity to aid the efficiency of the police, and further to secure the peace and quietness of the inhabitants during the night."

The recommendation of the grand jury respecting public lamps strikingly illustrates the neglect of the most ordinary accessaries to social comfort, security and decorum, occasioned by the want of appropriate local institutions. The Watch and Light Act expired in 1836, and as the law from which the Governor derived his powers deprived him of all authority in the matter of imposing any rate or tax, the recommendation of the grand jury was, in substance, a suggestion to his Excellency to defray the expense of lighting the streets of Quebec out of the provincial chest, the funds in which appear to be regarded in Lower Canada as a common stock, on which every class of exigents have a right to lay their hands before they have recourse to their own particular pockets. Previous to the passing of the Acts incorporating Quebec and Montreal, bills for establishing municipal government in these cities had been sent up by the House of Assembly to the Legislative Council, where they were rejected, on the plea that they contained provisions calculated to promote private interests to the prejudice of the public. The bills which eventually received the sanction of the provincial legislature might, we conceive, have been justly rejected, for reasons in the main not dissimilar. In the first place, their temporary character had a tendency to lessen the respect due to the authority they were intended to create, that authority itself being necessarily incompetent to mature and work out any comprehensive plan of improvement. In the next place, their provisions, as regarded the municipal franchise and the distribution of the wards, had the inevitable effect of giving a lasting and undue preponderance in the town councils to the representatives of a favoured class, namely, the Franco-Canadians. It happened, accordingly, that, among the twenty councillors allotted to Quebec, four was the average number of members of British blood. The officers appointed by the corporation were of French extraction, and the corporate records were kept in the French language. There was about the same proportion of members of British origin in the Montreal town council as in that of Quebec, and the corporate officers were similarly selected. Thus, in two cities dependent for their prosperity on commerce, that portion of the community who were at the head of all commercial undertakings were, by a partial franchise, and an unfair sectional

sectional arrangement, thrown into a hopeless minority in the local administrative bodies Nor do we find that their exclusion was compensated by the superior trustworthiness of those who constituted the majority. In Montreal, the choice, for one year at least, was unfortunate. In the list of councillors elected in June 1835 (for the last year of incorporation) are the names of Dr. Robert Nelson, Messrs. E. E. Rodier, John M'Donnell, L. H. Lafontaine, J. Donegani, and Dr. Lusignan; all of whom are now in prison or in exile, in consequence of being engaged in treasonable practices, or implicated in aiding and abetting them.

Besides their temporary and exclusive character, there were other and vital defects in the Acts incorporating Quebec and Montreal. They invested the town councils with a very imperfect share of municipal attributes. These bodies had, in fact, hardly any substantial authority beyond the superintendence of streets, and, even in that department, they were controlled by a special Road Act of 1799. A section of the meagre statutes of incorporation is devoted to a summary of the moral obligations incident to the discharge of the mayoralty: "The mayor to be vigilant and active in causing the laws for the government of the city to be respected," &c. Through what description of agency the city functionary's vigilance was to be exerted, we are left to surmise, for he who, by virtue of his office, is chief magistrate in the corporate towns of Great Britain and the United States, was in the incorporated cities of Lower Canada no magistrate at all. And if the administrative powers conferred upon the corporations were little, the resources at their disposal were less. The average yearly revenue of the city of Quebec for five years was 5,500 *l.*, a sum which, with strict economy, would barely suffice to pay the corporate officers, and maintain an efficient constabulary police.

Partial in the distribution of electoral privileges; crippled by the Road Act, the Watch and Light Act, and other laws for municipal purposes; obliged to await the tardy sanction of the superior courts to their bye-laws and internal regulations; destitute of funds adequate to the proper accomplishment of the objects within the limited circle of their administration; the corporations of Quebec and Montreal passed through the term of their brief existence, leaving with the public no memorial of their usefulness, nor any general anxiety for their revival.* Sir George Gipps could hardly have examined this halting attempt at municipal government, when he expressed the opinion, "that if the chief magistrates of Quebec and Montreal, after their completion of the terms of their service, were to become, of right, legislative councillors for an equal term, it would add to the popularity of the legislative councillors."

ABSTRACT OF THE ACTS FOR INCORPORATING QUEBEC AND MONTREAL.

Quebec.

By the Provincial Act 1 Will. 4, c. 52, Quebec was incorporated and divided into 10 wards; each ward to return two members to the common council; nine of the 20 councillors thus returned to constitute a *quorum*, of which the mayor always to be considered one.

Electoral Qualification.

The right of voting for the ward in which he resided, conferred upon every male inhabitant, being a resident in the city for 12 months preceding the election, and proprietor of a house, with the ground on which it is built and paying assessment.†

In cases of objection to voters, the party tendering the vote to swear to his qualification.

Qualification of Councillors.—The possession as proprietor of real property to the yearly value of 25 *l.* currency (amounting to 22 *l.* 4 *s.* 8 *d.* sterling), clear of all incumbrances, and over and above all rents and charges affecting the same (said property being in the ward for which the return is made); with residence in the city for two years previous to the election.

Election of Councillors—The annual election to be holden on the first Monday in June; poll to open at 10 in the morning, and close at four in the afternoon. The election not to occupy more than two successive days, unless Sundays and holidays (*fêtes d'obligation*) should intervene. Justices of the peace to preside at the first elections under the Act; at all subsequent elections, the councillors for the time being in their respective wards.

One-half of the council to retire in annual rotation. At the close of the first year under the Act, the councillors for the several wards to determine the order of their retirement by lot or ballot.

Persons refusing to serve liable to a penalty of 25 *l.* currency. No councillor obliged to

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* It is stated, that an Act for continuing the incorporation of Montreal was thrown out by the House of Assembly, because a provision had been inserted in it by the Legislative Council, conferring the municipal franchise upon tenants as well as proprietors.

† Assessment is levied under the road law, which provides, "That no lot of ground which (together with the houses and buildings thereon erected) does not exceed the annual value of 5 *l.* currency, and no lots, houses or buildings occupied by religious communities of women, and no grounds without the fortification walls of the said cities respectively used for pasture, hay-land, or for raising grain, shall be assessed under this Act." No other description of property is exempted. "The Canadians," says Laterriere, in his Political and Historical Account of Lower Canada, "with hardly an exception, are proprietors of land." Not so the commercial classes of British origin resident in the towns.

to serve for more than four successive years. Exemptions may be claimed by certain public officers and members of learned professions.

Oath of Office.—Councillors sworn to perform and execute their duty according to the intent and meaning of the Act.

The Mayor.—To be elected annually by and from the council, and to be allowed a salary not exceeding 100*l.* per annum.—*Chief executive officer of the corporation and president of the council,* which may, in his absence, choose a temporary chairman. Empowered to call extraordinary meetings of council.* Instructed "to be vigilant and active in causing the laws for the government of the city to be enforced, to inspect the conduct of all subordinate municipal officers, and, so far as in his power, to cause all neglect or violation of duty to be prosecuted and punished." Also instructed to communicate to the council such information and recommend such measures "as may tend to the improvement of the finances, the police, health, security, cleanliness, comfort and advancement of the town."

Proceedings and Powers of Council.

Proceedings to be public "with regard to all the members of the incorporation."

A statement of revenue and expenditure to be published at least once a year, in one or more of the French and English newspapers of the city.

The council to appoint such officers as to it may seem expedient, and allow them a just and reasonable remuneration. The treasurer to give security, and all the corporate officers to render their accounts as often as required by the council.

Council to have the powers which, before the passing of the Act, were vested in the justices of the peace (resident in the city) for making police regulations, receiving and employing the monies raised by assessments or otherwise, and over and concerning all streets, lanes, roads, causeways, pavements, bridges, embankments, water-courses, sewers, market-places, public squares, and all other improvements within the city; the making and repairing of all market-houses and weigh-houses in the different markets, watching and lighting, and, generally, over all things which might in any way regard the improvement and convenience of the city.†

Council to have possession of all monies raised by assessment or otherwise, the funds appropriated for watching and lighting the city, and all the immovable property and outstanding debts formerly under the control of the justices of the peace, with all registers, books of assessment and other documents belonging to or concerning the city.

Council empowered to make bye-laws, "such laws not being repugnant to the laws and constitution of the province," with the proviso that no bye-law shall have effect unless made by a majority of the whole council, and confirmed by the Court of King's Bench. Bye-laws not to impose any fine or penalty exceeding the sum of 5*l.* currency.

Fines, penalties and forfeitures recoverable in a summary manner before any two justices of the peace for the district, in weekly sessions; one moiety of such fines and forfeitures to go to the informer, the other to the corporate fund.

Council empowered to purchase ground for opening new streets, squares and market-places, or improving those already opened; also to borrow money and to issue transferable and redeemable bonds for the same, bearing interest not exceeding six per cent. The sums borrowed not to exceed at any time "one moiety of the net proceeds of the revenue raised by assessment or otherwise" for city purposes during the preceding year.

The powers vested in the corporation not to interfere with the powers granted by law to the Trinity-house in respect of the port and harbour of Quebec.

Montreal.

By the Act of Incorporation, 1 Will. 4, c. 54, the city was divided into eight wards, each returning two members to the council. Seven to be a quorum; the mayor always to be one.

The Act restrained the corporation from interfering with the powers of the Montreal Trinity-house (since merged in that of Quebec), the wharves and slips erected or being erected by the commissioners for improving and enlarging the harbour of the city, and the wharves and grounds under the direction of the commissioners for superintending and enlarging the Lachine Canal. With the exception of these purely local provisions, the Montreal Statute of Incorporation is similar to that of Quebec.

Municipal Officers.

Mr. Longevin, formerly town clerk of Quebec, has furnished the following list of municipal officers for that city during the period of its incorporation, distinguishing those appointed by the council and those appointed by the Crown. With some immaterial differences, the return will also apply to Montreal.

Officers

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* The Act made no provision for meetings of council at certain fixed periods.

† The municipal powers withdrawn by the Act from the resident justices became re-invested in them after the Act had expired. Thus two important towns were shuttle-cocked between different forms of local government in the short space of three years.

Officers appointed by the Crown.

Health Officer.—Chief duty, inspecting vessels, their crews and passengers.
Road Surveyor.—Duties prescribed by Road and Police Acts.
Inspector of Flour.
Inspector of Pot and Pearl Ashes.
Inspector of Chimneys.—The duty performed in 1833, by an officer chosen by a society constituted under a temporary Act, and confirmed by the Common Council. After the expiry of the said Act, the duty performed by the officer originally appointed by the Crown.
Inspector of Weights and Measures.
Clerks of Markets.
Superintendent of Watch and Light, and his Deputy, under a provincial Act since expired.
Clerks of the Peace; High Constable.—"District" officers.
Harbour Master and Superintendent of the *Cul-de-sac*.—Appointed by the Crown, but acting under the direction of the Quebec Trinity-house.

Officers appointed by the Common Council.

Mayor.
Town Clerk.—(This office was not filled by a lawyer.)
Road Treasurer.—Acting as treasurer to the corporation.
Law Adviser.—None appointed in 1835.
Notary.
Clerks of Markets.—Two for new markets opened during the period of incorporation, but not recognized by the Crown.
Inspector of Beaches.—Under a temporary Act, now expired.
Corporation Wardens.—Six; for enforcing sanatory and other regulations; and inspecting streets and public works.

To the foregoing list may be added,

The Assessors of the City Rate.—There are five, who serve gratuitously, and are selected by the magistrates out of a list of 15, presented annually by the grand jury at quarter sessions. Parties assessed have the right of appeal to the justices at quarter sessions.

Public Buildings.

No town-hall or other building for corporate uses in Quebec or Montreal. The Quebec Council held its sittings in a house rented for the purpose. The Montreal Council met in a room in the court-house, by permission of the justices.

Revenue.

The sources of corporate revenue in both cities were—

Assessment on real estate.
Tax on horses.
Poll-tax, being composition for statute labour.
Tavern and other licenses.
Markets and stalls.
Municipal property.
Fines, penalties and forfeitures.
Subscriptions from parties desirous of improvements.

Quebec.

By a rather complex statement from the road treasury, Quebec, it appears that the amount of revenue raised in the city from the 1st of January 1833 to the 31st of December 1837, was 27,505*l.* 13*s.* 6*d.*

The expenditure during the same period was 27,879*l.* 9*s.* 10*d.* Of this expenditure, the charge under the head of salaries to officers is 4,362*l.* 9*s.* 3*d.*

Amount of debt owing by the city, up to September 1838, 1,992*l.* 4*s.* 3*d.*, being money expended in the purchase of ground for opening and prolonging streets, and in the construction of wharves in the St. Paul's-street market.

Amount of unpaid assessment, and rent of stalls for the year 1837, 137*l.* 16*s.* 5*d.*

Montreal.

I. Total amount of city revenue from the 1st of January 1833 to the 1st of December 1837, 31,406*l.* 5*s.* 2*d.*

II. The road treasurer's statement shows the proportions in which the various sources of revenue contributed to the city fund.

STATEMENT showing the various Sources of the ANNUAL REVENUE of *Montreal*, for the Years 1833, 1834, 1835, 1836, 1837.

	1833.			1834.			1835.			1836.			1837.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Assessment on property	2,908	–	–	3,649	1	6	3,511	3	9	4,048	4	10	3,879	16	6
Tax on horses - -	327	15	–	307	2	6	337	2	6	371	5	–	315	–	–
Statute labour money	152	10	–	144	2	6	186	12	6	162	15	–	87	2	6
Tavern-keepers - -	32	–	–	318	–	–	382	–	–	412	–	–	508	–	–
Grocers - - -	-	-	-	292	–	–	284	–	–	268	–	–	168	–	–
Rent of butchers' stalls	247	17	6	481	16	8	395	14	–	373	5	–	396	–	–
Clerk of the markets -	131	7	4	213	10	2	203	19	7½	203	18	4½	239	17	1
Rent of municipal property.	-	-	-	82	–	–	91	5	–	88	5	–	86	10	–
Fines - - -	86	2	6	39	–	–	39	12	6	23	15	–	58	17	6
Arrears collected -	142	19	–	89	3	6	250	9	6	58	6	–	14	15	–
Balance in hand -	-	-	-	-	-	-	170	17	1	144	–	3½	1,149	–	9½
Loan of money - -	1,000	–	–	500	–	–	-	-	-	1,007	12	11	200	–	–
Sale of old materials -	-	-	-	-	-	-	2	7	6	26	6	3			
Amount of public subscription.	-	-	-	100	–	–									
Waterworks company, in lieu of repairing streets.				16	7	6									
£.	5,028	11	4	6,232	4	4	5,855	3	11½	7,187	6	2	7,102	19	4½

III. Amount of expenditure from 1st January 1833 to 31st December 1837, 29,311 *l.* 19 *s.* 9 *d.*

IV. CLAIMS against the City of *Montreal* up to 31 August 1838.

	£.	s.	d.		
John Bowers * - - - -	500	–	–	with interest -	from 4 August 1835.
Fabrique of Montreal † - -	750	–	–	without interest	from 26 April 1836.
Hon. John Molson ‡ - - -	5,250	–	–	with interest -	from 20 April 1836.
Hon. Pierre de Rocheblave - -	120	–	–	- ditto - -	from 2 June 1838.
Augustin Tulloch - - -	120	–	–	- ditto - -	- - ditto.
Moses Hayes - - - -	79	–	6	without interest.	
Henry Jackson - - - -	44	6	6	- ditto.	
Montreal and People's banks	1,500	–	–	with interest -	10 August 1838.
Thomas Philipps - - -	75	–	–		
£.	8,438	7	–		

* This loan of money was contracted under the sign manual of the mayor and seal of the city corporation. The creditor has not required the amount, but only the interest, which has been annually paid to him.

† One instalment of 100*l.* has been paid for the year 1837.

‡ This debt was contracted under and by virtue of 6 Will. 4, c. 7. Mr. Molson having experienced some difficulty relating to the payment, has instituted a law-suit against the magistrates, which was pending in court at the date of the return.

The various sums due to the above-mentioned claimants were expended in enlarging the new market, tunnelling the little river, and improving the streets.

MUNICIPAL DIVISIONS.

QUEBEC.

OF the ten wards into which the city was divided, four were allotted by the Act of incorporation to the Upper Town, two to the Lower, and four to the suburbs.

MONTREAL.

To the city proper were allotted two wards; to the suburbs, six; returning 16 members, less by four than Quebec, which is inferior to Montreal in wealth and population.

In this distribution of wards no sound governing principle is discernible; nor, indeed, principle of any kind. Had aggregate population formed the basis of the division, the Upper Town of Quebec would have had a smaller, and the Lower Town a larger share of the municipal representation; for according to the returns of 1825, the population of the latter was 4,187, and of the former, 4,445. That the influence of property was not regarded in the warding of the cities will be seen by referring to the assessments for the several divisions of each.

GENERAL

GENERAL VIEW of the ASSESSMENTS for each Section of the City of *Quebec* in 1837.

WARDS in each Section.	SECTION.	MEN, at 2*s.* 6*d.*	HORSES, at 7*s.* 6*d.*	Real Estate, at 2½ per Cent. on Annual Value.	TOTAL.
		£. *s.* *d.*	£. *s.* *d.*	£. *s.* *d.*	£. *s.* *d.*
Two Wards -	St. John and St. Louis suburbs.	101 12 6	95 12 6	230 5 6	427 10 6
Two Wards -	St. Roch and St. Vallier suburbs.	75 2 6	78 15 –	319 1 –	472 18 6
Two Wards -	Lower Town - -	89 10 –	15 – –	955 8 6	1,059 18 6
Four Wards -	Upper Town - -	67 2 6	55 17 6	999 – –	1,122 – –
	GRAND TOTALS - £.	333 7 6	245 5 –	2,503 15 –	3,082 7 6

Of this assessment, the amount actually contributed in 1837, from each section, was—

	£. *s.* *d.*
From St. John and St. Louis suburbs - - - - - - - -	395 5 –
„ St. Roch and St. Vallier suburbs - - - - - - - -	451 10 3
„ Lower Town - - - - - - - - - - -	1,031 3 6
„ Upper Town - - - - - - - - - - -	1,111 7 6
Excess of city contribution over suburbs - - - - -	1,295 15 9
Excess of Lower Town contribution, alone, over suburbs - -	184 7 9

The Montreal "assessment" for the year 1837 amounted to 4,801 *l.* 4*s.* of which 4,281 *l.* 19*s.* was actually collected in the subjoined proportions from each section of the town.

ACTUAL CONTRIBUTION from each Section of the City of *Montreal*, on the Assessment of 1837.

SECTION.	MEN, at 2*s.* 6*d.*	HORSES, at 7*s.* 6*d.*	Real Estate, at 2½ per Cent. on Annual Value.	TOTAL.
	£. *s.* *d.*	£. *s.* *d.*	£. *s.* *d.*	£. *s.* *d.*
City Proper { East Ward - -	20 10 –	33 15 –	1,177 14 6	1,231 19 6
City Proper { West Ward - -	20 2 6	27 15 –	977 6 –	1,025 3 6
St. Lawrence „ - -	8 12 6	49 10 –	394 17 6	453 – –
St. Antoine „ - -	2 5 –	27 15 –	165 6 –	195 6 –
St. Louis „ - -	14 5 –	41 12 6	260 11 6	316 9 –
St. Mary „ - -	15 – –	48 15 –	252 12 6	316 7 6
St. Anne „ - -	2 7 6	39 7 6	346 6 –	388 1 –
St. Joseph „ - -	4 – –	46 10 –	305 2 6	355 12 6
GRAND TOTALS - £.	87 2 6	315 – –	3,879 16 6	4,281 19 –
City Proper - - -	40 12 6	61 10 –	2,155 – 6	2,257 3 –
Suburbs - - - -	46 10 –	253 10 –	1,724 16 –	2,024 16 –
Excess of City Contributions over Suburbs - £.				232 7 –

The inferiority of the assessment on real estate in the suburban divisions, as compared with the main part of the cities, clearly establishes the fact, that in apportioning municipal representatives to the different sections of Quebec and Montreal, the Canadian legislature did not proceed upon the basis of property; nor assuming that the proprietorial qualification was a sound and liberal one, instead of being partial and narrow, does it appear that the plan of warding adopted in Quebec was justified by the number of qualified voters in each ward.

We learn from the assessment books that the number of rated proprietors of houses and lots in the Upper Town of Quebec is 221; in the Lower Town, 265; in St. John and St. Louis suburbs, 343; in St. Roch and St. Vallier suburbs, 473. Now, had the distribution of the wards been regulated by the number of assessed proprietors, the suburbs would have formed at least six out of the ten, while the Upper Town, even had the wards been increased to twelve, would not have been entitled to more than two, under the same standard of qualification.

Unable, then, to discover any guiding principle in the warding of Quebec and Montreal, it is difficult to resist the conviction, that the comparatively small share of representative influence given to the Lower Town of Quebec and the City Proper of Montreal, where trade is chiefly centred, and where the commercial interest prevails, originated in a feeling hostile to the British population on the part of the House of Assembly, or of those who were instrumental in passing the measure of incorporation through that House. In consequence of aggrandizing the Upper Town at the expense of the Lower, the four wards in the former contained only a mockery of popular constituencies. The assessment books show that the whole of the proprietors qualified to vote for the city council amount to about 1,302; of which 816 belong to the poorer suburban population: after deducting from the remaining 486 the 265 Lower Town electors to be distributed between two wards, there is left for each of the Upper Town wards an average electoral body of 55 and a fraction,—a constituency little better than a close club.

QUALIFICATION OF ELECTORS.

Capital and population are the wants of a colony like Lower Canada, and it must be the object of an enlightened policy to encourage their introduction by an ungrudging participation of the rights of citizenship. In the towns, especially, every inducement should be given to the settlement of wealthy, enterprising and industrious strangers. The municipal franchise selected by the Canadian legislature was calculated to have an effect directly the reverse, inasmuch as, being vested exclusively in the possessors of real estate, it conferred a monopoly of local influence on the old race of settlers to the prejudice of the new; and this, too, in places depending on trade for their prosperity, and where the commercial classes have always been recruited from without. It is hard to believe that the House of Assembly had any other motive in fixing the municipal franchise than the desire to secure the ascendancy to the Franco-Canadians.*

By the Constitutional Act, the privilege of voting for members of the House of Assembly itself was extended to the occupiers of houses paying a yearly rent of 10*l.* sterling, yet the very same class of tenants, who were chiefly British, were deprived by the legislature which this Act created, of a voice in the municipal elections. And that the municipal franchise adopted by the provincial legislature afforded no correct test of the degree of individual or sectional interest in the judicious management of city affairs is evident from the assessment returns, which show that 816 suburban proprietors of Quebec, having eight representatives in the council, did not contribute so much annually to the corporate fund, by 184*l.* 7*s.* 9*d.*, as did the 265 Lower Town proprietors, having no more than four representatives.

Poor and ignorant Canadians are the proprietors of houses and lots, of which the yearly assessment value would rarely be less than 6*l.*; and while the proprietorial franchise tended to give such persons an undue influence in the urban government of the province, it had the effect of excluding persons of wealth and intelligence; the very best depositaries of colonial municipal power. Nor can the authors of this invidious and deceptive franchise uphold it on the score of its popular operation. Had the possession of the electoral right been conceded to the single class of occupiers of houses assessed at the annual value of 10*l.* sterling, it would have been more extensively as well as more equitably distributed. Take, for example, the comparative amount of proprietors and occupiers of houses assessed as before in the city of Quebec.

SECTION.	Proprietors.	Occupiers.	Increase and Diminution.
St. John and St. Louis suburbs.	343	182	Less by 161.
St. Roch and St. Vallier suburbs.	473	300	„ 173.
Lower Town - - -	265	489	More by 224.
Upper Town - - -	221	510	„ 289.
Totals - - -	1,302	1,481	More by 179.

Thus

* In Upper Canada, Toronto has been successfully incorporated, and the municipal franchise of that city is, by the Act of Incorporation, vested "in such male inhabitant freeholders within the ward for which the elections shall be holden, or the liberties thereof, as shall be possessed at the time of the election, either in freehold or as *tenant for a term of years, or from year to year*, of a town lot or dwelling-house within the said ward or liberties: Provided always, that a portion of a house in which any inhabitant shall reside as a householder, and not as a boarder or lodger, and having a distinct communication with the street by an outer door, shall be considered a dwelling-house within the meaning of this clause." By a subsequent Act (7 Will. 4, s. 39), the franchise was altered, and the right of voting restricted to possessors, either in freehold, or as tenants for a term of years, or from year to year, of a town lot or dwelling-house rated at the yearly value of *ten pounds*.

Thus it appears, that by conferring municipal electoral rights on this class of substantial occupiers, in preference to assessed proprietors, the constituency of Quebec (which would be open to constant increase by new settlers) would at once receive an addition of 179 voters. But this is not all: it will be found, on referring to the assessment returns, that the substitution of occupiers for proprietors would bring the electoral strength of the municipal divisions into limits proportionate to their respective sectional contributions to the local revenue. St. Louis and St. John suburbs, which contribute the least amount, would have fewest qualified voters, and of course ought to have fewest wards. The Upper Town, which pays the largest assessment, would furnish the most numerous constituency; and the remaining divisions, according to their proportion of the public burthens, would obtain their share of influence. By a new and just municipal division, the number of wards should be so limited as to ensure constituencies large enough to make what might deserve to be entitled a popular choice, and at the same time afford their due weight and influence to the heaviest tax-payers.

In the city of Montreal, the enlargement of the municipal constituency, by transferring the franchise from proprietors to the aforesaid class of occupiers, would be still more important than in Quebec.

SECTION.	Proprietors.	Occupiers.	Increase and Diminution.
East Ward - - -	138	412	More by 274.
West Ward - - -	93	365	„ 272.
St. Anne's Ward - -	130	215	„ 85.
St. Joseph „ - - -	250	278	„ 28.
St. Antoine „ - - -	131	200	„ 69.
St. Lawrence „ - - -	296	435	„ 139.
St. Louis „ - - -	183	452	„ 209.
St. Mary „ - - -	232	402	„ 170.
TOTALS - - -	1,453	2,759	„ 1,306.

The constituency of Montreal would thus be nearly doubled, the greatest increase accruing to the east and west wards, which constitute the "city proper," and pay a larger share of assessments than all the other wards combined, and are particularly devoted to the commerce on which the town depends for its prosperity.

QUALIFICATION OF MUNICIPAL COUNCILLORS

FOR a seat in the House of Assembly or the Legislative Council, no qualification whatever was required by the Constitutional Act. By the provincial Act, 2 Will. 4, c. 22, the right of serving on grand juries of the superior courts was extended to occupiers of houses in Quebec and Montreal paying a yearly rent of 60 *l.*, as well as to the owners of real property producing an annual return of 25 *l.* A like qualification, but to a less amount, was fixed by the same Act for the grand jurors at quarter sessions. By the Quebec and Montreal statutes of incorporation the qualification was restricted absolutely to the possession of real property to the yearly value of 22 *l.* 10 *s.* sterling, clear of all incumbrances.

There are two objections to this qualification; first, the impossibility of ascertaining whether it be actual or nominal; second, its tendency to exclude from the management of corporate affairs persons highly competent to conduct them with advantage, viz. those whose capital is embarked in trade.

Under the laws of the province there is no way of arriving at the knowledge of the incumbrances on real estate, so that an individual having ostensibly a 25 *l.* property qualification, may, in fact, not be possessed of an annual income of 25 pence. The municipal representatives of Quebec and Montreal were not required to swear to their qualification.

Owing to the aforesaid defect in the provincial law, and to the unimproving and unstable system of general government, most of the British engaged in trade have been deterred from the purchase of real property, for lack of which they were inadmissible to the city councils, however wealthy, experienced or enlightened they might be. Nothing could be more short-sighted and illiberal than to frame laws for establishing municipal institutions in such a way as to give an undue preponderance to the class which was wholly unacquainted with the working of these institutions by excluding another class whose social training in the mother-country had made them familiar with their operation, their objects and their advantages. And why was a tenancy qualification, recognized with regard to grand jurors by the Canadian legislature, overlooked with respect to the members of a municipal council?

MUNICIPAL PROPERTY.

Quebec.

The property vested in the corporation of Quebec was comprised of markets, St. Paul's wharf, and a small lot of ground opposite the custom-house, granted to the city by the Crown. The markets were established by provincial Acts; one for the Upper Town, one for the Lower (St. Paul's-street), and one for the St. Roch's suburbs. The last has not succeeded. There is also a hay-market.

The principal market is in the Upper Town. Mr. Thomas Atkins, clerk of the market, (who is also the inspector of weights and measures, at a yearly salary of 40*l.*), stated to the commissioners, that, in addition to his salary, he was entitled to weigh-house fees; but these had been reduced almost to nothing by a regulation which permits the buyer and seller, when both are consenting, to weigh commodities where they like. There are 18 stalls in the market, which let, on an average, at from two to five dollars a year each. They are let annually by auction. The revenue from them is diminished, owing to the great number of hucksters, who pay no rent, and only 5*s.* a year for license. These hucksters advance the price of almost every article for sale by forestalling. Mr. Atkins has recommended the magistrates to raise the charge of a huckster's license to 5*l.* yearly.

The chief business done in the St. Paul's market is the selling of hay, which has been removed thither from the Upper Town. The old hay-market does not, at present, yield any revenue; but the magistrates are said to entertain the intention of erecting new stalls upon it, which might be made to pay well.

The general returns from the Quebec markets might be considerably increased. A trifling income has been derived from St. Paul's wharf.

Montreal.

Besides markets, the corporation of Montreal had no property, save a common, containing about 40 acres; returning no revenue, but capable of being advantageously disposed of in lots.

Four markets, exclusive of a hay-market, have been established, under provincial Acts—the new market, St. Anne's, Pres de Ville and St. Lawrence markets. Little, if any, business is done, except in the new market and St. Anne's.

The new market belongs to the city, and is the most frequented. Its returns are good, in proportion to the original outlay and yearly expenditure.

St. Anne's market is under the management of trustees. According to a statement furnished by their treasurer, Mr. Thomas Blackwood, the claims against the trustees remaining unliquidated on the 1st of September 1838, amounted to - £.19,057 4 5

Viz. Money borrowed - - - - - - - - -	£.	13,776	13 4
Balance due to tradesmen for erecting the market-house, &c. -		773	6 4
Interest of money up to June 1838 - - - - -		4,507	4 9

Receipts for last Three Years:

	£.	*s.*	*d.*
From 1st July 1835 to 30th June 1836 - - - - - -	725	9	11
„ 1st July 1836 to 30th June 1837 - - - - - -	612	2	9
„ 1st July 1837 to 30th June 1838 - - - - - -	435	11	8

Expenditure for last Three Years:

From 1st July 1835 to 30th June 1836 - - - - - -	269	2	2
„ 1st July 1836 to 30th June 1837 - - - - - -	240	17	9
„ 1st July 1837 to 30th June 1838 - - - - - -	253	8	9

The officers of the market are secretary and treasurer (one person), at a yearly salary of 25*l.*; clerk, at a reduced salary of 50*l.*; and constable, at a reduced salary of 30*l.*

DIGEST OF EVIDENCE RESPECTING THE INCORPORATION OF THE CITIES OF QUEBEC AND MONTREAL.

Quebec.

Edward Glackemeyer, Esq., notary public, justice of the peace, and formerly a member of the Quebec common council, being examined, expressed the opinion, that the powers conferred upon the councils of the incorporated towns were too limited. With an inadequate revenue for effecting necessary local improvements, they were destitute of authority to raise an assessment. There was and is no public supply of water in Quebec, and the watch and light fund was insufficient for the proper accomplishments of the objects to which it was appropriated. The expenses of the fire department were defrayed out of the "road money." There was no municipal property, except the markets, a wharf, and a small lot of ground, worth perhaps 1,000*l.* or 1,200*l.* All the wharves are private property, with the exception of the St. Paul's (city) wharf, and the King's; the latter

latter is appropriated to the purposes of government. The Court of King's Bench delayed for six months the grant of its sanction to the market regulations framed by the Quebec common council. When the Act of Incorporation last expired, the same court refused to renew its sanction to these very regulations when applied to by the magistrates; and the markets came again under the old rules, which are unfit for the pretent state of society in the town.

It was desirable that there should be a comprehensive municipal administration, including, so far as might be reasonable, every institution of a municipal character, and invested with power to appoint all corporate officers, license public-houses, &c. &c.

A daily police court is much wanted for the summary trial of petty offences, and breaches of municipal law. At present it was sometimes difficult to procure an attendance of magistrates, those unacquainted with law having a disinclination to attend. For this, among other reasons, it was expedient that a paid professional chairman should be appointed to preside at quarter sessions.

A change might properly be made in the municipal franchise, by adopting the city franchise for the election of members of the House of Assembly. This alteration, by extending the right of voting to those tenants who paid a yearly rent of 10*l.* sterling, would increase the number of city electors in a larger proportion than the suburban. The possession of a yearly clear income of 25*l.*, arising out of real property, appeared to him a sufficient qualification for a common councillor, and he considered it just to exclude from the council all who were not possessors of a real property qualification.

A larger revenue might be obtained from the markets if the rules framed by the corporation were again in operation. The property of the *Cul-de-sac*, now vested in the Trinity-house, and comparatively valueless, might, if transferred to a city corporation, be made productive. The wants of the public under municipal government ought to be provided for by a general assessment, when the funds raised by special rates proved insufficient. The existing mode of assessment might be improved, it being unequal, troublesome and expensive. An assessor was chosen yearly for each of the five divisions of the city, and the consequent inequality of assessment occasioned complaint and appeals to the magistrates. There ought to be paid assessors for rating the whole town uniformly, and, instead of a yearly valuation, one in every five years might perhaps suffice.

The ferry from Quebec to Point Levi is an open one, and is under the jurisdiction of the Trinity-house. The only regulation respecting ferryage is a rule of the Trinity board, that the horse-boats shall start regularly every half hour.

Mr. Glackemeyer is of opinion that the Quebec corporation had generally afforded satisfaction to the public, until politics were introduced into the council. The affairs of the city would, he conceived, never be well regulated until they were again submitted to corporate control.

Ebenezer Baird, esq., merchant and a member of the late corporation of Quebec, did not think that the corporation had satisfied the inhabitants generally. There was, in fact, a continual outcry against it. Its character was injured and its usefulness impaired by the introduction of party politics. One instance to which he alluded was the uncalled-for introduction to the council by Mr. (now Judge) Bedard, of a letter from William Lyon M'Kenzie. In addition to the objection arising from its interference in politics, the corporation was imperfect in its powers, not possessing the prerogatives of an efficient municipal government. It had, for example, no police court peculiar to itself, nor any means for enforcing the summary payment of rates, such as are possessed by the corporation of Toronto.

The British population were not fairly represented in the council. This was partly owing to the partial provisions of the Act of Incorporation, and partly to the supineness of the British, who felt that they must, under such a law, always remain in a minority, and, therefore, did not greatly exert themselves to obtain admission into a body constituted with powers so inadequate. The municipal franchise was not an equitable one; it operated more directly against the rights of the British, than the elective franchise for the House of Assembly. A uniform household qualification, say to the extent of 10*l.* sterling by the yearly assessment, would be preferable to a qualification based upon the possession of real property, which in the towns must tend to exclude new settlers and persons in trade from a share in the local government. The qualification of common councillors was too low to secure the services of respectable men; it ought to be doubled, at least; nor ought it to be confined to the ownership of real estate, which, in a colony under the French law of property, afforded no grounds of forming a correct estimate of an individual's worldly circumstances.

There were not sufficient funds at the disposal of the corporation, nor were the modes of assessment and appropriation the best that might have been devised. It would be better to appoint permanent assessors to value all the rateable property of the city at reasonable intervals,—for example, once in three years. There ought to be a general fund for corporate purposes, composed of the aggregate local contributions; and when a deficiency arose in providing for any useful object of expenditure, it should be supplied by a general equitable assessment. Certain taxes levied upon shops and taverns ought not to have been specially set apart for watching and lighting; nor ought the road money to have borne the expense of the fire department. As to payment of fair local taxes, people would not object to it if the extent of public accommodation bore a just proportion to the outlay.

In the event of the cities of Lower Canada being again incorporated, the town councils

ought to have the control of the police, the fire department and other branches of municipal administration, and the corporate jurisdiction should be extended as far as high-water mark of the St. Lawrence.

The power of making bye-laws should be granted to the councils without imposing on them the necessity of awaiting the sanction of the Court of King's Bench. Corporations wisely constituted and invested with due authority would be of the greatest advantage to Quebec and Montreal.

Rene Edouard Caron, esq., advocate and mayor of Quebec during two years, considered the power of the late corporation too circumscribed, and its revenues too limited, for an efficient administration of city affairs. The road surveyor and some other officers performing corporate duties were appointed by the Crown, nor had the common council even the power of appointing the common constables. In case of the peace of the city being disturbed, the mayor had no more right to interfere than any other citizen.

The corporation was fettered by various municipal laws, all of which should be repealed if the cities are re-incorporated, and the powers conferred by these laws on insulated authorities, together with the appointment of all the municipal officers, should be given to the councils; which ought likewise to be empowered to frame bye-laws without reference to the Court of King's Bench or the executive. The corporate authority should not only be extended, but clearly defined, so as to prevent it clashing with the jurisdiction of the Trinity-house. Of course an increase of duty would call for a corresponding increase in the number of municipal councillors.

A daily police court would be of great utility, provided there were a paid professional magistrate (who might preside at quarter sessions) to sit with and assist such unpaid magistrates as might be in attendance. The mayor ought to be a magistrate *ex officio*, and be allowed a salary in proportion to his responsibility, labour and sacrifice of time. Unless a salary were given, it would be difficult to procure the services of qualified persons; there being but few who could afford to spare the time requisite for the discharge of the office.

Triennial assessment appeared to him objectionable, owing to the frequency of removal and the fluctuations in the value of property. As to the imposition of new taxes, it would probably be complained of at the outset, but the public would become reconciled to the burthen when it had been succeeded by improvements of obvious and general advantage.

With respect to the franchise, Mr. Caron would not object to confer it upon tenants who pay a yearly rent of 25 *l.* and are assessed for municipal purposes, but he would oppose the admission of any to the town councils save those who possessed a qualification in real estate; and the former one he conceived to be high enough for a fair popular choice. According to his view, mere tenants, as their residence might be only temporary, would not have a sufficient interest in the welfare of the city. If they wished to enter the corporation, they might purchase property and stand upon the same footing as others.

John Malcolm Fraser, esq., merchant, and a common councillor of Quebec during the three years of its incorporation, was of opinion that the conduct of the council had not satisfied the inhabitants generally. A portion of the council consisted of men of strong prejudices and inferior education, and, of the educated members, some were violent political partisans. Their proceedings had at times been marked by the introduction of party politics, and the manifestation of an anti-British feeling. (Mr. Fraser alluded to the letter from W. L. M'Kenzie mentioned in the evidence of Mr. Baird, and to a quarrel that had occurred between the soldiers of the 79th regiment and some of the inhabitants of the suburbs, concerning which the corporation had thought proper to make certain representations, considered by the British objectionable in themselves, and irregular as regarded the legitimate exercise of corporate functions.)

Mr. Fraser concurred in the sentiments expressed by the gentlemen previously examined as to the insufficiency of the city revenue, the necessity of a complete and comprehensive system of municipal government, with the power of making bye-laws subordinate only to the law of the land, and the establishment of a city police court for the summary trial of petty offences. He likewise deemed it expedient that a new measure of incorporation should include an impartial adaptation of the franchise to the capacities of the citizens for maintaining a sound local administration. A corporation so constituted would, he believed, prove of undoubted benefit to Quebec, and he felt assured that the respectable part of the inhabitants would not object to being called upon to contribute to its support.

L. T. Macpherson, esq., notary public, considered the Quebec corporation defective in its constitution, in consequence of more power having been given to those who formed the mass of the provincial population than they were capable of using for their own good. To the same cause might be attributed the failure of all the popular institutions of Lower Canada. Still the province stood in need of popular institutions; but, to secure their beneficial operation, the qualifications of the elector and the elected should be so clearly understood and so accurately defined, as to restrict the possession of power to those who were competent to exercise it for the welfare of the whole. In order to promote this desirable end, he suggested that in all Canadian elections, whether local or parliamentary, each duly qualified elector should only possess a single vote when more than one representative was to be chosen. The effect of this arrangement would be a more equal representation. He thought, also, that quorums, small in number, should be fixed by statute, so that the minority should not be deprived of the power of transacting business when the majority did not choose to attend. Were Quebec incorporated on such principles, it might, with safety to the

the Crown and advantage to the people, be endowed with all the powers and attributes common to British corporations. But he held it to be indispensably necessary that the Governor and Council should enact, and the Imperial Parliament render permanent, the primary laws for the happy government of the province; for laws of this stamp they could never expect to obtain from any popular provincial assembly. Extensive private interests would always have sufficient influence to thwart comprehensive measures, however conducive those measures might be to the public good. The prosperity of all British North America now depended upon the remedies to be devised and sanctioned by the British Parliament. At present, with advantages far exceeding those enjoyed by the people of an adjacent country, they saw their neighbours advancing in improved institutions, arts and wealth, while they were poor, feeble and retrograding.

Montreal.

Jacques Viger, esq., mayor of Montreal during the whole period of its incorporation, then held and continues to hold the office of road surveyor for the city and parish of Montreal, in which capacity he was subject to the council, of which as mayor he was the head. A member of the council had on one occasion moved that Mr. Viger, as road surveyor, should report to Mr. Viger, as mayor, how he had discharged certain duties of his office.

Mr. Viger stated to the commissioners that little interest was taken in the municipal elections of Montreal. The British party probably made no efforts to gain admission into the council, as they could not hope to obtain a majority, else they might have succeeded in returning more members than they did. The powers of the corporation were too limited. It had no police authority, save over the night watch, which was altogether impotent for the due protection of the town. The city was badly lighted, although a yearly sum of 800 *l.* had been expended for that purpose.

The Montreal gas company offered to supply double the quantity of public lights for the same sum, but the expiry of the Act of Incorporation prevented an arrangement. Had the Act been renewed, the council would have applied to the legislature for power to conclude an arrangement with the company. Since the demise of the corporation in 1836, nothing has been done for lighting the city, as the magistrates have no funds to meet the outlay.

A corporation to be effective for good should have powers more extensive than the former one. The mayor and a certain number of councillors ought to be justices of the peace, *ex officio*. All matters of common interest to the citizens should be placed under the management of the corporation, and it should possess the unfettered right of making bye-laws. It might be advisable to give the council the power of appointing paid assessors. There being five assessors for the city acting independently of each other, there are occasional complaints of inequality of assessment. The object of an assessment on real property is to keep up the roads; but the rate of sixpence in the pound is not sufficient to maintain good roads in Montreal. The city applied, at one time, to the House of Assembly for a grant of 1,000 *l.* in aid of the road funds. During the worst part of the year, from the 15th of November to the 1st of May, the duty of sweeping the streets and clearing off the accumulations of snow and rubbish in front of the houses, devolves upon the citizens, who are liable to a fine for neglect.

Mr. Viger saw nothing objectionable in granting the municipal franchise to occupiers of houses fairly assessed for municipal purposes. A 25 *l.* real property qualification seemed to him sufficient for a common councillor; but persons might be justly eligible who paid a rent equivalent, as a test of property, to the qualification of real estate.

The inhabitants of towns would not complain of a larger assessment, provided the money were applied to objects of general and acknowledged utility.

The introduction of additional testimony would not throw more light upon the working of the corporate system in Quebec and Montreal. With reference to the latter city it may be remarked, that the corporation satisfied the majority of the French Canadians, so far as its administration of affairs was concerned, while by the British it was regarded with strong dislike.

MINOR INCORPORATIONS OF QUEBEC AND MONTREAL.

Quebec Trinity-house.

By the permanent Provincial Act 45 Geo. 3, c. 12, the corporation of the Trinity-house was erected for "the better regulating of pilots and shipping in the port of Quebec, and in the harbours of Quebec and Montreal, and for improving the navigation of the river Saint Lawrence, and for establishing a fund for decayed pilots, their widows and children."

The Trinity Board, which is chiefly composed of respectable merchants, consists of a master, deputy-master and five wardens. The officers of the corporation are a registrar and treasurer (one person), harbour-master (one of the wardens), assistant harbour-master and superintendent of the *Cul-de-sac* (one person), superintendent of pilots (a warden), and a water-bailiff. The members of the board, as well as the officers, are nominated by the Crown.

The corporation is empowered to make bye-laws and enact penalties for the breach thereof, the fines exacted for violation of pilot regulations going to the pilot charity fund; of the remainder,

remainder, one moiety goes to the informer and the other to the provincial chest. The first bye-laws were issued in 1805, under the sanction of the then Lieutenant-governor of the province, Sir R. S Milnes.

Open courts for the transaction of business are held on Tuesdays and Fridays. Summons is served by the water-bailiff. Charges against pilots are directed by their superintendent; prosecutions for all other infringements of Trinity-house bye-laws are conducted by the harbour-master. During the period of the year when the St. Lawrence is open to navigation, the board is a good deal occupied in hearing complaints.

The corporation has a police jurisdiction over wharves and landing-places, for the removal of nuisances and the prevention of accidents to shipping by fire. It has, however, no constabulary force for securing the observance of its regulations. It is the duty of the water-bailiff to enforce the rules of the board at the Lower Town landing-place.

Mr. E. B. Lindsay, registrar and treasurer to the corporation, states that it has for some time experienced a deficiency of funds. Application was made to the House of Assembly for an Act to authorize the levying of a small tonnage duty, to which no opposition would have been offered by the commercial interest; but, owing to the political excitement which prevailed, no attention was paid to the matter.

Montreal Trinity-house.

The Act which erected the Quebec Trinity-house, empowered the corporation to establish a branch at Montreal, which was done accordingly; and this arrangement continued in force until the passing of the Provincial Act, 2 Will. 4, c. 24, which erected an independent Trinity-house in Montreal, the boundary of the jurisdiction of the two houses being Pointe du Lac, about nine miles above Three Rivers. The latter, a temporary Act, expired in May 1837, and the government of the river has reverted to its former position.

According to Mr. J. Viger's evidence concerning the Montreal municipal corporation, the separate jurisdiction over the beaches and wharves, vested in the Trinity-house and the harbour commissioners, occasioned inconvenience by clashing with the city authority.

Montreal Harbour Commissioners.

Authority was given to the commissioners appointed under the Provincial Act, 10 & 11 Geo. 4, c. 28, to borrow money to be expended in enlarging and improving the harbour of Montreal. By subsequent enactments the authority of the commissioners was enlarged. The amount of receipt and expenditure, together with all necessary vouchers, are forwarded annually to the receiver-general of the province.

The general state of affairs is explained by Mr. Badgeley, secretary to the harbour commissioners, in the following communication, bearing date Montreal, 4th September 1838.

"I have the honour to transmit herewith copies of the following account of receipt and expenditure, viz.:—

	Dated 31st December 1833
	„ 31st December 1834
	„ 26th October 1835
	„ 20th September 1836
For 1837 -	„ 21st February 1838

"Also the following statements made up from the above and those of the preceding year, viz.:—

	£.	s.	d.
Amount of three loans authorized by Act of the provincial legislature, with a detail of the certificates or debentures granted to the lenders for their respective sums, and the annual interest accruing thereon - -	35,000	–	–
Amount of incidental expenses advanced by the provincial government, closing with the year 1837 - - - - - - - - -	630	17	6
Amount of warrants granted by the government in advance to pay the annual interest to the holders of the (loan) debentures, &c. - -	7,006	4	2

"From which latter sum of 7,006*l.* 4*s.* 2*d.* is to be deducted the amount of wharfages collected for the years 1835, 1836, 1837, which did not pass through the hands of the commissioners, nor was any account thereof furnished to them; but the collector of the harbour dues was directed to transmit the sum in question to the receiver-general at Quebec, which mode still continues.

"Amount of interest paid to the holders of debentures from the commencement until the 5th of July 1837 (exclusive of 52*l.* 12*s.* 6*d.* unclaimed), from which is deducted the amount of wharfages received by the commissioners for the years 1832, 1833 and 1834, being 3,903*l.* 2*s.*, leaving a balance of 7,006*l.* 4*s.* 2*d.* advanced by the government, and corresponding to the sum stated in the account of government warrants. The stopping

ping of the improvements with the close of the year 1832 has materially affected the harbour revenues, rendering them inadequate to meet the interest on the money expended; as during the summer months many of the masters evade paying the dues by taking their vessels to the upper part of the harbour (beyond the wharves, where they do not incur the charge of wharfage), and which, at that season, notwithstanding its inconvenience, is accessible for commercial purposes. The result of the statement shows:—

	£.	s.	d.	
The debt to individuals bearing interest is - - - - -	35,000	–	–	currency.
„ to the Government in advance for incidental expenses	630	17	6	
To the Government in advance, on payment of interest - -	7,006	4	2	

The last subject to the deduction of wharfage for 1835, 1836 and 1837, as already specified.

"You will please to observe, that the commissioners have to account for two farther warrants for 952 *l.* 17 *s.* 6 *d.* each; the one on the 31st January, and the other on the 18th July last, from which, deducting 5 *s.* 3 *d.* paid for the fees on the two warrants, make 1,905 *l.* 10 *s.* currency, to pay the interest for one year to the 5th July last; this sum, with the expenditure of the present season for the works now in progress, will be accounted for in the annual statement to be furnished at the usual period."

Until the works are completed, which will probably be in the course of the ensuing year, no correct estimate can be made of the revenue to be derived from the harbour of Montreal. In the opinion of experienced commercial men, the rates of wharfage, at present uselessly low, might be quadrupled, without detriment to the port.

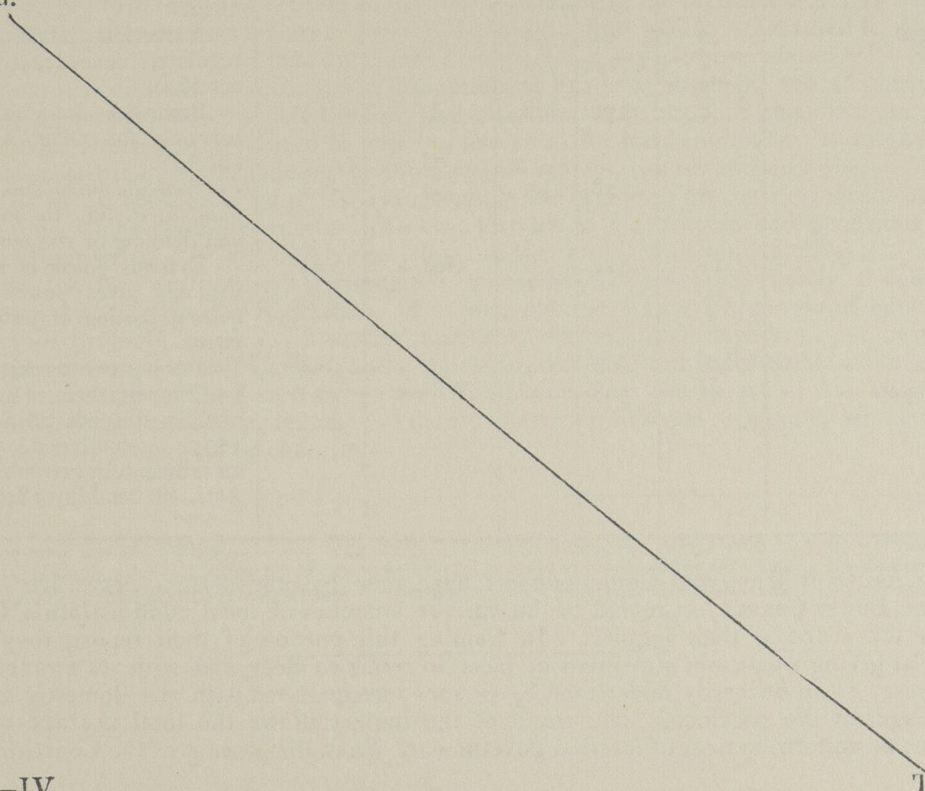
Montreal Gas Company.

The Act 6 Will. 4, c. 18, which incorporated the company, provides, that the gas-works shall at all times be visited and inspected by the municipal authorities of the city or their deputies, all of whose just and reasonable orders shall be obeyed by the company's servants, under a penalty of not more than 5 *l.*, nor less than 2 *l.* 10 *s.* currency.

This provision was probably introduced under the anticipation that the public lighting of the city would have been intrusted to the company. In the absence of such an arrangement, the company is obliged to place a higher price on the gas supplied to individual consumers, by whom the increased rate of charge is very sensibly felt.

Montreal Water Company.

The affairs of this company have passed into the hands of a small number of private speculators, who, it is said, give satisfaction to the public; at all events the supply of water is good.



TOWN OF THREE RIVERS.

THE local government of Three Rivers is administered by the unpaid magistracy, who hold weekly sessions, and frame such police regulations as they deem necessary. But destitute as the magistrates are of the funds requisite for giving even due publicity to their regulations, they are quite incapable of enforcing them. No police, worthy of the name, is maintained in the town, and its inhabitants suffer accordingly from the influx of bad characters, who, expelled from Quebec and Montreal, resort to Three Rivers.

There are two market-places in the borough, one of which only is in use. These, with a common about 500 acres in extent, under the management of a corporate body chosen by the inhabitants, and which is productive of some revenue, comprise the whole of the town property. Local improvements are provided for by voluntary subscription.

The municipal officers of Three Rivers are, a high constable (of the district), an inspector of weights and measures, and an inspector of chimneys. The last two offices are held by the same person.

There, as elsewhere, stipendiary magistrates are required. The unpaid magistrates, engaged in their private affairs, are difficult of access; and as the same persons rarely occupy the bench on consecutive days, the public are exposed to the evils of contradictory decisions.

Owing to a provision of the road law, which forbids entrance into gardens, orchards, &c. without the consent of the proprietor, the district grand-voyer is unable to act in such places as Three Rivers, and the improvement of the streets is consequently neglected.

TOWN OF THREE RIVERS:—ORDINANCES and STATUTES.

SUBJECT.	Volume.	Page.	Year.	Reign.	Chapter.	REMARKS.
Accidents by fire -	Ord.	33	17	Geo. 3	13	- - Provides against the same in Three Rivers, Quebec and Montreal.
„ - - -	„	189	30	„	7	Amends foregoing ordinance.
„ - - -	13	94	3	Will. 4	25	- - Establishes fire society in the same, suspending, so far, the two ordinances till 1st May 1838. *N. B.*—Since 1st May 1838, suspended ordinance again in force.
Police - - -	9	86	57	Geo. 3	16	- - Provides for regulation of police in Three Rivers, Quebec and Montreal, former Acts having expired on 1st May 1816.
Common - -	3	62	41	„	11	- - Authorizes inhabitants to regulate, concede, &c. &c., common.
„ - - -	4	176	46	„	7	- - Remedies informality in carrying foregoing Act into effect.
„ - - -	9	38	57	„	8	- - Extends provisions of 41 Geo. 3, c. 11, to surveying and defining of the same.
„ - - -	11	324	6	Geo. 4	24	- - Extends power of conceding, and gives power of acquiring portion of jesuits' estates.
Markets - -	10	668	4	„	29	Establishes two markets.
Wharfingers - -	13	508	2	Will. 4	32	- - Compels them to advertise unclaimed goods till 1st May 1834. Continued, without amendment, by two subsequent Acts, till 1st May 1840.

The Assistant Municipal Commissioners have now concluded their exposition of the state of Lower Canada, in regard to the various branches of local administration falling within the scope of their inquiry. In framing this portion of their report, they have aimed at giving a succinct statement of facts, in terms so clear, and with an arrangement so precise, as to be easily understood by persons unacquainted with the domestic history and usages of the province. The result of the inquiry shows the total absence of any efficient or uniform system of internal government. From the passing of the Constitutional Act

Act to the period of its suspension, the country presents few indications of progressive improvement apart from those which are sure to accompany commerce and emigration. The representative chamber of the province tried its hand at every thing, and constructed nothing durable and worthy.* When it ceased to exercise its functions, not a single popular institution remained capable of aiding the deliberations of the extraordinary legislature by which it was succeeded; or sustaining the necessary demonstrations of executive power during a season of great public emergency.

EXISTING MEANS FOR LOCAL SELF-GOVERNMENT IN LOWER CANADA.

THE only machinery for the working of a plan of municipal government in the province is to be found under the operation of the road law and collateral enactments.

Under the actually existing road law, there are, or may be, in every parish or township nine popularly-elected officers (overseers of highways), acting separately in as many districts, and collectively for the whole parish or township; and under the expired statute, 5 Geo. 4, c. 3, there were, or might have been, 45 officers of like authority, both separate and collective. To each of these popularly-elected officers are assigned duties which require for their due performance as much of education and intelligence as are required for the execution of most of the ordinary duties of a municipal character. By electing two officers from each subdivision of a parish or township, and distributing between them the executive functions for each particular district, and at the same time forming the whole into one collective council, a tolerably efficient municipal body for ordinary local purposes might be called into existence. The surveyor or surveyors may be considered the already-constituted head or heads, appointed, as at present, by the provincial executive—a reservation of authority which, besides being in accordance with the existing law, might, in many cases, prove highly advantageous.

In addition to overseers of highways, there is also in every parish or township another body of officers, chosen by popular election, namely, inspectors of fences. By reference to the duties devolved upon these officers, it will be seen that the law requires and expects from them a higher degree of education than from the highway overseers. Both classes of functionaries are elected for a period of two years, so that in fact we have the machinery adequate for accomplishing the objects of minor municipal jurisdiction, requiring merely a distribution of more various duties, and an alteration of elections, to provide against the retirement of more than one-half of the local authorities at the same time. The attempt to construct out of these materials a good working system of local administration might, owing to the apathy and obtuseness of the agency employed, prove a failure; but at all events, it would not be open to the objection of being new-fangled or visionary; for popularly-elected officers now are, and long have been, depositaries of legislative, judicial and administrative powers for minor municipal purposes over the whole length and breadth of the province. It may, moreover, be fairly inferred, that an extension of powers (still, however, under the correction of the provincial executive), and particularly the control of a pecuniary assessment, would lead to a more careful and discriminating selection of officers. With respect to this most important subject of a pecuniary assessment, it is, we must repeat, deeply to be regretted, that the existing legislature of the province of Lower Canada, as we have had occasion before to remark, is, by the law which constituted it, declared incompetent to levy "any tax, duty, rate or impost for any purpose whatever." Such a restriction it is difficult to account for, inasmuch, as has been observed, the similarly-constituted legislature, which existed before the introduction of the Constitutional Act, was, by a special exception, permitted to impose local taxes for local purposes. It might have been supposed that, in suspending the intermediate system, the natural and obvious course would be to fall back upon its predecessor, having due regard to the peculiar circumstances of the time, which certainly were not of a cast to warrant a distrustful and penurious delegation of authority. At all events the effect of the prohibition was to delay, if not to frustrate, the best designs of a government, whose hope of efficiency mainly rested upon prompt and comprehensive legislation. No law, whether for the promotion of education, registry of property, or of judicature or municipal reform, could have been put in operation without the power of local taxation, unless indeed fresh and indefensible sanction had been given to the old and vicious system countenanced by the House of Assembly—the application of the imposts levied on commerce to every provincial exigency, whether partial or general, temporary or enduring.

* The road law of 1796, which has long outlived its usefulness, was passed with difficulty through the House of Assembly by the influence of the executive. It created much discontent among the *habitans*, who were opposed to the grant of labour or money required under the Act for the maintenance of the roads.

SUGGESTIONS FOR AN IMPROVED MUNICIPAL ADMINISTRATION OF LOWER CANADA.

THERE are certain alterations in subordinate departments of local government which the Assistant Commissioners feel it their duty to recommend for immediate adoption, under the persuasion that they will constitute, *pro tanto*, a decided improvement on the present state of municipal administration.

In recommending partial ameliorations, they do not for a moment lose sight of the necessity of those extensive reforms which, whatever may be the system of general government, are imperatively demanded for the establishment of law and order throughout the province.

The lesser amendments, however, are not only useful intrinsically, but they will in no-wise interfere with any complete scheme of municipal improvement that may hereafter be adopted, and which will necessarily require time to mature. The suggestions for an improved municipal administration fall, therefore, under two heads: first, partial amendment; second, general re-organization.

First. The first head includes the incorporation of the cities of Quebec and Montreal, and an amendment of the Road Laws.

QUEBEC and MONTREAL.

It is not easy to overrate the benefits that would accrue from the incorporation of Quebec and Montreal upon those protective and progressive principles on which the European municipalities of the middle ages were founded. It has been shown, in the preceding part of the report, that, by the Constitutional Act, a controlling legislative influence was granted to the representatives of the Canadian *habitans*, an electoral body altogether ignorant of the nature of the trust reposed in them, and inveterately hostile to any measure, however prospectively advantageous, that might trouble their rude repose. It has been shown, also, that this controlling influence was followed by crude, uncertain and one-sided legislation, continued encroachment of the popular branch on the other branches of the legislature, and an eventual disruption of the friendly social relations subsisting between the settlers of diverse origin. The Acts incorporating Quebec and Montreal studiously and unjustly excluded the British settlers from a fair share of local power in the very strongholds of the commercial energy which they themselves had introduced into the province. In the whole colony there was not a single popular institution through which the British could make known their grievances, or develop their capacities for self-control. What has been the consequence? Decreasing colonial enterprise and increasing dissatisfaction with the Government at home, from whatever party the materials of that Government may have been drawn. Destitute of any mode of constitutional organization by which they might be enabled to lay their complaint before the Imperial Parliament or the Executive, the British colonists have been obliged to rely for aid on the advocacy of the local press—not always wisely guided—or on associations, secret or open, the sure indications of a diseased condition of the body politic. The simple question at issue is, whether the province shall remain French, or stand still until pushed forward by the aggressive movements of the United States, or become English in the progressive and prosperous action, as well as in the outward and visible character of its institutions. As the incorporation of Quebec and Montreal, upon principles equitably regardful of the claims of property, intelligence and enterprise, would materially tend to promote the latter result, while it would remove the plea for associations unrecognized by and inconsistent with law, measures should be taken for that purpose with as much speed as may consort with the secure attainment of the contemplated object.

The outline of a plan of incorporation for Quebec and Montreal is annexed to this report. A scheme of local government for Three Rivers cannot at present be suggested, owing to the want of information collected on the spot.

AMENDMENT of the ROAD LAW.

POPULAR election, local supervision, judicial disinterestedness and central responsibility, are the theoretical features of the road system, and these are precisely the essential requisites for the successful working of municipal institutions in a country socially circumstanced as is Lower Canada. A few modifications—unimportant probably in the estimation of persons unacquainted with the necessities of a new country, would afford a grateful relief to the settlers, and would bring the promise of theory and the efficiency of practice to a closer approximation.*

These

* It might be advantageous to vest in the grand-voyer, or his local deputy, a discretionary power, within a limited extent, as to the dimensions both of the highways and the ditches; and, also, as to the moulding and repairing of roads. In two sections of country differing so widely in physical characteristics as the upper seigniories on the one hand, and the lower seigniories and townships on the other, legal uniformity as to the matters of detail cannot fail to be productive of inconvenience. But with the introduction of an improved general system, there must be a thorough revision of every branch of the now obsolete road laws.

These modifications, at least the most important of them, are the increase of the number of deputy grand-voyers, with perhaps only one grand-voyer for the whole province, and the substitution to a certain extent of pecuniary payments for road labour.

With respect to the first modification, it would materially diminish the travelling expenses of the grand-voyer or his local deputy, and would tend to equalize the costs of *proces verbaux* over the whole province; whereas, at present, the parts most remote from the seats of district jurisdiction, which are generally the poorest, are the most heavily burdened with regard to preliminary expenditure, and that sometimes to so onerous a degree, as to induce them to dispense with the grand-voyer's services altogether. Of course the local deputies would necessarily absorb all the fees, so as to throw the central head on the liberality of the central government.

The multiplication of local deputies is strongly recommended by the grand-voyers of the province, and it was effected for four years under the sanction of the Act 9 Geo. 4, c. 34, s. 3. By the statute which this Act amended and continued, viz., 5 Geo. 4, c. 3, s. 4 & 5, the grand-voyer or his deputy was empowered to appoint two or three surveyors for any parish or township, to act each in a separate division, and to authorize the election of not more than fifteen overseers in as many separate districts under each surveyor. To this enactment we have adverted already. A reasonable recompense by fees ought to be given to surveyors for the time absolutely spent in the discharge of their duty.

Pecuniary payments ought to be substituted for joint labour, whether on front roads or on bye-roads. The advantages of such a modification of the present system would be manifold:—

First. The proprietors, instead of being tempted, as they now are, to choose the worst men, in a practical point of view, namely, the men who are least likely to exact a strict performance of road labour, would be induced to choose the most intelligent, honest and energetic of their neighbours, inasmuch as, under a fixed rate, similar to that now levied in Quebec and Montreal, the difference between a good road and a bad one would really entail no cost upon the inhabitants.

Secondly. The overseers of highways having a much more definite duty to perform, and being allowed much less scope for discretionary indulgence, might fairly be held by their superiors as more directly responsible, and would certainly be so held by their constituents.

Thirdly. The voluntary labour of paid workmen would be far more efficient than the reluctant labour of unpaid workmen.

Fourthly. An incidental advantage would arise to poor and industrious men; as the pecuniary assessment would return to them in the shape of wages for labour, more than they would pay as a rate.

Fifthly. There would be another incidental advantage, inasmuch as farmers could not be dragged from their lands, to the great prejudice of their agricultural operations—an advantage to be the more gravely considered, in proportion to the shortness of the agricultural season, and to the entire dependence of most Canadian farmers on each crop as it is harvested.

Sixthly. A third incidental advantage would accrue from the substitution of pecuniary assessment for joint labour; it would gradually diminish the necessity, and even the desire of provincial grants for local purposes, which are subversive alike of local independence and central efficiency. The merits of the question may in some degree be appreciated from the somewhat analogous practice with regard to private bills in the Imperial Parliament; there being, however, this difference, that the operation of the latter is partial, and of the former universal, both among representatives and constituents. The provincial system—if system indeed it can be called—leads both to jobbing in the appropriation and waste in the expenditure; tempts both representatives and constituencies to purchase the acquiescence of majorities by prostitution of principle; tends to prevent each individual member of the popular branch of the legislature from considering himself, according to the true doctrine of the constitution, a representative of the whole people; and prompts every man to clamour for that spurious administrative economy, which is maintained at the expense of efficiency, with the view of preserving as large a residue as possible of the public funds for general—we might add, eleemosynary distribution.

It has been stated by many, if not most of the witnesses before the commission, that pecuniary assessment in the rural districts would be unpopular or oppressive. But beyond the general fact that the mass of the people dislike taxation, there seems to be no ascertained ground for the allegation, at least at the present day. Throughout the whole extent of the seigniorial parishes, large sums are levied for building and maintaining churches,—a proof that there is no such extreme scarcity of money among the *habitans* as to bar the collection of the very moderate pecuniary assessment that would be required for local improvements of obvious and admitted necessity.

But such pecuniary assessment, though in a modified form, already exists under the road law of 1796. By 36 Geo. 3, c. 9, s. 19, the majority of the overseers of highways of the parish or township may impose a rate on the parties interested "when it shall be necessary

to pay artificers or undertakers for making or conducting the work to be done on any public bridge, or to purchase materials for the same." And by the expired Act, 5 Geo. 4, c. 3, s. 7, the majority of the parties interested had the same power with respect to all joint labour—a power which would have been more generally exerted, had not the overseers been obliged to serve notices of the requisite meeting on each and every interested party. In cases of this description the apportionment generally is not based on value, but on extent of property. This basis, whether reasonable or unreasonable in the abstract, is equitable in the case of a composition for road labour, which service itself bears a regular proportion to extent of property, at least in the seigniorial districts. In the newer settlements, however, some distinction ought to be made between the cleared and uncleared portions of any lot or farm, and a register, as has been suggested by Mr. Panet, grand-voyer of the Montreal district, might be advantageously framed, so as not to require alteration for three or four years.

And here would naturally arise the question as to the propriety and expediency of rendering all land, wild or reclaimed, liable to the cost of making and repairing roads and bridges. By the existing law (36 Geo. 3, c. 9, s. 7), all unconceded land and all wild lots in the possession of the original grantees of the Crown are exempted from road duty; but by an Act amending this Act with respect to "the townships" (3 Geo. 4, c. 19), all granted lands, with the exception of those of "a Protestant clergy," were placed on precisely the same footing. It is to be regretted that a statute so beneficial in practice and so just in principle was only a temporary enactment, and, as such, permitted to die a natural death in 1828.

With regard to the wild land, the practical working of the present system is clearly bad. The resident settler, who is generally straitened in means, is compelled by it to make roads for the absentee proprietor, who is generally rich, and to whom, at all events, the possession of the land is a matter of subordinate consideration. The provisions of the expired Act, modified perhaps in some particulars, ought to be revived in the townships. It ought, moreover, to be extended to the unconceded land in the seigniories, wherever and whenever the seignior is not competent to declare on oath that he has never directly or indirectly refused to concede any land in question on the terms prescribed by the old laws of the country; and should such a change of tenure take place as would render the seignior not trustee but proprietor, all distinction on this head between townships and seigniories ought forthwith to disappear.

From the errors of the past, we may derive a lesson for the future. Institutions essential to the peace and welfare of the colony, when it first came under the sovereignty of Britain, are still wanting; and, as the ancestral character of the majority of the population remains unchanged, the principles upon which these institutions may be successfully established continue to be the same.

The period of deliberation has been too brief to allow the Assistant Commissioners to mature any scheme of municipal government for a province so disunited in itself, and so complicated in its relations as Lower Canada. But, in addition to an insufficiency of time, there is the farther disadvantage of considering a new municipal system as an insulated question; whereas, under the circumstances of the country, it claims to be regarded in connexion with whatever system of general government may ultimately be substituted for that unhappy shadow of the British constitution, so productive of mischief, so barren of good. Institutions, to operate happily, should be framed so as to dove-tail with each other, and meet in a common correcting and controlling centre.

In the hope that they will not be charged either with fanciful speculation or presumption, the Assistant Commissioners venture to place on record what they wish to be viewed merely as hints for a plan, and not as a digested arrangement. A minute of Sir Charles Grey, in the Report of the Commission of which he was a member, suggests the division of Lower Canada into several subordinate "legislatures," with one general and controlling legislature. Not prepared to agree with this proposition, under the apprehension (which may be erroneous) that it comprehends an *important* delegation of legislative authority to sectional assemblies, we are still disposed to believe that, by machinery not widely dissimilar, but more guarded in its construction, the province might obtain the benefits of improved local administration. Under this impression, we should be inclined to recommend—

First. A new division of the province, on the principle of territory and population, with the transfer of the inferior district of Gaspé to New Brunswick, taking the river Mitis or Rimouski as the boundary line. The division to comprise "districts" and counties, leaving the present parochial and township subdivisions unaltered. Each "district" to be so far limited in extent as to lie within the direct and constant supervision of an executive head. Proceeding upon this rule, there would, probably, be about eight municipal districts in Lower Canada.

Second. Councils chosen in the same way as overseers of highways under the road law, to administer the affairs of parishes and townships.

Third. Councils chosen by the municipalities of parishes and townships, from persons possessing the double qualification of education and property, to administer county affairs.

Fourth.

Fourth. Councils chosen by the county municipalities, from educated persons possessing a higher property qualification than that required for the county representation, to administer district affairs.

The duties of these various bodies to be of a strictly *local* character, and the execution of the duties, as well as the *mode* of executing them, to be provided for and prescribed by a code of municipal law.

Fifth. To assist and temper the action of these municipal bodies, as well as to facilitate the due administration of justice, courts of monthly sessions (more frequent, if need be) with civil and criminal jurisdiction, having paid professional chairmen.

Sixth. A board of internal improvement, to audit accounts, report upon all applications for aid, and make periodical statements to the legislature.

Seventh. Professional engineers appointed by the Crown, to act as superintendents of roads and bridges, in place of the unprofessional grand-voyers.

Eighth. A salaried district chief, appointed by the Crown to preside over district council, and report to the board of internal improvement and the provincial government.

Ninth. A county road superintendent appointed by the provincial superintendent, paid by fees and acting as a deputy grand-voyer, with power to homologate *procès verbaux* at monthly sessions, to preside at county council, and report to district chief.

Tenth. Surveyors of parishes or townships appointed by county superintendent, and paid by fees, to preside over their respective municipalities, and report to said superintendent.

None of the municipal bodies to possess the power of organizing or controlling a constabulary police. The protection of life and property in the rural districts cannot at present be withdrawn, without peril, from the hands of the central executive.

The good to be anticipated from the operation of such a system of local administration as has been faintly indicated, is the breaking up of jobbing connexions between the *habitans* and their representatives, and the introduction of habits of self-reliance among the former. The frequent interposition of responsible executive agencies might be expected to act as a stimulus to the inertness of the French Canadians, while it would enable the central government to discern, at a glance, the condition of the population, and to operate rapidly and simultaneously on every division of the province.

With respect to the pecuniary means for local government and improvement, the correct principles of provincial taxation were clearly laid down by the merchants and others of British origin in 1806. They then contended, in opposition to the majority of the House of Assembly, that "if the support of the civil government were not to rest on direct taxes, it should, at least, be secured by permanent Acts of indirect taxation, as already introduced by the British Act 14 Geo. 3, c. 83, and the provincial Acts 33, 35 & 41 Geo. 3. That local establishments, such as court-houses, gaols and houses of correction should be defrayed by assessments or indirect taxes upon the districts, counties and cities for whose benefit they might respectively be required. And that, for the general improvement of the country, its agriculture, commerce and communication by land and water with the adjoining colonies and foreign states, recourse should be had to indirect taxes of temporary duration."*

The construction of great public works by loan, as in the United States, would, in tranquil times, and under a stable provincial government, materially accelerate the physical prosperity of Lower Canada. The construction of the canals of the State of New York has been carried on chiefly with funds derived from loans. The whole amount borrowed is about fifteen millions of dollars; the balance of the debt for their construction is now less than five millions; and the Erie and Champlain Canal fund alone yields a net revenue, after paying all legitimate charges, and all deficiencies of the auxiliary canals, of $718,650† (dollars). The beneficial effect of the loan system is twofold; it calls into operation individual capital and enterprise, and gives distant capitalists an immediate interest in the welfare of the country.

The Assistant Commissioners feel bound to declare their conviction of the uselessness of all subordinate measures for the improvement of Lower Canada, however promising in appearance, or excellent in design, unless the general government of the province shall be reconstructed, and placed on so solid a basis as to enable it to resist the shock of parties, to maintain the even course of justice, and secure for imperial authority the respect which it has lost by long perseverance in a blind, wavering and anti-national policy. The present moment is peculiarly favourable for the commencement of a new era in Canadian administration. Steam navigation has so far reduced the distance between England and her North American colonies, that the affairs of these most valuable dependencies are capable

* Political Annals of Lower Canada, 1828.

† Message of the Governor to the Legislature of the State of New York.

capable of being conducted with as much efficiency as those of the remoter sections of the United Kingdom. But it is vain to hope that commerce will thrive, emigration increase, or the lesser institutions for social advancement extend and flourish, until they are assured of the fostering care and protection of a firmly-rooted, enlightened and energetic government.

Will. Kennedy,
Adam Thom,
Assistant Commissioners of Municipal Inquiry.

Quebec, 14 November 1838.

APPENDIX.

No. 1.

HEADS of BILLS for incorporating the Cities of *Quebec* and *Montreal.*

1. Repeal all Acts, and portions of Acts, likely to interfere with the operation of this Act, so far as they relate to Acts incorporated.

2. City boundaries and wards to be settled by commissioners appointed by the Crown.

3. Corporation empowered to erect, by Act of common council, any part of the suburbs into a ward, when it has as many inhabitants and contains as much assessed property as the smallest ward at the first assessment after the passing of this Act.

4. New wards to be erected by proclamation of mayor from date of proclamation; such part of suburbs to be a separate ward, and have all the privileges of a ward; but not to return members to the common council until the next city election.

5. The inhabitants of said city to form a body politic, by the name of the city of _____, to have a common seal, with power to change the same; to be capable of suing and being sued; and of purchasing and holding estate, real and personal; and of giving and receiving bonds, judgments, &c.

6. Two aldermen and three common councilmen to be chosen for each ward. Council to choose the mayor annually from among the aldermen. In case of an equality of votes, that alderman who is assessed the highest to give the casting vote.

7. Aldermen, to qualify, must be resident householders in the city for the two years immediately preceding the election; also, so resident at the time of the election, and in possession of real or personal property to the amount of 1,000 *l.* currency, clear of all debts and incumbrances, or in occupation of buildings assessed at the annual value of 100 *l.* currency, or upwards.

8. Qualification of common councilmen same as to residence, with possession of real or personal property to the amount of 500 *l.* currency or upwards, &c., or in occupation of buildings assessed at the annual value of 50 *l.* currency. Aldermen and councilmen to swear to qualification.

9. Aldermen and common councilmen to be elected respectively by the majority of votes of such persons, being male inhabitant householders within the city, as shall have been resident within the city for the twelve months immediately preceding the election, and occupiers of buildings assessed at the annual value of 12 *l.* currency and upwards, on which the assessment shall have been paid. Right of voting reserved to joint occupiers possessing a *bonâ fide* yearly interest to the amount of

10. Mayor, aldermen, councilmen and voters to be natural-born or naturalized subjects, of the age of twenty-one.

11. Power of legislating for the city vested in mayor, aldermen and common council, and all legislative Acts to be expressed as enacted by the mayor, aldermen and commonalty of the city in common council assembled.

12. Common council empowered to regulate all matters properly appertaining to corporate administration, to embody, direct and pay a constabulary police, to open streets, regulate ferries, assess property, borrow money, erect town-hall and house of correction, and make laws for city government not repugnant to the laws of the province. Mayor and aldermen to license inn-keepers.

13. Before first election, clerk of the peace to form a registry of voters from the assessment rolls; claims and objections to be heard and determined by an advocate appointed by the chief justice, and paid from the provincial funds.

14. Mayor

14. Mayor to hold office for one year, capable of re-election; to be, *ex officio*, chief magistrate of the city, and a "district" and county magistrate. To be allowed an annual salary of not less than 300 *l.* currency, nor more than 500 *l.* currency.

15. Aldermen to serve for six years, one-half retiring triennially. At the end of the three years immediately succeeding the first election, that half to retire who have had the fewest votes.

16. Common councilmen to serve three years, one-third retiring annually. At the end of the first and second years immediately succeeding the first election, that third to retire who have had the fewest votes.

16. Common council empowered to make rules for the guidance of its members, and to appoint watch and other committees for the year.

17. Four quarterly meetings of council in each year. Mayor to call special meetings on the requisition of —— members of the council; —— to form a quorum.

18. Meetings of council to be open to the public. Statement of revenue and expenditure to be published annually, in one or more local newspapers.

19. Corporate bye-laws to be signed by the mayor, and published.

20. Council to appoint town clerk, city treasurer, road surveyor, superintendent of police, clerks of market, assessors and collectors, and such other officers as may be deemed necessary; compensation for service according to discretion of council.

21. Town clerk to be legal adviser to the corporation and keeper of corporate records; said records and all minutes of proceedings being in the English language; to frame an annual registry of voters after first election. Claims and objections to be heard and determined by an advocate nominated by the chief justice and paid from the provincial funds.

22. Rates and assessments unpaid ten days after demand, exigible by distress, by warrant of the mayor or other city magistrate, upon oath made of demand and neglect. Right of appeal, after rate is declared, to quarter sessions.

23. Treasurer and collector to give security.

24. Persons disqualified for serving as councillors, who hold, either directly or by partnership, any office of emolument or any contract under the corporation, insolvents, &c., penalties for refusing to serve.

25. Persons to be exempt by reason of age or profession, clergy, &c.

26. Corporate jurisdiction to extend to high-water mark, and over all wharves and slips.

27. Magistrates for the city to be appointed by the Crown. District or county justices to have no jurisdiction in the city, except in holding district or county quarter sessions. Warrant of district, county or city justices to have effect all over district.

28. A city daily police court, mayor to preside, assisted by one or more city justices. Magistrates to elect a lawyer as clerk, paid by salary and fees.

No. 2.

In the event of the former municipal limits of Quebec and Montreal being retained, the following appears to the Assistant Commissioners to be a more equitable arrangement of the wards.

Quebec.

Seven Wards.—To be subdivided on the basis of actual contributions to the civic funds, rising from assessments.

Upper and Lower Town into five wards.
Suburbs into two.

As the blending of the two towns might be difficult,

Upper Town to consist of three wards.
Lower Town two wards.

Tower Ward - St. John and St. Lewis suburbs to form one ward.
Bridge Ward - St. Roch and St. Vallier's suburbs to form one ward.

Castle Ward, Arsenal Ward, Barrack Ward - Upper Town to be subdivided from the market-place, as a centre, by three lines or radii, striking three gates, Hope, St. John, St. Louis, respectively, along Hope-street, Fabrique and John-streets, Haymarket, Garden-street and St. Louis-street.

Cul-de-Sac Ward, Exchange Ward - Lower Town to be subdivided by a line drawn from Prescott-gate to the nearest point of the river.

MONTREAL

To be subdivided on the same basis as Quebec, into nine wards, viz., the city into four, the suburbs into five. In strictness, the suburbs are only entitled to four.

River Ward	- Between middle of St. Paul-street and river.
Creek Ward	- Between middle of Notre Dame-street, Place d'Armes, Great St. James-street and St. Lawrence suburbs.
Monument Ward	- Between Quebec suburbs and St. Francis Xavier-street.
Recollet Ward	- Between St. Francis Xavier-street and M'Gill-street.
Canal Ward	- St. Anne's suburbs.
Union Ward	- St. Joseph's and St. Antoine's suburbs.
Mountain Ward	- St. Lawrence suburbs, between St. Antoine's suburbs and middle of Main-street.
Hospital Ward	- Rest of St. Lawrence suburbs and all of St. Louis suburbs.
Victoria Ward	- Quebec suburbs.

No. 3.

POLICE.

ESTIMATE of the FORCE required to constitute a thoroughly efficient POLICE within the City of *Quebec* and Country parts adjacent, and on the Waters and Banks of the *St. Lawrence* and *St. Charles*; by Mr. *Young*, Superintendent of Quebec Police.

	£.	s.	d.
One inspector and superintendent	1	10	–
Clerk to ditto	–	5	–
One chief constable	–	7	6
„ deputy ditto	–	6	–
„ serjeant-major	–	5	–
Three serjeants, at 3*s.* 6*d.* each	–	10	6
„ corporals, at 3*s.* each	–	9	–
Four coxswains, at 3*s.* 6*d.* each	–	14	–
Thirty privates, at 2*s.* 6*d.* each	3	15	–
Twenty-four boat's crew, at 2*s.* 6*d.* each	3	–	–
Horse for the inspector and superintendent	–	2	6
Daily expense	11	9	6
Weekly expense	80	6	6
Yearly expense	4,176	18	
CONTINGENCIES:			
Four boats, at 30*l.* each	£.120	–	–
Clothing	940	7	2
Horse, saddle, bridle, &c.	50	–	–
Furniture for police office	20	–	–
Office rent, guard-room, strong-room, fire-wood, candles, &c. &c.	100	–	–
Contingent charges	200	–	–
	1,430	7	2
TOTAL Annual Expense £.	5,607	5	2

No. 4

No. 4.

REVENUE.

PROPOSED WAYS and MEANS to cover the Expense of the POLICE for the City and Harbour of *Quebec*.

	£.	s.	d.
Tonnage duty upon all vessels entering the port of Quebec, 300,000 tons, at 2*d.* - - - - - - - - - - - - - - -	2,500	–	–
Average number of shop and wine licenses annually granted for the four last years, 318—which, at 6 *l.* each, will amount to - - - - -	1,908	–	–
Two hundred boarding-houses, retailers of beer, cider, &c. - - - -	1,200	–	–
The average amount of assessments on property is 3,000 *l.* If a similar tax be laid upon tenants, it may be estimated at one-third at least - -	1,000	–	–
Fines - - - - - - - - - - - - - - - -	300	–	–
TOTAL Annual Amount - - - £.	6,908	–	–

Quebec, 27 Sept. 1838.

T. A. Young,
Inspector and Superintendent of the Police
for the City of Quebec.

There are numerous ways in which an adequate revenue may be raised in Quebec and Montreal without pressing severely on the inhabitants. Among other modes of increasing the civic funds, the Assistant Commissioners would recommend that the poll-tax or composition for statute labour be doubled at least, and payment thereof made compulsory, without offering the alternative of labour. Masters to be liable for servants, with liberty to repay themselves. Dogs ought to be taxed, and the tax on carters and on such horses as are kept for pleasure merely considerably increased. In Toronto, persons not otherwise rated, and liable to statute labour, pay 10*s.* In Quebec and Montreal most of this class evade payment altogether of the yearly 2*s.* 6*d.* With regard to corporate assessment, it would, we think, be unwise to restrict the common council to a *maximum* rate, the citizens having the corrective in their own hands, should their representatives attempt to levy unreasonable rates.

In drawing up the "Heads" of Bills for incorporating Quebec and Montreal, the Assistant Commissioners have referred to the plan of incorporation in operation at Toronto, and adopted such of its provisions as appeared to them suitable to be introduced into the administration of the cities and towns in Lower Canada. They were induced to do so, as much by the desire to assimilate the institutions of the two provinces, as by the applicability of the enactments.

2.—REPORT FROM THE BISHOP OF MONTREAL ON THE STATE OF THE CHURCH WITHIN HIS DIOCESE.

My Lord, Marchmont, near Quebec, 20 Nov. 1838.

IN obedience to the signification of your Excellency's desire, I proceed to render a Report, for your information, of the state of the Church in this Diocese, as exhibited in the visitation, which I completed by my return to Quebec on the 14th of the present month, after having been absent since the 6th of August.

The number of persons professing adherence to the Church of England in the province of Upper Canada is roughly stated at 150,000. I believe it is by no means accurately known, but measures are understood to be in contemplation for ascertaining it. The number of clergy in the exercise of their ministry, including some whom I ordained during my visitation, is 73. The number of churches built, or in progress towards their completion, is about 90.

These data, however, would give a very imperfect idea of the condition and the wants of the population, as it respects the means of spiritual instruction, or, to speak more properly, could furnish no grounds whatever of forming a correct estimate upon the subject. The prodigious extent of country, the widely-scattered location of the inhabitants, and the state of the roads in the settlements of more recent formation, must, as will readily appear to the judgment of your Excellency, be all taken into the account; and it will be found, in point of fact, that a lamentable proportion of the Church of England population are destitute of any provision for their religious wants; another large proportion very insufficiently provided; and almost all the remainder served by a clergy who can only meet the demands made upon them by strained efforts, which prejudice their usefulness in other points.

The object of this Report to your Excellency will, I presume, be sufficiently answered by the adduction of some particular examples in support of what I have just said. In travelling from the town of London to Goderich, I passed through a tract of country 60 miles in length, in which there is not one clergyman or minister of any denomination.

I believe I am safe in saying, that the great majority of the inhabitants, among whom are comprehended the Land Company's settlers, are of the Church of England; and the services of some of our missionaries, who have partially visited this tract of country, have been thankfully received by those who pass under other names. Between Wodehouse upon Lake Erie, and St. Thomas, a distance of upwards of 50 miles, which may be travelled by two different roads, there is not one clergyman upon either. From the reports made to me by one of our travelling missionaries, and by a solitary catechist stationed at Port Burwell, I know that there is a great body of church people scattered through this part of the country. In the whole of the newly-erected district of Wellington, which is every where scattered over with a Church population, there is only one clergyman of the Church. In the district of Newcastle there are six. I have good reason to know, that if 10 more could be immediately added, there would be full employment for them, with regular congregations. In one or two of the districts there is a missionary engaged in labours exclusively of an itinerant character; but how sparingly the word and ordinances of God are supplied, even to those among the unprovided settlements which are thus far favoured, your Excellency will have no difficulty in conceiving. The clergy, however, except in the few comparatively large towns, are almost all more or less itinerants. I take one example almost at hazard from the returns officially made to me, to which I could produce many parallel instances: it is that of a clergyman in the Bathurst district, a place noted at certain seasons for the excessive badness of the roads, who performs three full services every Sunday, distributing his labours in such a way in four different places, that once a fortnight he travels 28, and once a fortnight 16 miles; besides which, he has in the winter months four week-day appointments for divine service. Most of the clergy have what they call out-stations, which they serve in this manner on week-days, to supply settlements which would otherwise be wholly destitute; and many of them make occasional visits during the year to places still more remote. These objects they do not accomplish without many sacrifices, and much severe exertion; but the reward which they seek is not in the praise of men, and it is the value rather than the merit of their services to which I desire to solicit the attention of your Excellency. I do not speak here of those higher effects which constitute the ground and ultimate object of their ministry, but in proportion as means are taken for the extension of their influence, in such proportion, my Lord, I have no hesitation in saying,—for the effect is every where sufficiently marked,—that the loyalty, the good order, the steady habits, the peaceable and industrious deportment of the population will be promoted, and the ties strengthened which bind the colony to the parent state. Apart, also, from any consideration of preserving the supremacy of Britain over the Canadas, there is a sacred duty to be performed in laying such a foundation for the moral and religious character of the inhabitants in time to come as will best ensure their happiness and welfare; and it is not for me to point out to your Excellency that it is now that this foundation must be laid. In the young settlements now struggling into existence, or beginning to develop the signs of prosperous improvement, we see the germ of a great and important future, which must be vitally affected by the mould given to the population in this early stage of its formation. Millions who are yet unborn will have cause to bless or to reproach the present Government of Britain for the measures taken to provide for them those advantages, and to transmit to them those habits, principles and attachments, which form the only sure basis of national happiness.

Up to this period, although not a few people have been lost to the Church from the want of her ministrations, and a far more extensive defection must inevitably follow if things are left much longer upon their present footing; yet very generally the privations which have been experienced in this respect have served to teach our congregations the full value of those privileges which are enjoyed at home. The importunate solicitations which I constantly receive from different quarters of the province for the supply of clerical services; the overflowing warmth of feeling with which the travelling missionaries of the Church are greeted in their visits to the destitute settlements; the marks of affection and respect towards my own office which I experienced throughout the province; the exertions made by the people, in a great number of instances, to erect Churches even without any definite prospect of a minister, and the examples in which this has been done by individuals at their own private expense; the rapidly increasing circulation of the religious newspaper, which is called "*The Church*:" these are altogether unequivocal and striking evidences of the attachment to Church principles which pervades a great body of the population.

I would here beg leave to draw the attention of your Excellency to the bearing of these facts upon the question of supporting the clergy in Canada by the voluntary contributions of the people. Here is a deep sense of the value of religious services, and a strong manifestation of attachment to the Church. The moving principle, therefore, is not wanting; and if, with this advantage, the system cannot work successfully in Canada, it may be inferred that it cannot succeed there at all. And I am more deeply convinced than ever that such is the fact. In the few examples in which the experiment has been tried, it has rarely been otherwise than a failure, and in most cases it would be hopeless to attempt it. Even if the country were far more advanced, and the people had some command of money, I am persuaded that a faithful, respectable and independent body of clergy, sufficient for the wants even of that part of the population who already appreciate their labours, much more of that whom it is their duty to win to a care for religion, can never be provided by the operation of the voluntary system.

Your Excellency, I doubt not, is alive to the necessity of bringing at last to an issue the long-protracted questions respecting the clergy reserves, and putting an end to the painful and

and mischievous agitations which must continue so long as those questions are left open. I shall not presume to argue here the right of the Church of England to the exclusive benefit of that property, but I should be wanting in my duty to the Church if I did not state my conviction of the existence of that right; at the same time that I think it but fair, that the clergy of the Church of Scotland should look for some reasonable assistance from other resources at the disposal of the Government. Against all idea of an equality of footing between the two Churches, I cannot do otherwise than earnestly and solemnly protest. If upon the manifestation of a spirit of rivalry in India, on the part of the Church of Scotland, instructions (of which a copy is in my possession) were sent to the Governor-general, declaring the impracticability of placing the two Churches upon a level, I conceive that the case is much stronger in favour of the Church of England in Canada. The royal instructions having declared that Church alone to possess the character of an establishment in the colony;—part of these same instructions having been cited in the Act 31 Geo. 3, c. 31, by which the clergy reserves are set apart, and the endowment of the church provided for "according to the establishment of the Church of England;"—this Act having been immediately followed up by the erection of the see of Quebec, and the constitution of the Canadas as a diocese in the same connexion with the archiepiscopal see of Canterbury as any diocese within the province of Canterbury in England;—the subsequent Acts of the Government in the establishment of a Cathedral at Quebec, the formation of certain parishes of the Church of England, the division of the diocese into archdeaconries, and the creation of corporations, consisting of the Church clergy for the management of the reserves, having all been in harmony with the original purpose of the Crown, as stated above: I submit to the judgment of your Excellency, whether the guardians of the interests of the Church of England in Canada can conscientiously do otherwise than oppose themselves, by every means in their power, to an abandonment of her peculiar claims,—claims, it is to observed, of which the maintenance involves no burthen imposed for her benefit upon the members of other religious bodies, and no interference in any shape whatever with any but her own people. A declaration on the part of Government of the privileges assigned irrevocably to the Church of England, and an extension, at the same time, of such just advantages to the Church of Scotland as are compatible with the retention of those privileges by our own establishment, would, in my humble judgment, be infinitely better calculated to heal the religious dissensions of the colony than any temporizing course of policy, or any timid evasion of a question, which must at last be met in the face.

I cannot forbear, my Lord, from introducing some mention in this report of the labours of our clergy among the native Indians. There are two clergymen stationed among the Six Nations on the Grand River, one at the Mohawk village, and the other at Tuscarora. A missionary has been sent to the Manitoulin islands, and another to the Sault St. Marie, at the upper extremity of Lake Huron. These four are engaged exclusively in the charge of Indians. There are two other clergymen, who combine this charge with that of congregations of whites, one in the Bay of Quinté, where a branch of the Mohawk tribe is established, and one who resides in Caradoc, and devotes part of his time to the Mounsees and Bear Creek Chippawas in his neighbourhood. I have never seen more orderly and, to all appearance, devout worshippers than among some of these Indian congregations which I visited; and I have the fullest reason to believe that the ministry of the clergy among them has been attended with very happy effects. His Excellency Sir George Arthur is much interested in their welfare, and whatever the Government can do for their religious improvement, their temporal comfort or the education of their children, will, I am persuaded, be well and wisely expended. A great and promising field is here open to Christian philanthropy. A long debt is due to the Indians from the inhabitants of European descent, and it is by means such as those which I have just stated that the reparation must be made. They have been uniformly loyal. The Mohawks preserve to this day, with much veneration, a set of communion-plate and other appendages of divine worship, which were given them by Queen Anne, when they were seated in the colonies which now form part of the United States of America. I shall be happy to think that your Excellency will not forget the claims of these poor people in what you are engaged in doing for Canada at home.

The commands laid upon me by your Excellency having immediately had reference to the visitation of Upper Canada, upon which I was setting out at the time, I have forborne from troubling you with any details respecting the Lower Province. The observations, however, which I have submitted are in great part of common application to both Provinces; and although there is a far smaller number of Protestants in Lower Canada, the Protestant portion of the inhabitants is constantly gaining upon the older French population, and must be expected to receive progressively increasing accessions from the British isles, chiefly of Protestants, while the original settlers of the colony experience no augmentation of their numbers from any extraneous source.

There has been no census of the population of this province since the year 1831. At that time the Church of England population was estimated at 34,620 souls; the Church of Scotland population at 15,069; and the aggregate of all the non-episcopal Protestant denominations, including the Church of Scotland, at 37,937. The clergy of the Church of England are 44 in number, with 52 or 53 churches and chapels built or in progress. From 15 to 20 additional clergymen would, I think, provide for the present wants of this

portion of the diocese. In Upper Canada, I believe that employment would be found for 100 beyond the existing establishment.

The petitions which are before your Excellency from the clergy of both provinces respectively contain suggestions which, if acted upon, would open the way for improving the efficiency of the Church establishment in the diocese; but, without some present aid from the Government, would be more tardy in their operation than the wants of the people would bear without detriment. Nothing can be less uniform and systematic than the manner in which a meagre supply of clergy is at present eked out and distributed over the diocese. One portion are paid from the imperial treasury (the salaries to be discontinued, one by one, as vacancies occur); another from local resources at the disposal of Government; another is composed of missionaries from home; and there are four different religious bodies (besides an individual of singular zeal in the cause) to whom the diocese is in this way indebted; and another still, although an exceedingly small portion, are dependent, in whole or in part, upon the people. Thus the establishment of clergy, imperfect and insufficient as it is, is made up by means of shifts and expedients, and to a great extent is without any permanent character; and the task of the diocesan in procuring supplies, and maintaining communication with the different parties who afford them, is complicated in a distressing degree.

I am thus led to a subject which I have reserved as the last to be brought under the notice of your Excellency. The care of this diocese is altogether too much for one man. Certainly one man cannot do justice to it, situated as I am. Your Excellency is, I believe, aware that negotiations have for some time been on foot for the erection of a separate see in Upper Canada. It is, indeed, high time that this measure should be carried into effect; and for whatever time I am to remain in the charge of the whole diocese, I really ought (and so, indeed, I ought in any case) to be placed upon a new footing. In executing the duties of the visitation in the two provinces, I have travelled nearly 5,000 miles; the extreme points which I have visited in the length of the diocese being Sandwich, at the head of Lake Erie; and the Bay of Chaleurs, in the Gulph of St. Lawrence. Of the state of the communication in the interior parts of the country and among the new settlements, your Excellency is not without information. No provision exists for enabling me to employ a single functionary in conducting correspondence with the Government, the clergy, and the societies at home, keeping in proper order and arrangement the accumulating records of the see, or transacting those ordinary forms of ecclesiastical business which are proper to the episcopal office; and in those departments of labour where the bishop can receive assistance from the archdeacon, I am deprived of this benefit, as far as Lower Canada is concerned, because, under the existing arrangements, I am compelled to hold the office of archdeacon myself.

The foregoing observations are submitted, with all respect, to the serious consideration of your Excellency. Should it be your desire to be furnished with statements in detail, taken from the returns of the clergy, it will be my endeavour to prepare them with all practicable despatch.

I have, &c.
(signed) *G. Montreal.*

APPENDIX (C.)

TO

REPORT

ON

THE AFFAIRS

OF

BRITISH NORTH AMERICA,

FROM

THE EARL OF DURHAM,

HER MAJESTY'S HIGH COMMISSIONER,

&c. &c. &c.

(Presented by Her Majesty's Command.)

Ordered, by The House of Commons, *to be Printed,*
27 *March* 1839.

[*Price* 8*d.*]

139.

APPENDICES (D.) & (E.)

TO

REPORT

ON

THE AFFAIRS

OF

BRITISH NORTH AMERICA,

FROM

THE EARL OF DURHAM,

HER MAJESTY'S HIGH COMMISSIONER,

&c. &c. &c.

(PRESENTED BY HER MAJESTY'S COMMAND.)

Ordered, by The House of Commons, *to be Printed*
12 *June* 1839.

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COMMISSION.

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

To Arthur Buller, Greeting:—

Whereas it is highly expedient that an inquiry should be made into the means of education enjoyed by Our subjects in Our Province of Lower Canada, and into the amount, nature and application of the produce of any estates or funds which may have been set apart for, or may be applicable to, purposes of education, and whether the same have been employed in the most beneficial manner for the said purposes: And whereas it is also highly expedient and desirable, that such a system of education should be established as may most conduce to the diffusion of knowledge, religion and virtue: Know ye, therefore, that We, reposing great trust in your zeal, ability and discretion, have nominated, constituted and appointed, and by these presents do nominate, constitute and appoint you, the said Arthur Buller, to proceed with the utmost despatch to inquire into and investigate the past and present modes of disposing of the produce of any estates or funds set apart for or applicable to purposes of education in the said Province of Lower Canada, and into the present means of education enjoyed by, or within reach of, Our subjects in the said Province: And Our further will and pleasure is, that you, after due examination of the premises, do and shall, as soon as conveniently may be, report to Us, under your hand and seal, what you shall find touching or concerning the premises, upon such inquiry as aforesaid; and also that you shall suggest such alteration, modification and extension of the system of education at present prevailing in Our said Province, or such other management of any estates or funds applicable to such purposes of education, as may in your judgment appear likely to promote the objects aforesaid; and for the better discovery of the truth in the premises, We do by these presents give and grant to you full power and authority to call before you such persons as you may deem necessary, and to inquire of the premises, and every part thereof, by all other lawful ways and means whatsoever: And We do also give and grant to you full power and authority to cause all persons having in their custody any records, orders, regulations, books, papers or other writings relating to, or in anywise connected with, the premises, to bring and produce the same before you; and for your assistance in the due execution of this Our Commission, We do hereby authorize you to nominate and appoint such person or persons as you shall think fit to be Assistant Commissioner or Assistant Commissioners for the purposes aforesaid, or any of them, and to delegate to him or them such and so many of the powers hereinbefore vested in you as may seem expedient: And Our will is, and We do hereby direct and ordain, that the person or persons so nominated by you shall possess and exercise any powers and authorities so as aforesaid delegated to him or them, in as full and ample a manner as the same are possessed and may be exercised by you under the authority of these presents: And We do hereby further authorize and empower you, at your discretion, to appoint such person as Secretary to this Our Commission as to you shall seem proper.

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 right trusty and right well-beloved John George Earl of Durham, Viscount Lambton, &c. &c., Knight Grand Cross of the Most Honourable Military Order of the Bath, one of Our Most Honourable Privy Council, and Governor-general, Vice-admiral and Captain-general of all Our Provinces within and adjacent to the Continent of North America, &c. &c. &c. &c.

At Our Castle of St. Lewis, in Our City of Quebec, in Our said Province of Lower Canada, the 4th day of July, in the year of our Lord 1838, and in the second year of Our reign.

D. Daly, Secretary of the Province.

British North America.

APPENDIX (D.)

REPORT of the COMMISSIONER of INQUIRY into the STATE of EDUCATION in *Lower Canada.*

My Lord, Quebec, November 15, 1838.

Appendix (D.)

IN the instructions given in 1835 by Lord Glenelg to the Canadian Commissioners, his Lordship, after pointing out the importance and the difficulty of their inquiry into the state of education, concludes by observing,—"This is a task, the due performance of which requires so intimate an acquaintance with the character and wants of the people, that I doubt whether, within the time of your residence in Canada, it will be possible for you to be completely prepared to form a deliberative conclusion over a question thus comprehensive."

If any doubt could be entertained of the sufficiency for such a purpose of the period which was then contemplated by his Lordship, but small results can reasonably be expected from the labours of the commission with which I had the honour of being charged, when it is borne in mind that they only commenced on the 1st of August, and closed in the early part of the following November, and that the difficulties, which were anticipated in the case of the Canadian Commissioners, had been greatly aggravated by the political events which intervened between the two periods. Had I been aware that my time and opportunities were to be so abridged, I should have entered upon the various considerations involved in this extensive inquiry separately, and in the order suggested by their importance and connexion; thereby enabling myself to report information, which, if extending only over part of the subject, would still have been complete as far as it went, and would to that extent have furnished materials for immediate legislation. But anticipating no interruption; imagining that the whole inquiry lay before me, and finding it so divided as to admit of the simultaneous labour of a variety of different parties, I thought I should best economize my time by putting each of such parties in possession, as early as possible, of the nature of the information which I sought from them, and thus enabling every part of the inquiry to be in progress at the same time. The doing this, however, in a convenient form, and the previous necessity of making myself master of each point, were works of so much labour, that, by the time I was called upon to relinquish my task, I found that, though every thing was set in train, nothing had been completed.

I have nevertheless succeeded in eliciting some information. It is no doubt too scanty to deserve the form and name of a report, and unfortunately its authenticity, even to the small extent that it goes, stands unattested by the formal evidence of any witnesses, because, although I was in daily communication with the leading authorities on this subject, in Quebec, I abstained from committing their answers to paper till I should be in a position to question them upon all the points to which their information extended.

The subject of Canadian education naturally divides itself under two general heads: the state in which it has been in former times, and now is, and that to which it is proposed to raise it hereafter.

To the Catholic Church Canada is indebted for all its early scholastic endowments; indeed, with the exception of M'Gill's college, for all that at present exist. The ample estates and active benevolence of the Jesuits, of the seminaries of Montreal and Quebec, and of various nunneries and their missions, were devoted to the education of the people. It is impossible to pay too high a tribute to the merits of this most exemplary Church. Its existence has ever been beneficially felt, and its career has been marked throughout by the most faithful discharge of its sacred duties, and the most undeviating allegiance to the British Crown.

The Jesuits' estates, however, soon ceased to be available to the beneficent objects of their grantors. The British Government, on the dissolution of that order, entered into possession; and, not content with diverting their proceeds from their original destination, unfortunately adopted the mode of appropriation the most obnoxious possible to that part of the population for whose benefit they were first granted, and who were the most clamorous for their restitution.

Appendix (D.)

The first proposal of the Government was to present them to Lord Amherst, by way of compensation for his military services in the reduction of Canada. This it at length abandoned; not, however, until after a long struggle, and after the grant had been actually made out in favour of his Lordship. Nor were the French Canadians alone in their complaints. At the first session of the newly-constituted legislature, in 1792, a petition, signed wholly or in greater part by the inhabitants of British origin, was presented to the House of Assembly from the city and county of Quebec, setting forth the original destination of the Jesuits' estates, and showing, that, owing to their diversion, the province was utterly without the means of education. An address to his Majesty Geo. III., upon this petition, was unanimously adopted by the Assembly and transmitted to England, but no answer was received till upon the presentation of a similar address on the following year, the Governor informed them, that, in consequence of the previous one, the claims of the province had been considered by his Majesty in Council, and that the result of that consideration had been an order to take possession of these estates for the Crown. He concluded by suggesting, that possibly any further applications on the subject might be inconsistent with the accustomed respect of the House of Assembly for the decision of his Majesty on matters connected with his prerogative.

Accordingly, the subject was dropped for the moment. However, as it was resumed almost annually from that period to the final surrender of the estates to the Provincial Legislature, in 1832, it will be more convenient to dispose at once of this part of the question by presenting certain facts reported by a committee of the House of Assembly in that last-mentioned year, in which the grievances, as far as relates to the misappropriation of this fund, are brought together, and, it would seem, fully substantiated.

It appears that, from the year 1800 to 1831, the gross receipts in respect of the estates amounted to 49,000*l.*: of this 8,650*l.* odd were expended in their management; 622*l.* in pensions; for unknown services (which in fact comprised an allowance to the then Attorney-general for his expenses in going to England to defend himself against the impeachment of the House of Assembly), 1,719*l.*; law expenses connected with M'Gill's college, a Protestant institution, 780*l.*; the maintenance of a Protestant chaplain (authorized in a despatch of Sir George Murray, dated 2d June 1828, 984*l.*; building Protestant churches, 9,793*l.* There appears certainly an item of 12,389*l.* for the support of three schools; but it should be remarked that these were all what the Catholics looked upon as purely Protestant establishments, and were by them avoided as such. The English Government might maintain that in these appropriations it merely exercised the right which it undeniably possessed of doing what it liked with its own; but it cannot be matter of surprise that the Catholics of Canada should have felt discontented, when they saw the great Catholic legacy of their forefathers thus converted into a fund for the establishment of a rival Church. At length, after years of incessant struggling, Lord Goderich announced, in his despatch of the 7th July 1831, the determination of the Crown to resign to the Colonial Legislature, for the purposes of education exclusively, the Jesuits' estates (with the exception of the barracks, and even these on condition of others being built), and the then existing balance in respect of them. His Lordship then goes on to mention, that two sums, the one of 7,154*l.* odd, and the other of 1,200*l.* odd, had lately been recovered from the estate of Mr. John Caldwell, and directs that both shall be placed at the disposal of the Legislature, the former for general purposes, and the latter, with reference to principles previously noticed, for purposes of education exclusively. The reason of this distinction is rather curious: it appears that the two sums were recovered from different estates: on the former the Government had claims on the ground of Mr. J. Caldwell's default as receiver-general. These claims, however, were posterior to those of several private individuals, and therefore were of no value. The prior claim of all was that of "the Jesuits' estates," to which, for a debt incurred as their treasurer, both properties had been mortgaged by Mr. J. Caldwell's father. The Crown accordingly effected the recovery by availing itself of its capacity of proprietor of the Jesuits' estates, to sue Mr. J. Caldwell, as heir-at-law to his father, for this debt. As regards the smaller property, it never having come into Mr. J. Caldwell's hands, and not being, therefore, liable for his default as receiver-general, the claim of "the Jesuits' estates" to the 1,200*l.* recovered out of it was unopposed. However, there is really no distinction between these two claims of the Jesuits' estates: both were equally good: the only difference is, that against the one there were no pretensions to set up at all, and, against the other, none that had the slightest show of legal weight, both being founded on the same original debt.

Reverting to Lord Goderich's despatch, it must not be forgotten that the larger sum of 7,154*l.* was directed by his Lordship to be placed at the disposal of the legislature for general purposes.

A committee of the House of Assembly, by their report, dated 7th February 1832, after finding, among other things, that both the above sums mentioned in Lord Goderich's despatch were then in the hands of the receiver-general, conclude by recommending that they shall both be carried to the account of the Jesuits' estates, &c. &c.

Accordingly, in pursuance of this report, and embodying every one of its recommendations, is passed the 2 Will. 4, c. 41, whereby it is enacted, "That all the monies arising out of the Jesuits' estates then in or that might thereafter come into the hands of the receiver-general, should be placed in a separate chest, &c., and should be applied to the purposes of education exclusively." Now, it is clear that both sums in question did arise out of the Jesuits' estates, and that both were then in the hands of the receiver-general.

Besides

Besides (waiving the benefit of all this argument) Lord Goderich, having left the larger sum to the disposal of the legislature for general purposes, the legislature selected, of their own free choice, as is clear from the above report of their committee, those of education; and surely they come under the head of general purposes.

Nevertheless, in the face of this Act, concurred in by both Houses, and assented to by the Governor, and as authentic a law as ever law was, in the following September, the appropriation which appears to have been contemplated by Lord Goderich was actually enforced by order of Colonel Craig, the then Civil Secretary, and the 7,154*l.* transferred to the general fund of the province. The other injunction of the Act, as to keeping the future balances of these estates in a separate chest, has been no better observed. They have been invariably mixed with the other public revenue, a separate account only being kept to show their amount.

By this account it appears that the balance on the 10th October 1838 had accumulated to 13,436*l.* 4*s.* 6½*d.* If to this is to be added, as it unquestionably ought, the 7,154*l.* currency, or 6,439*l.* 5*s.* 10½*d.* sterling, the whole fund applicable to education, in respect of the Jesuits' estates, will amount to 19,875*l.* 10*s.* 4*d.* sterling.

As regards the condition annexed to the surrender of the Jesuits' barracks, I fear it is not capable of fulfilment. I communicated with the military authorities on the subject, and was informed that the Crown was in possession of no land within the walls, where barracks must be, sufficient for their site; and of course it would be bad economy in the province, with a view to getting back the lost property, to incur, first of all, the expense of purchasing land in the town already built upon, pulling down the buildings, and then erecting new barracks, and afterwards that of pulling down the old ones and raising more profitable buildings on their site. The most equitable arrangement, I should submit, would be for the Crown to come forward now and pay the proper market price for what it has so long withheld.

A full description of these estates will be found, in a tabular form, in the Appendix to this Report, (Letter A.), as also a minute criticism of their past management, and suggestions for their future improvement. This has been the undivided labour of Mr. Dunkin, the secretary to the commission, to whose unremitting exertions in this and other departments of the inquiry, not only during the continuance, but for some months subsequent to the expiration of the commission, I am indebted for much of the information I am able to supply.

To take up the order of events where it was broken off, the hopes of the friends of education in the province, which had been grievously disappointed by the Governor's recommendation in 1800 to abstain from any further complaints, were fully revived by his announcing, in his speech of the following year, the benevolent intentions of the Imperial Government. "With great satisfaction I have to inform you, that his Majesty, from his paternal regard for the welfare and prosperity of his subjects of this colony, has been graciously pleased to give directions for the establishing of a competent number of free schools, for the instruction of their children in the first rudiments of useful learning, and in the English tongue, and also, as occasion may require, for foundations of a more enlarged and comprehensive nature; and his Majesty has been further pleased to signify his royal intention, that a suitable proportion of the lands of the Crown should be set apart, and the revenue thereof applied to such purposes."

The 41 Geo. 3, c. 17, an Act founded on these promises, and intituled, "An Act for the establishment of Free Schools and the advancement of Learning in the Province," was immediately passed. It will be found abstracted in Appendix, (Letter B.), No. 1. The following are its principal provisions.

The Governor is empowered to erect a corporation, to be called "The Royal Institution for the advancement of Learning," with all necessary powers for holding land in mortmain, &c., to be composed of trustees to be appointed by the Governor. To this corporation the entire management of all schools and institutions of royal foundation in the province, as well as the administration of all estates and property which may be appropriated to the said schools, is committed. The sanction of the Governor is required to all rules and statutes which may be made for the schools by the trustees, and for the government of the masters and scholars. He may establish one or more free schools in each parish or township, as he may see fit, upon the application of the inhabitants, or a majority of them, to that effect, and he appoints the masters, and orders their salaries, after the conveyance of the school-house to the trustees, which is to be done immediately upon their completion; the expense of the erection of the houses to be equally apportioned among the inhabitants.

In 1803 the promised grants of land, by which the contemplated schools were to be supported, never having been made, the Executive Council recommended to the Governor that 16 townships of the waste lands of the Crown should be appropriated for this purpose. In answer to this recommendation, the province received the same year an assurance that 20,000 acres should be granted to each of the cities of Quebec and Montreal for the support of a seminary, and that immediate steps should be taken in the matter. These steps, however, never were taken, the grants of land never made, and the Act of 1801 remained a dead letter.

Complaints of this bad faith have never ceased. In answer to one of them, as late as 1831, Lord Goderich, after admitting that grants of land had been promised by the Crown, adds, "that of course such promises are binding and must be carried into effect, unless there are circumstances, of which he was not then apprized, which might have cancelled the

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obligation contracted in 1801, or which may have rendered the fulfilment of it at that time impracticable."

However, this admission was followed by no better results. Up to this moment the only Acts of the British Government, in respect of Canadian instruction, have been the wholesale seizure, and the partial restoration, of the Jesuits' estates. At length the House of Assembly determined to take up this question, and passed a Bill, which, however, was thrown out by the Legislative Council. Its principal features are the same as those which distinguish the Elementary School Acts that subsequently came into operation, and to which I shall shortly call your Excellency's more particular attention. Two of its provisions, namely, those contained in the 11th section, are worthy of notice. They both relate to the master; one requiring that, among other qualifications, he shall bring a certificate of loyalty, and the other fixing his salary at 60*l.* This latter particular I advert to, because it shows what far juster notions were entertained in those days of the competent provision for a teacher, than appears to have been the case in later times. An abstract of this Bill will be found in Appendix (B.) No. 2.

In 1818 another Bill was passed by the Assembly. This, after reciting the necessity of elementary schools, and the advantage of subjecting them to local control, vests the trusteeship of those created under its provisions in a corporation, consisting of the rector, curate or priest, &c., with the four churchwardens last appointed, of the Church of England or the Roman Catholic Church, the seigneur primitif and senior justice of the peace, who were to report annually to the inhabitants. A sum of 200*l.* was to be granted from the provincial treasury to the trustees of every parish or township in which a house had been built and opened, sufficient for the residence of a master, and the instruction of 30 children. The school was to receive no further support from the legislature, but was entitled to one-fourth of the yearly revenues of the fabrique, until its yearly income from other sources should amount to 100*l.*; and the master was to be paid by fees from the children, never, however, at a rate exceeding 5*s.* per month from each. This Bill, (*see* Appendix (B.) No. 3,) after some amendments by the council which were concurred in, was reserved for the Royal Assent, since which it was never heard of. A similar fate attended two similar Bills the two following years.

Up to this period the corporation contemplated by the 41 Geo. 3, having never been erected, letters patent were issued for that purpose in October 1818. The Protestant Bishop of Quebec was named the principal of the institution, and certain other trustees from time to time appointed to act with him.

Great stress has been laid upon the two following rules, which are among the first they made, as indicative of the liberal spirit in which they entered on their duties: "That every school should be placed under the immediate inspection of the clergy of the religion professed by the inhabitants of the spot, and that, where they might be of different persuasions, the clergy of each church should have the superintendence of the children of their respective communities." "That a regular superintendence of the schools was assigned to visitors named by the corporation (one or more to be the minister or ministers of the parish or township), who were to report to them every six months the number and progress of the scholars, the conduct of the masters, and generally on the state of the schools."

The institution entered upon the management of all the then existing schools supported by Government, and continued from year to year, but very slowly, to augment their number. This remained the sole legislative provision for education up to the year 1824. It will be perhaps better again to break in upon the regular course of events, and pursue the history of the Royal Institution to its end, disencumbering it from the other systems which were for some years co-existent with it, and by which it was finally absorbed. That it failed entirely is admitted on all hands, and there is no disagreement as to the immediate cause of failure, namely, its unpopularity with the French Canadians and the Catholic Church. This unpopularity was founded on the exclusively British and Protestant character by which, it was asserted, its organization and management were distinguished. A committee of the House of Assembly, appointed in 1824 to inquire into its operation, reported, among other things, that, out of its 20 trustees, only five, and only 22 out of its 81 school visitors, were Canadians. In spite of the apparent liberality of the rules, this constitution of the authorities, by whom they were to be carried into effect, inspired such jealousies, and so offended the religious and national antipathies of the Canadians, that they withdrew their confidence from the institution, and rarely applied for schools under its direction. And, indeed, this was a natural enough result. Suppose the proportions of the members of the corporation and of the visitors, as regards their national origin, had been reversed, and that the Catholic bishop had been placed at its head, what would have been the popularity of such an institution with the Protestants and the British?

In the townships the system naturally worked better, and the demand for schools was proportionately great.

In 1827 an attempt was made to divide the board of the institution into two committees, composed of an equal number of members, and possessing equal privileges; the new one to be entirely Catholic, under the presidency of the Catholic bishop, and to have the exclusive management of all Catholic schools. After the two parties had with some difficulty been brought to acquiesce in this arrangement, it was discovered that there were some legal impediments in the way of carrying it into effect, and a Bill for the repeal of such parts of the 41 George 3, as interposed these impediments, was suggested by Sir

Sir James Kempt and brought into the Assembly, but soon after dropt. An abstract of this Bill is given, Appendix B. No. 5. Appendix (D.)

It appears, from successive reports of committees, that the number of schools under the Royal Institution, after a certain time, diminished rather than increased. In 1827 they amounted to 82, of which 64 were Protestant, and only 18 Catholic. In 1832 there were but 72, in which there were only five Canadian masters; and in 1834 the whole number was reduced to 63. The last application for a new school to the institution was in 1828.

This decline is easily to be accounted for, by the greater popularity of the school system which came into operation in 1829, and of those which succeeded it. A sum, varying usually from 1,800*l.* to 2,000*l.*, was annually voted to the trustees of the corporation for the support of their schools up to 1832, when it was reduced to 1,265*l.* Since this latter period the Royal Institution fell into the general elementary school system, and its schools were supported and managed in the same manner as those thereby created, with the exception that the corporation was still permitted to exercise the powers in other cases intrusted to trustees elected by the localities.

The corporation has now no other function than the trusteeship of M'Gill's college, which establishment will be noticed hereafter.

I have shown that, from the moment the Royal Institution came into operation, systematic attempts were annually made by the House of Assembly to substitute some other more popular management.

In addition to the Bills, with this view, of 1818, 1819 and 1820, which, after being passed by both Houses of the Provincial Legislature, were left unnoticed by the Home Government, two others, brought up in 1821 and 1823, were thrown out by the Legislative Council.

At this period a committee, reporting upon the then lamentable state of education in the province, represent that in many parishes not more than five or six individuals can write, and that, generally, not above one-fourth of the entire population can read, and one-tenth write, and that very imperfectly.

At length, in 1824, the Assembly so far succeeded as to carry through a Bill, which became the 4 Geo. 4, c. 31, and is commonly known by the name of the "Fabrique Act." By this the fabriques, or local corporations, established in each Roman Catholic parish, by which the temporalities of the parish church are administered, are authorized to establish one or more schools in each parish of the province according to its population, and to have the sole management of them.

They are further authorized to purchase and hold property to a certain amount, real and personal, for the support of these schools, and, until such property is acquired, may apply to that purpose one-fourth of their revenue. This Act will be found abstracted, Appendix, (Letter B.) No. 4. But it can hardly be said to have ever come into operation. In some parishes the fabriques were too poor, and in most, I have been assured, the existence of the Act was unknown. Like that established under the Royal Institution, the fabrique school-system became absorbed in those of a more general and popular character, which were shortly after established. The first of these, which forms a remarkable epoch in the history of Canadian education, was established by the 9 Geo. 4, c. 46. It will be observed that all the abortive attempts made from 1818 up to this period, as well as the Act of 1824, had alone in view the wants of the French Canadians, which were virtually untouched by the Royal Institution, and which undeniably called for urgent relief. It is true, that, as regards the receipt, at starting, of a certain sum of public money, the Protestant settlements were put on the same footing as the Catholic; but reliance for the subsequent support of the schools was placed first of all upon the fabriques, a fund which only existed in Catholic parishes, and eventually on charitable endowments, which were only to be expected from the greater wealth and zeal of the Catholic Church.

Imperfect as the provisions of these Bills were for the erection of any thing approaching a sound and general system of education, no fault can be found with the spirit in which they were devised by the Assembly. It appears to have been one of fairness and sincerity, and liable to none of the imputations which attach to similar proceedings of that body in later times.

By the Act of 1829 the establishment and sole management of schools in their respective parishes and townships was confided to five trustees, elected by the resident landholders eligible to vote at elections. These trustees were empowered to hold property belonging to the school, and to receive benefactions. Half the expense of erecting school-houses, if not above 50*l.*, is to be advanced from the public chest on the certificate of the trustees.

A salary of 20*l.* is to be given to every master teaching 20 pupils, and a further allowance of 10*s.* a head for poor children, provided their number does not exceed 50, nor fall short of 20. The trustees were required to report annually to the legislature.—[*See* Abstract, Appendix (B. 6.)]

Under this Act, which was to be in force for three years, there was no provision for visitatorial inspection.

The trustees, who in very few instances could write themselves, as is proved by the almost invariable use of marks instead of signatures in their returns, had the power of appointing and removing the masters; in short, the entire control of the schools. It is true that they were required to make annual returns to the legislature; but then nothing was more easy, and, I have been informed by many persons, nothing was more common, than for them to make false returns.

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In many schools where there were not 20 scholars *bonâ fide* taught gratis (the number requisite before the gratuity of 10*s.* a head was to be granted), I was assured that it was a very usual device of the master to ask of his neighbours, or of another school, the loan of a sufficient number of children to satisfy this condition. Indeed, where children were scarce, parents were known to lend themselves to this good-humoured arrangement. The trustees, when they knew all this, generally connived at it willingly enough, because they generally wished well to the master, who was of their own appointment, and because the gratuity did not come out of their pockets, but, on the contrary, was pretty sure to find its way into them, the master being very frequently in their debt, and, as they well knew, having no other means of paying them.

In 1830 and 1831, two other Acts were passed, slightly amending and explaining the provisions of that of 1829. By the latter, the Governor was empowered to appoint 19 visitors, who with the members of the House of Assembly resident in the country, and the resident rector or curate of the parish, were to divide the country into school districts, visit the schools annually, and report their state to the legislature, with any recommendations they might be disposed to make.

Schools rose rapidly under the Act of 1829. In that year 48 houses were built, under its provisions, and 381 schools received the Government allowance. In 1830, 60 more houses were built, and the number of elementary schools increased to 899. In 1829, the whole cost of education to the province was 13,785*l.* 16*s.* 3*d.*, including, in addition to the expenses of the elementary schools, 2,115*l.* 10*s.* for the 84 under the Royal Institution, and 5,250*l.* 3*s.* for special grants. In 1830, the gross amount under these same heads was increased to 26,019*l.*, and in 1831, the whole number of elementary schools was 1,216, and the whole cost of education 32,470*l.*

It is time here to explain the meaning of these special grants. The general educational Acts which have been noticed were meant to embrace only the elementary schools in the rural districts. Many of those, originally established by voluntary associations in the three towns of Montreal, Quebec, and Three Rivers, as well as sundry superior academies and colleges, dispersed over various parts of the province, were the subjects of separate annual appropriations. The first of these was in 1823, when 200*l.* was granted to a school in Quebec under the management of the Education Society in that town. In the following year there was only this same grant. In 1825, a like sum was also given to the British and Canadian school at Montreal. Every subsequent year fresh institutions received similar aid, and the grants under this head have been shown, in 1830, to have increased to 5,250*l.* 3*s.*

In 1831, the House of Assembly appointed a standing committee of 11 members (five to be a quorum), to report from time to time on all subjects connected with education.

The Act of 1829 having expired in May 1832, the 2 Will. 4, c. 26, was passed for the continuance of the system for two more years. Before noticing the peculiar provisions by which this Act is distinguished from its predecessors, it will be proper to advert to the reasons given for such distinction by the Education Committee. In 1831, they report, "that they cannot but regret that they have had evidence that in several instances too much dependence has been placed on legislative aids, and, in some cases, to a degree which seems to have had the effect of relaxing the exertions which were formerly made. Your committee cannot too strongly impress upon the House the mischiefs which would result from such a dependence, and placing the public money in the hands of societies or individuals practically liable to no sufficient responsibility, or regular or strict accountability, unless they at the same time have to apply a considerable portion of their own money along with that of the public."

The same committee, remonstrating against large legislative grants, dwells on "the abuses and corruption which uniformly attend the lavish expenditure of public money. Education itself suffers in the estimation of the public; false ideas are spread abroad among the people, that education is rather an object which concerns the community than themselves individually, and it is undervalued, while in reality it is become nearly as needful in the present state of things in this province as religious instruction, or instruction in the means of gaining an honest livelihood, for which it is the bounden duty of every head of a family to provide to the utmost of his power. To draw the money from the people by taxes, to be restored to them for these purposes, after undergoing all the diminution of the expenses of collection, management and waste, would soon impoverish them without effecting the object in view."

In 1832 the Committee report, that the increasing applications for public money render certain regulations necessary, and as warning to the public that less reliance than theretofore must be placed in aids from the general funds, and more from the localities immediately interested; and that, for these reasons, it is desirable, 1st, to grant no new allowances, except on the most urgent grounds, but rather to diminish those already granted; 2nd, to confine aids for elementary instruction in the towns, as much as possible, to one elementary school connected in some degree with one of each of the principal religious denominations, where all the poorer classes may have easy admission. It goes on "to regret that the applications during that session were nearly as numerous and great in amount as in the previous one. The extraordinary efforts which were made by the legislature under the unfortunate state of things which had so long retarded education in the province, and in a prosperous state of the public funds, have widely spread abroad the idea that the expenses of the education of youth were to be defrayed out of the public revenue;

revenue; and the abuses consequent thereon have, no doubt, in some instances, made those who profited by them over-anxious for their continuance. The present state of the public funds, however, will force a return to more correct notions and practice. Your committee cannot conceive that it will ever be expedient to draw money from the industry of the people, by an expensive process, to be returned to them in greatly diminished amount, for objects for which they can apply it more certainly, more equitably, and with greater economy, under their own immediate control."

In this report the committee remark, that the proportion of children attending school in Lower Canada is one in 12; whereas, in the neighbouring state of New York, it is one in four. By the 2 Will. 4, c. 26, founded on this latter report, 1321 districts were adopted as laid out by the visitors appointed the preceding year.

To a school in each of these districts, and also to a separate girls' school in that district in every Roman Catholic parish in which the church was situated, an allowance was given of 20*l.* per annum, provided that no more than 2*s.* per month was demanded from each scholar, and that 20 scholars, from 5 to 15 years of age, had been in regular attendance for 190 days in the year. Ten shillings were to be distributed yearly, as prize-money, among the best scholars in each school, by the first resident member for the county, on the return; otherwise by the non-resident one. The management of the schools was intrusted to trustees, as in the Act of 1829. The teacher, before appointment, must produce a certificate, signed by the minister of the most numerous religious denomination in the parish, according to the latest census, and by one justice of the peace, and the militia officer of highest grade in the parish, or by two others, that he is known as of good character, and that he has been examined by them, and found capable of teaching reading, writing and arithmetic, in the language of the majority of the inhabitants. He might be removed, either on the representation of a majority of the county visitors, or, after hearing, by the trustees, on the complaint of three electors. A public examination was to be held yearly, and three at least of the visitors were to make an inspection of the school, which they were to certify, as directed by a schedule annexed to the Act. No more than 10 free scholars were to be admitted to any one school, and then only when their parents had another child at school, for whom they paid. The visitors were to be the legislative councillors resident in the county; its members in the House of Assembly, whether resident or not; the senior acting justice of the peace, the militia officer of highest rank, and the minister of the most numerous religious denomination. These visitors, in addition to the duties before mentioned, were to determine all questions relating to districting and building houses, &c., and they alone were to have their expenses paid.

The schools of the Royal Institution were embraced in this Act.

The other most remarkable alterations introduced by it consisted in the additional powers which it vested in the members of the House of Assembly. They were to have the distribution of the 10*s.* prize-money; indeed the whole powers of visitation may be said to have centred in them, because their political importance generally enabled them to do as they chose with those of their co-visitors who resided in the parish, and because the members of the Legislative Council were few in number, and rarely fulfilled the condition of residence in the county. Complaints were frequently made of the improper application of the prize-money entrusted for distribution to the M. P. Ps.

A writer of no small merit, in an article addressed to the "Populaire," Canadian newspaper, and signed, L. P. R. Instituteur, remarks: "Sur ce sujet je puis dire à la honte de ceux à qui il appartient, que bien des écoles ont été privées de cette gratification. Moi-même, je me suis obligé d'écrire à un représentant du comté de Berthier pour lui mander, "s'il avait envoyé l'argent qui était destiné à recompenser les enfans des écoles, qu'il y avait deux semestres que les visiteurs de notre paroisse n'avaient rien donné pour cet objet." Il me fit réponse qu'il avait donné l'argent à un des principaux de la paroisse, où je tenais l'école; que si ce dernier ne l'avait pas distribué, il y avait mauvaise foi de la part ce cet individu. Alors je dis à l'un de mes sindics d'aller trouver l'individu en question, et de lui démander les récompences des enfans; qu'avec ce peu d'argent les enfans se pourraient acheter des livres, du papier, et d'autres choses necessaires pour l'école. En y allant il reçut à peu près la réponse suivante: "Je garde dit le visiteur cet argent pour payer les frais d'annonces, les lettres non affranchies, et l'acte d'election des sindics." Combien d'autres abus que je mentionnerais, si le tems me le permettait, et combien d'autres encore se sont passés inapperçus. S'il y a eu des visiteurs si peu delicats jusqu'au point d'enfriendre les lois eux-mêmes, il ne faut pas s'étonner, s'il y ait eu des sindics qui se soient rendu encore plus coupables, pour des sommes beaucoup plus considérables, par exemple dans la construction des maisons d'écoles. Je fus témoin lorsqu'un sindic dans le comté de St. Hyacinthe reçut une verte leçon de Mr. Roc de St. Ours, dans le courant d'Août 1832, pour avoir retiré 50*l.* du gouvernment pour la bâtisse d'une maison, dont voici à peu près l'histoire. Le terrain sur lequel la maison était bâtie avait été donné en pur don à la fabrique de la paroisse. Le seigneur du lieu avait fait don de tout le bois, en outre 14 à 15 habitans avaient donné chacun trois à quatres piastres à part des corvées, de manière que la maison fut édifiée sans avoir couté 15 piastres. Le sindic qui s'ingerait de cela, fit estimer le terrain et la maison à 100*l.* pour retirer 50*l.*, comme il était dit dans l'acte d'éducation. Il les retira en effet, et la maison est toujours resté imparfaite. M. de St. Ours fut tellement surpris de voir cette maison, qu'il dit qu'elle n'était bonne qu'à loger les poules. Quand il sut en outre que le gouvernement avait donné 50*l.*, c'est pour le coup que le pauvre sindic se fit toncer, et qu'il en reçut sur les quatre faces. Le curé de la paroisse, voyant le mâitre et la maitresse si mal logés leur donna onze piastres pour faire cloisons. Il parait à present que le propriétaire du terrain s'en est emparé. Voilà

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un exemple qui fait voir que l'argent a été dissipé ou mal employé ; car avec 50 *l.* toutes personnes peuvent faire une bonne maison, bien parachevée en dedans et en dehors, lorsque les materiaux sont sur la place gratuitement. S'il y avait une perquisition sur toutes les maisons qui se sont bâties, sous les dispositions de l'acte, il est certain qu'on y verrait avec surprise plusieurs cents louis de dissipés et perdus pour la province mais qui ont grossi la bourse de certains tartuffes avides d'argent."

Complaints were also very frequently made that the provision, which required the master's certificate to be signed by the county members, before his allowance could be drawn, gave them a power over him, which was too often propitiated by acts of political subserviency. I frequently heard these charges made, and in no few instances attempted to be substantiated by facts. Though it is necessary in Canada to be very suspicious of statements advanced by political parties in disparagement of their adversaries, or in vindication of themselves, no one who is conversant with the fury of Canadian partizanship can help recognizing in the provisions of this Act temptations to abuse sufficient, under such circumstances, to overcome the scruples of belligerent legislators.

The 3 Will. 4, c. 4, made some alterations in the school districts, as laid out in the previous year, and reduced their whole number to 1,294. It also contained a very judicious provision for granting 4 *l.* extra to every master who should teach both languages.

The Education Committee in their report in 1834 still complain of the extravagance of the school grants, and express a hope "that the time is not far distant when the whole country will be persuaded that it is much better to trust to themselves for the discharge of the duty of affording useful instruction to their offspring, rather than depend upon legislative appropriations." The 4 Will. 4, c. 9, continued the Act of 1832 to May 1836. By this the school districts were again increased in seven counties, and the visitors were empowered to grant 10 *l.* extra to the best master in every county, namely, the one who had the largest and best conducted school; provided that in addition to the ordinary course of elementary instruction he also taught geometry, French or English grammar, and book-keeping.

In 1835 the House of Assembly having come to the resolution of not proceeding to business, no Education Bill was passed. In the session 1835-6 special grants were made amounting to nearly 12,000 *l.*, being, in point of fact, the allowance for the previous as well as the current year. The reports of the Education Committee this year are much in the same strain as those before referred to. They state, "that the liberality of the legislature, far from having stimulated the efforts of the members of the institutions connected with education, appears on the contrary to have paralyzed them." They go on to represent the unreasonable demands made by the inhabitants in many places for new school districts. "These applications," they say, "do not, generally speaking, come from places which appear by their population to be entitled to a greater number than that now allowed them; but, on the contrary, from places where the proportion of the number of school districts is four times greater than some others. The single fact that a school district is asked for a place in which there are only three families, will be sufficient to satisfy your honourable House of the necessity of examining applications of this nature with the most scrupulous attention. Your committee have come to the determination to recommend, that for the future the number of school districts in each county be regulated by its population." It appears from these reports that the cost of education in the three preceding years had been as follows:— In 1833, 22,154 *l.*; in 1834, 24,543 *l.*; in 1835, 25,810 *l.* In the last year there were 1,202 schools and 38,377 children in attendance, of whom 14,048 were gratuitously instructed, and 24,329 paid, or professed to pay, at the rate prescribed by law. The committee, after commenting upon the universal incompetency of schoolmasters, &c., conclude by recommending two Bills; the one for the establishment of Normal schools, and the other for the continuance of the general elementary system. The first of these became law, (6 Will. 4, c. 12.—*See* Abstract, Appendix, (B. 12.)

It provided for the establishment and support, for five years, of two Normal schools, one at Quebec and the other at Montreal, to be under the management of a committee of 10 persons in each city; each committee was allowed 400 *l.*, to enable it to procure professors, and purchase books and apparatus; 600 *l.* per annum, for five years, for salaries for such professors, and 250 *l.* per annum, for a like period, for the contingent expenses of the schools. A further yearly sum of 120 *l.* was granted to each, for three years, for the maintenance and tuition of five or more poor schoolmasters desirous of completing themselves in the art of teaching; and a like sum was granted, for the like period, to the Ursuline Nuns of Quebec and Three Rivers, and the Sœurs de la Congregation de Notre Dame at Montreal, for the maintenance and tuition of five poor young females willing to devote themselves to teaching. The schools were to be open only to persons above 14, who would give good security that they would accept employment for five years after leaving the Normal school in some superior or elementary institutions in the province, under penalty of refunding to the committees all the expenses of their tuition, &c.; and to schoolmasters seeking to perfect themselves in the art of teaching. A course of studies was prescribed, such as is adopted at similar establishments in Europe, and was to extend over a period of three years. A pupil, after having obtained a certificate of fitness, &c. was entitled to preference in employment at schools receiving legislative assistance. The five years were to begin to run from the date of the establishment of the schools in the respective cities. Both committees immediately united in sending to Europe, for the purpose of procuring professors and books, &c., the Rev. Mr. Holmes of the seminary of Quebec, a gentleman of great worth and talents. He brought back with him two professors for the Montreal branch, who immediately opened their school, and came into the receipt of their salaries. They had

had I believe as many at one time as three pupils, but have none at all at the present moment. No attempt has yet been made to organize the school at Quebec. Mr. Holmes brought back with him some very valuable apparatus and a large collection of books, which are now in charge of the committee. The reason of the failure of this act is obvious. The other Bill, which was passed by the House of Assembly at the same time, having been rejected by the Council, the whole system of elementary education fell to the ground, and persons could hardly be found willing to throw away three years at these normal schools, and pledge themselves to be ready to teach for five more, when there were no schools in existence for them to teach in, and really a very poor prospect of any ever being established. At the same time the Act had great merits; it sought to remedy, and by provisions very suitable as far as they went, one of the greatest vices in the existing system. It, nevertheless, was of course the subject of bitter attack in a province where the merits of measures are no security against attack.

The Bill of 1836, which, as I have just said, was thrown out by the Council, proposed to raise the number of school districts to 1,658, and to grant far greater powers as regarded the management of schools to members of the House of Assembly. The only other novel features in it are, 1st, the establishment of a superior or model school, in every parish or township, where the population, according to the last census, exceeded 500 souls, to the master of which an allowance was to be made of 50*l.* per annum, upon the majority of the heads of families, at a meeting duly called, having voted a further sum of not less than 20*l.*, so as to raise his salary to 70 *l.* He was required, in addition to reading, writing and arithmetic, to teach the grammar of the language of the majority of the inhabitants, and the elements of mensuration and geography, particularly that of North America. 2dly, the provision by which it empowered, though it did not compel, the majority of the inhabitants to tax the district for further support of its schools. The grounds on which the Council rejected this Bill are so fully and so ably stated in their report, that I cannot do better than give their own words. After reviewing the provisions made for education in past years by the legislature, and pointing out their numerous faults as emphatically and oftentimes admitted in the reports of the other House, they proceed:—"Your committee beg leave to state, that, notwithstanding the foregoing reports of the special committee of the House of Assembly on education, concurred in by that honourable House, the number of school districts is by this Bill considerably augmented, and the public expenditure for this object, which has already reached the amount of 150,000*l.*, is very greatly increased, as nearly 40,000*l.* will be required annually, for four years ensuing, to cover the appropriations specified therein. Your committee, while expressing their concurrence in the propriety of assisting education in its progress, at the same time fully coincide with the general tenor of the reports above alluded to, that its support by the people themselves would be more effectual in its results than under the present system of lavish expenditure, which, even for so desirable an end, will ultimately lead to apathy and indifference.

"That the system of management proposed to be continued, and in some points extended, by this Bill, must lead to consequences which your committee cannot but regard as productive of evil. The direction and superintendence of the sums appropriated by this Bill are intrusted, in effect, to the county members of the House of Assembly. This power your committee consider to be an object of extreme importance for good or for evil, as the persons in whose hands it is placed may be influenced, on the one hand, by a pure sense of duty, or, on the other, by the opinion or feeling of party, or by other improper motives. Your committee think it necessary to point out the powers contained in this Bill, upon which they found their apprehensions that some abuses may result from its operation:

"First. The certificate of the trustees, by means of which the schoolmaster is to be paid, is to be transmitted to the county member. Second. The certificate of the qualification of masters of the superior schools, by means of which they receive their salaries, is to be transmitted likewise to him. Third. The county member is to make the pay-list of the county schools and masters, by means of which the masters' salaries are to be paid by the receiver-general. Fourth. All alterations in the school districts are subject to the approval of the county members, or may in some cases, as provided by this Bill, be made by them of their own authority. Fifth. Large sums of money are to be intrusted to them for distribution, as rewards of excellence to scholars. Sixth. The county member is to demand, recover and receive all sums of money remaining unpaid from former appropriations, for sums for prizes, and for this purpose may require the assistance of the law officers of the Crown. Seventh. The elections of trustees of schools, by heads of families, are to be transmitted to the county member. Eighth. They are not required to support by vouchers their account of monies intrusted to them, as are other persons. Ninth. They are among the number of school visitors. Tenth. Finally, these powers of the county members shall, in case of a dissolution of Parliament, continue to be vested in them until their successors shall be elected, any law to the contrary notwithstanding.

"Your committee believe that your honourable House will see in these provisions sufficient grounds for the apprehension they have expressed, that abuses may result from the operation of the measure. From the experience of past ages, as well as from the appropriations made by this Bill, your committee apprehend that liberality may at last degenerate into prodigality, and the object sought for be as far from attainment as before. Under these circumstances, your committee suggest the propriety of suspending all further appropriations until some general effective system of education can be judiciously planned, and carefully executed, whereby the provincial revenue will be relieved from so

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heavy an annual demand upon it, and the people be influenced to take a more decided interest in the prosperity of institutions for the education of themselves and children. Independently of these general considerations affecting the merits of the measure, your committee conceive that there are others growing out of the particular circumstances of the finances of the province which demand their serious attention. They think it necessary to bring to recollection a resolution passed by your honourable House on the 6th of March last, ' That it was not expedient to concur, during the present session of the Provincial Parliament, in appropriation of monies to a greater extent than will leave in the public chest a sum equal to the discharge of the sum of 30,519*l.* 4*s.* 2*d.*, advanced and paid out of the funds of the United Kingdom, by his Majesty's order, for the support of the government, and the administration of justice therein, and to other servants of the Crown and individuals as therein mentioned, for which sums no appropriation or provision has hitherto been made.

"That as your honourable House has already concurred in Acts for the appropriation of nearly 12,000*l.* for the encouragement of education in this province, that as no Act providing for the sum of money mentioned in the preceding resolution has hitherto been sent up by the House of Assembly for the concurrence of this honourable House, and as your committee conceive that the state of the provincial revenue (due regard being had to the payment of the sums above mentioned which remain unprovided for) will not warrant the increased appropriation, your committee urge upon your honourable House the propriety of proceeding no further with the Bill intituled, &c."

It is imposible not to recognize the truth of the greater part of these objections urged by the Council. Although the Bill contained some new provisions of a very valuable character, yet all the radical faults of the old system were left untouched by it, and some, namely, those pointed out by the Council, so aggravated, that the cause of education in the province has, I am convinced, gained much more than it has lost by the rejection of the Bill and the consequent breaking up of the whole system.

Since this period some few masters continued their schools, in the double hope of a new Act being shortly passed, or of being supported by the voluntary contributions of the inhabitants; but both these hopes were soon disappointed, and the schools, with very few exceptions, shut up. Thrown thus on the wide world without resources, and in a time of such excitement, the rebel standard attracted some to a cause which ended in their destruction or expatriation; others have succeeded in getting into new occupations, but very few are to be found still adhering to the old.

The schools, however, in the three towns of Quebec, Montreal and Three Rivers, and the academies and colleges, which had been the subjects of special grants, continued in operation and received the usual assistance under an Act passed by Sir John Colborne and his Special Council in the spring of 1838.

I will now conclude my observation on the past, by taking a general retrospect of the different attempts at elementary education made by the legislature, and pointing out the causes which led to their failure.

The immediate cause of the failure of the schools under the Royal Institution was the unceasing hostility of the Catholic Church and the French Canadians, on the ground that they were essentially British and Protestant. The absence of every species of popular control distinguished this system from those subsequently adopted by the Assembly. In other respects it had the same miserable imperfections.

The Fabrique Act can hardly be said ever to have fairly come into operation, and only deserves notice as pointing out a fund in every Catholic parish, by which, in the opinion of the French Canadians themselves, education can always be more or less assisted. The system patched up at different times by the Assembly, into what was called the elementary school system, was not merely a vicious and imperfect one, but of late years, especially, pernicious in the extreme. It is obvious that it was mainly recommended to that body by its vast utility as a political machine.

The annual distribution of such large sums of money, and the exercise in other respects of such extensive patronage, were of course convenient to members; but to the school system such an arrangement was pregnant with mischief.

How startled we should be in England at a proposition to vest similar powers in our House of Commons! It would be regarded as almost equivalent to granting the existing members their seats during pleasure.

That the temptations to abuse thus offered were not very strenuously resisted by the House of Assembly in Lower Canada is more than insinuated by what is called the British party. By them the schoolmaster in the Catholic parishes is represented as invariably the most active and accredited organ of the disaffected; and I have been assured by many witnesses that the "Minerve," an exciting and seditious paper, was in frequent use in the schools as a class-book. This latter assertion is, it may be hoped, unfounded. But, with regard to the former, I have reason to believe that it is to a certain extent too true. Certain it is, at any rate, that the qualification of loyalty, required of a master in the more peaceable days of the Bill of 1814, was never insisted upon in later bills. Another great evil, to which this system was subjected by its connexion with politics, was its want of permanency. Every alternate year it was liable to expire altogether, or undergo modifications, which, as regarded those embarked in it, in many cases amounted to expiration. The House of Assembly knew well the power which they derived from their common habit of temporary legislation. It was no slight hold to possess in the country, this, of continuing, or at any given time withholding, its sole means of education. It is true that it would be almost impossible

impossible to make a system permanent which was to be supported entirely by legislative grants, because the finances of a country like Canada could not always afford such large expenditure. Indeed, the expenditure was not fixed, but was liable to be increased to an indefinite amount. This, however, instead of being an argument in favour of temporary legislation, should be one among many others for seeking out some never-failing source of maintenance by which education should be rendered independent of the wants or caprices of the legislature. No man of character or industrious habits could be induced to abandon other more certain occupations to embrace that of schoolmaster, when he was only certain of two years' employment.

Another very pregnant evil, common to all such systems, was the miserable character of the inspection to which they were subject. The trustees who had the choice of the master, and virtually the entire management of the school, it has been already shown, could themselves rarely write. Their principal relations with him were those of debtor and creditor, or of fellow-partizans in politics. If it were ever necessary to deceive the visitors, nothing more easy. The daily journals of attendance, which latterly the master was obliged to keep, were easily falsified to suit the injunctions of the law, and nobody able or willing to detect the falsehood. The day on which the visitors made their inspection the number of children was complete, and every thing appeared correct. The great desideratum of the master's political usefulness being once proved, the visitors were good-humouredly blind to trifling deficiencies in morals or capacity. L. P. R. Instituteur, whom I have before quoted, speaking of these abuses, says,—"Il y a eu des sindics qui ne se sont pas fait scrupules de prendre l'argent des maîtres pour payer les frais de leurs élections; ces messieurs avaient les honneurs, et les pauvres maîtres d'écoles payaient pour. Enfin, il y a eu des visiteurs qui ont fait avoir la paye à des personnes qui n'avaient pas eu d'écoliers pendant un hiver. J'en connais une, qui reçut 10*l.* du gouvernement malgré le rapport de ses sindics, qui déposerent qu'elle n'avait pas eu plus de sept à huit écoliers durant le semestre, quoique le bill disposât, que personne ne recevrait l'allocation sans qu'il eût, de bonne foi, instruit 20 pupilles : cette personne reçut les 10*l.* parce qu'elle était dans la manche du curé de la paroisse."

But the most fertile source of failure was in the indifferent qualifications and characters of the masters. I believe it may be fairly said, that a schoolmaster's was the worst trade in the country, and that nobody would embark in it who was qualified by character and understanding for any other. "A common farm servant," says the Rev. Mr. Alexander, of Leeds, in his evidence before a committee of the House of Assembly, in 1836, "is allowed 15*l.* per annum for wages, and, in addition, washing, board and lodging. A schoolmaster rarely gets more than 20*l.* per annum, and none of the above-mentioned extras." It is true that an additional payment of 2*s.* per month from each scholar was contemplated by the legislature, but the poor master rarely got it; parents either refused the payment altogether, or offered a tithe of it, and, if he declined, had recourse to the easy alternative of removing their children from his school; and it would not do for him to break with too many children in this way, because he was obliged to have 20 regular pupils to entitle him to the Government allowance. Accordingly, the master was frequently on the brink of starvation, and always dependent on the good will of his parishioners. L. P. R. Instituteur, says again, "Le peu de respect qu'on a pour les maîtres vient aussi en partie de ce qu'ils sont obligés de tendre la main aux habitans, pour avoir de quoi subsister à crédit. Les habitans s'habituent à les entendre supplier, à demander; ils viennent, enfin, à les rebuter et à les regarder comme des êtres dépourvus de toutes ressources pour vivre, ou, pour le dire en termes plus claires, comme des pauvres nécessiteux, car avec nos habitans ceux des gens instruits qui n'ont pas de terre en partage ne sont guère régardés d'eux."

Nor was the master's incompetency the whole evil; even when he was capable and willing, there was no provision for supplying the children with books. Parents objected strongly to the expense; there was no other quarter to look to, and, consequently, many children went to schools without books.

The indifference of parents was at once the cause and the effect of some of these evils. Here indeed was action and reaction. As long as they refused to contribute to the support of schools, so long the schools were without competent masters, and the children without a proper provision of books. And, again, while the schools were in such a deplorable state, the parents did not see much advantage in supporting them, but thought their children might be much more profitably employed at home. The fatal notion fully possessed them that it was the duty of the legislature to supply them with the means of education, and that they were conferring a favour in accepting such means.

Such, then, have been the attempts at education hitherto made in Lower Canada; and can it excite wonder that this combination of imperfections and vices should have produced no good result?—that education should have languished under systems, where the masters were illiterate and needy; the supervision careless and dishonest; the school-houses unfit for occupation, and ill-supplied with fuel; the children unprovided with books; and parents utterly indifferent to an institution of which they could not appreciate the importance, and the trouble and cost of which, at all events, they deemed the province of the legislature?

I trust that I have not done injustice to the House of Assembly in this review of their labours. It is extremely difficult to apportion to them their proper share of praise and blame. Much of each they undeniably deserved. In the Bills of 1814–18, &c., up to 1831, their main struggle was to subject the school system to popular control. This principle surely merits well to be an important element in every system of education, and if, on

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these occasions, such control was left altogether unchecked by the executive, it was, perhaps, because the executive had no great claims upon the confidence of the Assembly. The standing committee of the House laboured diligently and in good faith. They received evidence on all points. They did not shrink from the investigation of alleged abuses, nor, in many instances, from the application of the proper remedies. They saw the evils arising out of the incompetency of masters, and the necessity of providing something higher than mere elementary education, and they suggested the wholesome expedients of normal and model schools. They saw the fraudulent operation of the provision which required a minimum attendance of 20 free scholars before the Government allowance of 10*s.* a head could be touched; and they did away with it, substituting a fixed monthly payment. They saw again the avarice of the people evade this remedial provision, and they saw clearly how to enforce it, but they had not the courage. They knew that their semi-annual expressions of regret would be of no avail; that appeals to good feelings were utterly thrown away, and that nothing would do, short of compelling the inhabitants to contribute a direct, and not scanty, proportion towards the expenses of the system. They saw all this, but they did not dare to propose so unpopular a measure.

In short, the moment they found that their educational provisions could be turned to political account, from that moment those provisions were framed with a view to promote party rather than education. This was their essential fault; this it was that pervaded and contaminated the whole system, and paralysed all the good that was otherwise in it. This it was that mainly contributed to reduce the province to the deplorable state in which it is at present found. Were a stranger to travel through it, unacquainted with its history, or any part of the voluminous details which I have barely sketched to your Excellency; were he to converse every where with the poorer class of its inhabitants, I am confident that he would return with the impression that no attempt had ever been made in it towards the establishment of any elementary system of education; but, to one who has studied its history, and waded through the mass of laws concerning education, it is at first inexplicable how so many attempts can have been made without producing some sort of result. Go where you will, nevertheless, you will scarcely find a trace of education among the peasantry. While the school-system was in force, there was a very inadequate provision of houses, and, of those that once had existence, some are now in complete ruins, and others the subject of fierce litigation among the neighbouring inhabitants. The sight of these ruins or the tale of these disputes is all that remains to the present of the past.

I consulted several lawyers as to their experience in this matter, and they invariably told the same story. They agreed that there is hardly ever a prisoner or a witness, or a petty juryman who knows how to write; indeed, I have seen noticed in a Montreal paper a presentment by a grand jury, in which six out of the 13 signatures were marks. I consulted one of the heads of the militia department, and he told me, with a play on the word, that the officers under him were generally very experienced *marksmen*. I saw several petitions from parishes, praying for the erection of small-cause courts; I hardly ever saw more than the petitioners' crosses to them; and it should be borne in mind that these petitions must be signed by at least 100 heads of families in the parish. It may be said that all these jurors and militia officers and petitioners are of necessity grown-up men, and that few could have reaped the benefit of the schools which were only established to any extent in 1829, at which time they were beyond the age of admission. I made, however, particular inquiries on all sides as to whether the rising generation were better instructed, but rarely was any distinction made in their favour. In the very few country places which I visited, I made a point of asking all the children I met whether they could write; the great majority could not write at all, and of those who said they could, most, I found, on pressing, to admit that they could only write their names. This description will not seem justified by the analysis of the schools under the Roman Catholic clergy of the diocese of Quebec, furnished by M. Cazeau, the bishop's secretary, and which will be found in the Appendix, (Letter C.) I feel bound in justice to give his statement, but, although I am not qualified positively to contradict any part of it, I cannot help expressing an opinion, formed after much conversation respecting the district, that if a strict inquiry were made as to how many old or young in it could write, or cast up sums, or speak English well enough for ordinary purposes, the number, apparently so respectable on his list, would be reduced to a very small fraction.

Withal, this is a people eminently qualified to reap advantage from education; they are shrewd and intelligent, very moral, most amiable in their domestic relations, and most graceful in their manners; but they lack all enterprise; they have no notion of improvement, and no desire for it. Their wants are few and easily satisfied. They have not advanced one step in civilization beyond the old Bretons who first set foot on the banks of the St. Lawrence, and they are quite content to be stationary. Their utter ignorance of the theory and improved practice of agriculture is painfully witnessed in their cultivation of the rich banks of that noble river. If, instead of learning at their schools to make crosses with pens, they had been taught the most approved principles of clearing, draining, &c., in a word, of farming; instead of starving cattle and minute subdivisions of ill-cultivated plots, no disadvantages of climate would have prevented our seeing by this time thriving gardens, productive crops and healthy herds.

But I have hitherto been only speaking of the male population. The difference in the character of the two sexes is remarkable. The women are really the men of Lower Canada. They are the active, bustling, business portion of the *habitans*; and this results from the much

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much better education which they get, gratuitously, or at a very cheap rate, at the nunneries which are dispersed over the province.

But I do not profess to give any thing like the accurate statistics of the present state of education. To arrive at these required more labour and time than any other branch of the inquiry. I had, however, made the attempt, and had sent to every parish and township a series of questions arranged in a tabular form, and so comprehensive, as, if properly answered, to enable me to give the minutest details as to the quantity and character of education now existing, and the local means of which use might be made in building up a new system. The preparation of these tables, blank forms of which will be found in the Appendix, (Letter D.), and the finding out the individuals in each locality most qualified to give information, took much time and were attended, the latter task in particular, with much trouble. By the time I left Quebec, hardly any returns had been sent in, but post after post brought letters from persons whose assistance I had asked in filling up the tables, declining to act with certain other persons with whom I had proposed to associate them for that purpose; some, on the ground that such persons were bad characters, or that they were too interested to be honest, &c., but most frequently that they were disloyal. A Protestant clergyman wrote to me, indignantly refusing his aid, because his name had been put after that of the Roman Catholic priest, in the list of persons whom I had requested to co-operate in making a return. The greater part of the Roman Catholic clergy in the diocese of Montreal, who took any notice whatever of my circular, gave answer, that they could consent to receive no communications on such a subject that did not come through their bishop. The bishop himself intimated to me, that the education of the Catholic population was the business of their Church, and one with which the Government had no right to interfere. From the bishop of Quebec and his coadjutor, and from all the clergy in that diocese with whom I came in contact, I invariably received the most considerate and friendly attention to importunities which it was necessary not sparingly to address to them.

From the moment it became generally understood that your Lordship's government was coming to a speedy close, a marked difference was observable in the willingness of many to supply information. Some, perhaps, thought that the whole inquiry would from that moment fall to the ground; but a greater number, I am persuaded, that there was no longer any authority to enforce their attention to its unpopular demands.

The greater part of the information required in my circular being indispensable before any future system of education can be brought into operation, the office of the commission at Quebec is kept open, and a competent gentleman appointed for the express purpose of collecting, digesting, and reporting upon the returns. Since my departure from Canada, I have received letters from him, stating that the answers come in very slowly; that there is a great disinclination on the part of some to take any trouble in the matter, and a determination on that of others to throw every impediment in the way of the inquiry. His experience strongly confirms my own, that no reliance is to be placed on the zeal or honesty of the localities, and that whatever is to be done, must be done by commissioners themselves visiting every spot, and in person setting their new system on foot. The only accurate details I am able to furnish, and I venture to call them accurate, not from my own knowledge, but from my complete confidence in the gentleman who collected them, relate to the city and suburbs of Quebec. It was a work of no small labour, as he had no authentic guide in his search, and was literally obliged to hunt out schools in every street and alley within that large circle, and as he made the most minute inquiries respecting each. These details are in my possession; they are hardly worth inserting in this report or in the Appendix, but are ready to be handed over, at a moment's notice, to any authorities that may hereafter have a use for them.

The following are the most important facts that they present:—

There are in Quebec 22 boys' and 23 girls' schools, among which latter are not however included those of the Ursuline and Sœurs de la Congrégation, &c. nunneries.

The total number of boys in regular attendance is 1,222, of whom 581 are English and 641 French Canadians. The total number of girls is 977, of whom 365 are English and 612 French. Accordingly, the gross number of scholars in regular attendance is 2,199; of this number only 548 can read and write well enough for ordinary purposes, and only 490 learn both languages, 46 English children learning French, and 444 French learning English. The whole yearly cost of these schools, arising from subscription, public grants and pupils' fees, is about 4,400*l*. Many of the masters and mistresses are utterly incompetent; and it is obvious, that, under a judicious system, twice this number of children might be brought together at half the cost, in a quarter of the number of schools, and receive an education incalculably superior.

With regard to the means of higher education, persons of British origin have hardly any, while those of French origin have them in too great abundance. It is impossible for an English gentleman to give his son a finished education in the province. If he wishes him to be instructed in the higher branches of mathematics, natural and moral philosophy, &c., he must either send him to Europe or the United States, or avail himself of the more imperfect opportunities afforded in the Catholic establishments of the colony. Political and religious animosities render them very averse to the latter alternative. Some fear what they consider the contamination of republican principles in the States, and all shrink from the expense and separation attending education in Europe. Under these circumstances, they cherish with great fondness the hope of seeing the establishment of a colonial university, on a broad and comprehensive scale. The better class of tradesmen,

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and the lower grade of merchants, are also without the opportunities of a good commercial education. It is true that there are some private establishments of the requisite description; but neither as regards number or quality are they adequate to the necessity.

I will now explain what is intended by the too great abundance of means of superior education enjoyed by the French Canadians. They have the two large seminaries of *Quebec and Montreal; the former giving instruction to about 350 pupils yearly, and the latter (from which I have received no return) to probably about the same number; and also the colleges of Nicolet, Chambly, *Berthier, *St. Anne de la Pocatière, St. Hyacinthe and *l'Assomption, which, perhaps, between them contain about 1,000 pupils. These are under the sole direction of the Catholic clergy, by whose benevolence they were originally endowed. Many of the pupils are children of common *habitans*. They receive a vastly superior education to the rest of the population, but, after their course of studies is completed, what is their lot? There are no public institutions in the province where their talents can be turned to account. The learned professions are overstocked, and many bring back to the humble home of their fathers a disappointed and discontented spirit; too proud to sink to manual labour, and without the opportunity of rising higher.

With the exception of the seminary of Quebec, I cannot speak from my own knowledge of the character of these colleges. I had intended to make a personal inspection of them, and had made preparations to commence my journey on the very morning the intelligence arrived from England which rendered it necessary for your Excellency to relinquish the government of the colony. From those in the above enumeration marked with an asterisk I have received returns. These I have also in my possession, and at the disposal of the Government. The seminary of Quebec is an admirably-conducted establishment; the zeal of its members unremitting, and their arrangements in every way most judicious. Mr. Holmes, who is at present at the head of the department of tuition, furnished me with a minute account of its history, management and resources. This establishment has never received assistance from the public chest, but has kept up a constant struggle to make its own resources meet its daily increasing expenditure. This, however, will not long be possible. In a petition, which the seminary presented to your Excellency, they complain that lands in France belonging to them, and yielding an annual revenue of 960*l.* sterling, had been confiscated at the French Revolution; and that, owing to sundry misunderstandings between their agent and the commissioners appointed to examine the claims of British subjects so situated, no compensation had ever been granted to them. The petition concluded with a prayer, that, if there was no further hope from that, quarter, they might be permitted under letters patent to acquire and hold in mortmain lands of equal value to those of which they were thus despoiled, subject, however, to the most specific declaration that might be required, that they were held in trust for purposes of education alone.

Similar attempts have been made by several other colleges, and some with success. A Bill to give generally a corporate capacity to all provincial institutions for education was passed by both Houses in 1834, but the royal sanction refused, on grounds very clearly stated by Lord Aberdeen, the then Colonial Secretary. In the course of this statement his Lordship observes, "that he is not disposed to attach any real importance to the unlimited power which this Bill would confer of holding in mortmain rent-charges of any amount for the objects of the proposed corporations. With the changes which time has introduced in the state of society and public opinion throughout Christendom, have passed away the greater part, if not all, of the solid reasons by which our ancestors were induced to contend against the immoderate growth of ecclesiastical and collegiate foundations; and maxims which might be just and useful in the densely-peopled states of Europe, possessing territories of comparatively narrow extent, would be altogether delusive if transferred to the continent of North America." His Lordship concludes by saying, "notwithstanding these objections, his Majesty cannot so far overlook the importance of the great object to the advancement of which the measure is directed, as to adopt any decision unfavourable to it. His Majesty earnestly trusts that a further Bill will be passed by the two Houses to obviate the difficulties I have pointed out, and in that event his Majesty's assent will be given with the highest possible satisfaction to the present, as well as to any such supplemental, enactment."

If any danger can reasonally be apprehended from the unlimited power to hold real estate, it would be very easy to prescribe a limit. The Canadians have great faith in the good effects of a general incorporation of educational institutions, as is witnessed by all the Bills from 1818 to 1824, wherein reliance for the eventual maintenance of schools was placed entirely on the charity, which was invited by such safe and encouraging provisions.

As regards the academies and colleges, of which I have been speaking, it is confidently asserted that, if a general Incorporation Act were passed, the greater part, if not all of them, would before long be in a condition to be independent of legislative aid.

The only Protestant endowment in the province is that of M'Gill's college. The history of this institution, the original bequest, the protracted litigation, and, at length, the final decision, are matters as familiar to persons in this country acquainted with Canadian affairs as in Canada itself. The college is not yet open; indeed, the building not yet erected. Its annual income, derivable from houses in Montreal, and money at interest, is about 644*l.* It is obvious that this endowment alone is insufficient for the purposes of a university, to which rank it is the wish of many to elevate this college; and it is doubtful whether the trustees of the Royal Institution, under whose direction it was placed

placed by the will of the testator, would acquiesce in the terms on which legislative assistance ought hereafter to be granted.

I abstain from giving in this place, which might appear the most appropriate for it, the views generally entertained as to the proper means and end of education by the most influential parties in the province, namely, the French and English laity, and the Protestant and Catholic clergy. I think they will be found better illustrated by their contrast or accordance with the principles I am now about to submit to your Excellency, as, in my opinion, affording the best foundation for a future scheme of national education.

I cannot, however, dismiss this part of the subject without remarking, that, though the picture of the present, as I have, not unfaithfully, drawn it, is gloomy, and in much unpromising, it has still its bright side. The very circumstances of the complete destruction of past systems, and the utter absence of any at the present time, are matters of great good fortune and congratulation, for now a clear field lies open for the future. Infinitely greater difficulties would have been in the way, if the claims of acting teachers were to be first considered,or if a school-system were still in force, interwoven with the affections or interests of any large portion of the people; but, as it is, there are no individuals to compensate, no old machinery forced upon our use; and on the site of the old ruins is ample unencumbered room for the erection of a new and durable edifice.

The great parent evil of Lower Canada is the hostile division of races. Every act of modern legislation bears the faithful impress of this hereditary deformity, and has imparted it with aggravated intensity to every institution or interest with which it has had to deal. Hence the imperfections and one-sidedness of all such institutions. In private life, the intense hatred of the two races does not often show itself in violent collisions, but rather in a rigid non-intercourse. From the moment they are born to the hour that they die, they are, to all intents and purposes, two separate nations. But, until these divisions are healed and the people united, until Canada is nationalized and Anglified, it is idle for England to be devising schemes for her improvement. In this great work of nationalization, education is at once the most convenient and powerful instrument. It is a hopeless task to attempt to reconcile the existing generation of antagonists. Their whole life has been one of civil warfare. But, for those that are yet unborn, a more auspicious future may be prepared.

In Canada, the child of French extraction is brought up out of the sight and hearing of the child of British parents. They never meet under the same roof; they are sent to separate schools; and they are told that the reason of this separation is, that the children of the rival school are heretics, or belong to another nation. They have no common hopes or fears, or pleasures or dangers—none of those kindly associations so easily born out of the familiarities of comradeship, and so faithfully retained throughout the vicissitudes of life. In short, upon entering into the world, they find no tie to bind them together, and all things around them inviting to hatred and hostility. But how different would be their feelings towards each other, were they brought up at the same schools; were they to play together, and receive the same punishment! They would then form friendships which would soften, if not altogether subdue, the rivalries of after life. A scheme by which the children of these antagonist races should be brought together, were it only for purposes of play, would be preferable to one by which they received a good education apart; but one, by which both union and instruction were assured to them, would be the first and most important step towards the regeneration of Canada.

The first difficulty in the way of such a scheme is, to divest it altogether of political and sectarian tendencies. There must be no room for politicians to turn it to selfish purposes.

The system must be permanent, and not liable to be disturbed by party dishonesty or caprice. No schoolmaster should vote at elections and any interference on his part in politics at any time should be punishable with removal, just as is the case in England with persons holding certain offices under the Crown. It should be made, moreover, impossible to make masterships, as heretofore, the reward to incompetent persons of past political obsequiousness, by refusing that office to any one who has not a certificate from a normal school, or some similar establishment. Such precautions, enforced by an honest and vigilant supervision, would, I have no doubt, rid a new system of the abuse which was perhaps the most fatal among the many in the past.

Another difficulty consists in the solution of these two questions: Is any religious instruction to be given in the future national schools? and, if so, how is it to be so given as to be acceptable alike to Catholic and Protestant? Throughout the United States, it is met by permitting no instruction of this description in the public schools beyond the reading every day, by the master, of a chapter in the Bible, and that without comment. The circumstances, however, of the two countries are different in some important respects. In the States, especially in those of New England, communications are more easy, the population more dense, and almost every sect in every locality provided with its religious teacher, and consequently with the means of obtaining religious instruction, independently of the school. In Canada, the minority in a parish or township have rarely any one to look to for it, except the schoolmaster; nor, indeed, can the majority place much reliance elsewhere, because the people are so scattered, and the distances so great, that the minister can only bestow that attention on few which all require. Recognizing, therefore, as every Christian must, the indispensable necessity of providing some means of religious instruction for children, and seeing the difficulty of finding them elsewhere than in the schools, it remains for me to show whether they can be introduced there, without at the same time offering violence to the reasonable jealousies of either creed.

There

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There are surely some points, and those neither few nor trifling, on which all Christians agree. The historical parts of the old Testament, the Psalms, the Gospels, and various passages throughout the sacred volume, instilling the principles of Christian morality, are acceptable alike to Catholics and Protestants. Such parts are eminently adapted for children. The dogmatical parts, such as one religion would not trust another to interpret, are eminently ill-adapted for them; therefore, it is precisely those parts of the Scriptures, concerning which, in every way, all religious denominations agree, that are best suited for the instruction of children. Is there any difficulty, then, in collating these parts, or are they insufficient for the object in view? If the book of Bible-extracts adopted in the national schools of Ireland be objected to, on the ground of injudicious selection, let delegates from each persuasion of Christians in Canada meet and agree upon some other selection, in which the same principle shall be observed, namely, that of excluding all controversial points, and in which such grammatical, philological or historical explanations as are deemed requisite shall be arranged at the end of each chapter, and form the limit to which the master's comments shall extend.

If some parts of the Bible are more important than others, they will be found in such extracts. In short, all that is therein should be read over and over again, marked and digested before a child travels beyond. It may safely be asserted that much more of the Scriptures may be so selected than ever will be read at elementary schools, and that the selection, made as it would be under the superintendence of able and discerning men, would be far better than could be expected from the discretion of the ordinary run of village school-masters. Under every system that has been, or ever will be, the Bible has been and will always be, in point of fact, read in extracts. The only difference is, that in some the extracts have been carefully made and separately bound together, and in others made at random and read from a volume which contained a great deal else, which was not read.

By this arrangement, provision would be made for religious instruction to a certain extent, in which all might participate. However, I see no difficulty in affording different denominations the opportunities of still further and more exclusive religious instruction, which they might enjoy without offending or interfering with each other. The book of extracts, I propose to be the only religious book used in school-hours, unless the board of delegates, to which I have referred, shall be ready to agree upon others of a similarly liberal character. Out of school-hours, that is to say, the first thing in the morning or the last in the evening, any minister or any body authorized in that behalf by the minister and the parents of the children, should be at liberty to teach them the catechism, or any thing else that might be deemed necessary. If confidence to such an extent can be placed by the majority in the master (for I think it should be considered a rule that, as generally as possible, the master should be of the religion of the majority), he can give them this extra religious instruction at either of those times, and the minority will understand that they are not to come till it is over, or to go away before it begins. Where, however, it is given by the master, an extra allowance should be made to him. In Catholic parishes the fabrique can without difficulty supply this trifling sum, and in the townships it must be raised by subscription.

Again, the time which is not fixed upon for this purpose by the majority may be devoted to the extra religious instruction of the minority, if any person can be found to supply it. By this arrangement the majority lose nothing, and the minority are guaranteed something that they would not otherwise get. Every child will have the means of religious instruction, of a sound and unimpeachable character, up to a certain point; and the children of the majority will continue to have precisely the same opportunity of receiving any further religious instruction, which they have hitherto been in the habit of enjoying, with this single exception, that it must be given either late or early in the day, and not, as heretofore, perhaps, in the middle of school-hours.

There is nothing in this which takes the religious instruction of youth out of the hands of the clergy. It, on the contrary, confirms it to them. The religion, which it teaches in school-hours, is such as they have already approved of, and all beyond is left entirely to their direction.

These views I put forward, much in the same language, in letters to the Catholic bishop of Quebec, and some of the principal members of the English and Scotch church. The answers I received were any thing but encouraging. The bishop, who spoke as the mild representative of the feelings of his clergy, seemed to find no fault with the proposal respecting the extracts, but directed his chief fears and hostility against the principle which I laid down as the great foundation of my system, namely, the importance of bringing the two religions and races together in common schools. He saw no advantage in such a union—(how few Canadians do, or will own that they do!)—and he clung with fondness to a scheme, which, together with the bishops of Montreal and Sidyme, and in the name of the Catholic Church, he had developed in a petition to your Lordship for the establishment of exclusively Catholic schools for the children of that persuasion.

He also feared the powers, which, in the system of which I drew him a sketch, I proposed to give to the superintendent or chief officer of education. He assumed that this functionary would never be a Catholic, and that he would invariably turn his influence against the Catholic Church. But, in the first place, I cannot see the justice of the assumption; and, secondly, whatever his religion may be, and indeed however illiberal his propensities, I conceive that my system would be so guarded against the possibility of this species of abuse, as to render the attempt much more dangerous to himself than to the religion which he sought to injure.

The

The hostility of some leading members of the Protestant Church was founded upon the principle which has become so painfully familiar of late years in these educational controversies. It is expressed in the 7th of a series of resolutions adopted at a meeting of some members of that body, a short time after my departure from Quebec, "That we feel it our duty candidly to avow the conviction, that, on the part of a Protestant Government, no system of education whatever should be termed a national one which is not based on the great Protestant principle of the unrestricted use of the Holy Scriptures;" in other words, upon the most unnational principle of exclusion of nine-tenths of the population. The recognition of this principle would be barren of any useful consequences to the Protestant Church, and it would be a declaration of war against the Catholic Church, whose ministers have been the only men of station among the French Canadians who never forfeited their fidelity to the mother country.

But why introduce the discussion of this principle into a school-system? I am for the unrestricted use of the Scriptures,—my Catholic neighbour is against it; but we are both agreed that, practically, in schools their use must be restricted; and therefore it would really seem very foolish of either of us to forego the advantages of education merely for the sake of asserting a principle which is not in the slightest degree affected by our assertion of it on such an occasion.

I am far from proposing to abandon this principle. In the pulpit, or by the family fireside, I would maintain its truth; but I conceive that its assertion, as proposed by the petitioners, would be attended with no practical advantage, but, on the contrary, with the great practical evil of for ever alienating the affections of the majority of our colonists, and of thwarting the surest means remaining to us of regenerating this unhappy land.

I do not wish to be understood as admitting that these are the opinions of the entire Protestant clergy; perhaps the exceptions are as numerous. The Episcopalian clergy are almost unanimously hostile to my scheme, the Presbyterian divided; but I fancy that I may claim the sympathy of a vast majority of the different bodies of Dissenters.

I hardly developed my views to one of the laity of British origin, who did not cordially enter into them. From this class the strongest support will be given to a liberal scheme. The laity of French origin are strongly averse to the amalgamating principle, and of course still more so to the kindred principle of Anglification, upon which this as well as all future Canadian institutions must be based. Such principles of course shock their feelings of nationality, and they would in all probability for a long time keep back their children from the contemplated schools, were not still more unpopular means resorted to to induce them to conform, namely, taxation. Hitherto unaccustomed to any contributions, the imposition of one even for this purpose would at first be considered a great hardship. But it is idle to dream of giving good institutions to Canada without calling upon its inhabitants for direct pecuniary aid. It is visionary to think of supporting an extensive system of education, simply by grants from the public chest, and equally so to rely on the voluntary sacrifices of a people, who would rather see their children altogether uneducated than set the dangerous precedent of doing any thing for themselves.

To indirect taxation, I found many Canadians not averse; but, upon argument, I found them differ greatly as to what were the best objects of such taxation: and the more general and better opinion I think was, that such a resource was uncertain and inadequate. However, there are many reasons besides its greater certainty, in favour of direct taxation. There is no waste in collection, and the parties who pay see how their money is applied. The feeling is irresistibly forced upon them, "If we are obliged to pay, we will have our money's worth;" and however unpopular the schools might be, the tax would soon fill them.

This truth I have shown, by extracts from their reports, to have been fully and frequently acknowledged by committees of the House of Assembly.

The principle adopted in the American systems would perhaps be the best; viz. to require each school district to furnish, by assessment among its inhabitants, an amount at least equivalent to the sum apportioned to it from the public funds. In the towns, perhaps, it would not be unreasonable to tax to twice that amount. After all, this tax, levied as it would be, generally, and according to certain proportions, upon the community at large, would fall far more lightly than did the demand, under former systems, upon parents sending their children to school of payment at the rate of 2 *s.* per month for each.

Supposing that 50 children attended school for eight months in the year, formerly 50 parents would have had to pay 16*s.* per annum a piece, making in all a sum of 40 *l.* Now I suppose in such a school district I may safely say there would be 100 taxable inhabitants. Accordingly, each (assuming they were taxed equally) would only have to pay 8*s.* to make up the 40*l.*; or supposing an extra 2 *s.* a piece necessary for fuel and books, only 10*s.* or two dollars. It is hardly worth while combating the argument, that the expenses of the education of children should be borne by their own parents, and that they cannot justly be imposed upon those who receive no benefit. They all receive a benefit; and if A.'s child cannot go to school because neighbours B., C. and D., who have no children, will not help to support the school, these same worthy neighbours deserve no public assistance in detecting or punishing the depredations which A.'s child, from want of a good moral education, and the vicious habits engendered by idleness, commits upon their property, or any other outrage he perpetrates against them.

Dr. Meilleur, a member of the House of Assembly, always an active member of the

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Education Committee, and one of the principal framers of the rejected Bill of 1836, says, in the "Populaire" of the 10th September 1838, that among other duties of local trustees there was this,—"d'obliger tous les infans à aller à l'école de leur arrondissement respectif, depuis l'age de 6 ans jusqu'à celui de 12 inclusivement, excepté dans le cas d'absence en assistant à une autre école, et ce sous peine d'une amende de 5 à 20 chelins, que les parens delinquens seraient dans le cas de payer aux sindics par suite d'une poursuite intentée par eux, et d'un jugement sommaire devant l'un des magistrats du comté. Le montant de telles amendes, s'il y en avait, serait employé à procurer aux enfans pauvres les choses nécessaires à leur école, tels que livres, papiers, &c. &c. L'obligation pour les parens d'envoyer leurs enfans à l'école commencerait du jour que l'école de l'arrondissement où serait leur demeure serait ouverte," &c.

As regards the character of this proposition, it is just as stringent as mine; but it has the fault of throwing the entire burthen on the parents, instead of dividing it among the locality. In addition to the payment of half the master's salary, the localities should be made, moreover, to supply the school-house and master with fuel, and to keep both houses in repair. Part of the original expense of building should be defrayed from the public education fund (provided that the gross amount of such payments should in no single year exceed a certain amount, say 2,500 *l.*), and the remainder by the locality.

Perhaps a larger assistance might be afforded under this latter head from the education fund for the first two or three years, because it would be impossible to bring the whole system into immediate operation, and many expenses might for that period be saved which must be incurred in a more advanced stage. These savings might with great advantage, therefore, be employed about this first and indispensable preliminary; and in the course of two or three years every district in the province might be supplied with its school-room and master's house.

Again, when the necessary number of houses is built, of course the annual allowance for that purpose will no longer be requisite. But are there no other purposes for which it might be advantageously continued? For instance, for the formation of district libraries, the collection of apparatus, &c.; on the system, however, in all cases of simply aiding the voluntary efforts of the district itself.

It is impossible for me, with my limited statistical knowledge, to form any but the roughest calculation of the number of elementary schools at present necessary.

The population of Lower Canada in 1836 was estimated at about 600,000; of this number, perhaps, 100,000 may be said to be inhabitants of the large towns. The average of children between 5 and 14 is generally supposed to be one in five of the whole population. Accordingly, there will be in the rural districts 100,000 children of an age to attend schools. Supposing, then, 1,300 districts were laid down, this would give between 70 and 80 children to each. Of these again, perhaps, 20 would be kept away from some cause or another, such as that they attended a superior or model school, or that they were infirm, or were employed at home in assisting their parents. The remaining 50 would be in regular attendance, and might easily be all well instructed by a competent master.

As it is notorious that there are some districts in the province habitually very poor, and that others are liable to occasional distress, it will be advisable to have a yearly sum to bring to their aid; such sum never to exceed 2,500 *l.* in any one year, and not more than 10 *l.* to be given to any one district.

In addition to the elementary schools, it will be necessary to have some of a higher description dispersed over the province. Indeed it may be as well at once to adopt for this purpose the provision of the Bill of 1836, by which it was proposed to erect a model school in each county.

The cost of these to the education fund, supposing an allowance of 50 *l.* a piece to 40 counties, would be 2,000 *l.* per annum. A sum of 20 *l.* additional might without difficulty be raised in each county, so as to raise the master's salary to 70 *l.*; the allowance of the 50 *l.* being in every case conditional in the previous collection of the 20 *l.*

These model schools are of infinite importance, because they not only supply the means of a better kind of education to the better classes in each county, but may be made to hold out strong incentives to the ambition of both masters and scholars of elementary schools.

By the masters they might be considered in the light of 40 prizes, to which any one of them might reasonably aspire; and a promotion to which, supposing an equality of qualification, should go by preference to an elementary schoolmaster of the county in which the vacancy occurs.

Again, there might be attached to each model school, to be raised in like manner from the county, a sort of scholarship of the yearly value of 10 *l.* This sum, which of course may be increased to any amount that is pleased by voluntary subscriptions, should be devoted towards the maintenance at the model school of a best boy from each parish, to be elected by the inspector or school visitors of the parish from candidates from each school in it. This boy should intend to devote himself to the occupation of teacher, and after having completed his studies there, should have a certificate of qualification for the "indigent list" at a normal school, or some academy receiving government assistance.

There are 40 counties in the province, and, on an average, six parishes or townships in each. Accordingly, each best boy would receive a little more than 1 *l.* 13 *s.* a year towards his maintenance, which would be a consideration to many who at the model schools would be out of reach of their own homes, and which, taken with its consequences, would present an infinitely preferable object of ambition to that of the 10 *s.* prize-money of past systems. I am aware how unevenly this fixed reward would operate in different parishes according to the

the number of school districts in them; and, no doubt, the suggestion is susceptible of much improvement. My object is merely to throw it out as one which will be advantageously kept in view.

Thus there would be in every district a master doing his best to be promoted to the model school, and a rivalry among the scholars to be sent there as "best boys." From the model schools these latter would get certificates for the normal schools, and ultimately obtain masterships which would ensure a provision for life.

In the three normal schools 500 *l.* per annum should be devoted to the support of the "indigent list," which would contain 240 members, upon the calculation of parishes above referred to, thus assuring to each such member an aid of a little more than 2 *l.* per annum.

The nature of these schools is too well known to require any minute description. Attached to each should be an elementary school, where the future masters should have the opportunity of learning the most approved method of teaching; and I would strongly urge that to each should also be attached a considerable farm, on which the pupils should daily work, and where, under the superintendence of a competent professor, they should make themselves perfectly acquainted with the various modern improvements in agriculture. Hereafter, when the national system is in full operation, it will be necessary to require of every person desiring to be a schoolmaster under it, a certificate of qualification from the normal school or some other, which shall be deemed an equivalent qualification. I should conceive that each of these three schools to be efficiently supported would require an annual support, at all events, for a long period, of 1,000 *l.**

Both normal or model schools ought immediately to be set on foot, because they may both be made to supply one of the first wants of the new system, namely, competent teachers. It is very clear that many of those first appointed, whatever pains may be taken to select them, will be in need of instruction themselves. I would therefore suggest, that all masters of elementary schools should be obliged for a certain period every year to attend the model schools in their county, until they receive a certificate of "complete qualification" for their duties. With this view there must either be a difference between the times of vacation in the model and elementary schools, or the masters of the latter during their attendance at the former must provide teachers to carry on their business for them. By this preparatory education the competency of future masters would be ensured. They must also, of course, bring to the normal schools, and carry from them untarnished, testimonials of good private character. If at a subsequent period any of them should be guilty of any great immorality, they will be removed by the proper authorities.

The certainty of a salary of at least 30 *l.* per annum, besides house and fuel, and the further prospect of promotion to a model school, or to some better supported (from local advantages) than their own, would hold out sufficient inducement to men of character and talent to follow the calling of teacher, which then, instead of being, as now, the worst in the country, would be among the best. Perhaps the erection of new institutions, or the provisions of new laws, such, for instance, as those of a Registry Act, may create duties which the schoolmaster may be the most fitting person in the locality to perform. Here at once there would be a safety-valve for all that waste talent which I have described as finding no outlet under the present system, and endangering society by its irregular outbreaks. Here are at once 1,300 new places of profit to which well-educated men may look for honourable support.

But not only are these incentives held out to masters; their power of doing harm is much abridged; all interference with politics is interdicted, under penalty of removal; their powers of interference in matters connected with religion are strictly limited; their scholars are obliged to bring with them books specified by a superior authority; in short, little is left to a master's mere discretion; his chief care must be to act up to his instructions, and to maintain his character for decency and diligence.

I now come to the provisions for inspection and supervision, in which the vitality of every system of education must essentially reside. However good the scheme may be in theory, with whatever precautions it may be guarded in written books of rules and Acts of Parliament, all is of no avail unless that scheme is watched, and those precautions enforced by an honest and active inspection. The church, and more especially the Catholic branch of it, have long maintained that the education of the people is emphatically their department, and ought by right to be subjected to their immediate control. Heretofore, when that body monopolized all the learning of the times, it was right to concede this claim; but a different distribution of intelligence exists in the present day. The science of education is now more generally known, and a more general interest felt in its advancement. The people every where assert their right to some share in the management of institutions for which they pay, and which are intended for their benefit; and a long experience has shown the advantage of paying well for direct responsibility over confiding to the zeal of unremunerated, and therefore independent, service.

Clerical control and national schools are incompatible in a country where there exist two religions; and it is very certain that the clergy would not be over anxious to carry out a scheme

* The normal schools should, if possible, be in the neighbourhood of each of the three great towns. There is a farm near Beauport, forming part of the Jesuits' estates, now under a lease which will shortly expire, and the remainder of which might advantageously be purchased. This would be a most desirable spot for the normal school in the district of Quebec. It would also be of great utility to attach a farm to each model school. I imagine that there would be little danger of the cost of purchase and implements, &c. being before long repaid out of the produce.

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scheme founded, like the one which I have sketched, on the principle of perfect religious equality.

The Catholic clergy are very hostile to any plan which does not give them the nomination of masters, at all events, in Catholic parishes. They assert that there is no other guarantee of their morality. The experience of the class of persons who filled that office under previous Canadian systems, by the appointment of illiterate and partizan trustees, justifies to a great extent their jealousies on this point; but I conceive that, under the management which I have in view, there is no room for their apprehensions.

But I would give the resident clergy a concurrent power with the local trustees in the selection of masters; and in their character of visitors, which they should be *ex officio* in all their parish schools they would have the opportunity of reporting upon any misconduct which they might discover in them, and forcing an investigation by the proper authorities. That this investigation is not to be honestly conducted under the precautions which I propose to enforce is an ungenerous and unwarranted imputation.

I now come to the question of popular or local control. The past systems, which left the entire direction to trustees elected by the inhabitants, afford a bad example of the consequences of unchecked local control; and if a new system, however superior in other respects, were left to similar management, I see no reason for expecting for it a different fate. At the same time, in matters so interesting to every locality as the proper conduct of the schoolmaster, the proper expenditure of school monies, and, in general, the proper working of the school system, it is clear that they should have some direct and considerable control. Perhaps, however, instead of taking up any more time by abstract arguments, it will be better to give at once a slight sketch of the machinery by which I propose to carry on the government of the national system.

I will begin by assuming that the country is to be divided into municipalities, of an extent suitable to the operation of my plan. In each municipality a certain number (say three) school-commissioners should be elected, in the same manner and at the same time as the other local officers. One of these should go out yearly, there being, however, no restriction as to re-election. Their duty should be to receive the government allowance for all the schools in the municipality, and to distribute their respective shares to the trustees of each district. The legal estate in all the elementary school-houses in their municipality, and in all the real property attached to them, should be vested in them; and they should direct, subject to appeal, the formation of new districts*. They would have to report to the inspector annually upon the financial concerns of the municipality under their management; and also, at the proper time, upon the districts that they have formed, or those that they have proposed and have been objected to, together with the statements *pro* and *con*.

A district being formed, three trustees should be elected by the inhabitants, in the same manner and for the same period as the commissioners. Their duties would be to superintend the financial concerns of the district. They would have to collect the tax, and hold the government allowance, making quarterly payments of both to the master. They would also see that the provisions of the law respecting the repairs and warming of the school-house, &c., were properly attended to; in short, they would manage the daily concerns of the school. To them, in conjunction with all the ministers of religion in the parish or township, should be intrusted the appointment of the master. Of course the person they select must possess the certificate from a normal or other school; in short, all the qualifications required by law. Once, or oftener, they must report to the inspector, and a copy of their report be posted in some conspicuous place, or deposited somewhere where all the inhabitants might have access to it.

There should also be a board of school visitors in each municipality, composed of the following members; the resident ministers of religion, two residents appointed by the inspector, and two annually by the municipality. Their duties should be to inspect the reports of the commissioners and trustees before presentation to the inspector, and make their comments thereon if necessary; to visit (in a body of three at least) each school four times a year, at irregular periods, and without notice, and to report quarterly to the inspector. A copy of their report should also be placed within reach of the inhabitants of each district. If there is any difference of opinion among the visitors, the same should be expressed in the report.

In the three large towns this management must be slightly different. In each a certain number of public elementary schools (liable of course from time to time to considerable variation) should be established by commissioners elected for that purpose, in the same manner as the other municipal officers. At the same time should be elected (say 19) trustees to have similar powers with those in rural districts, a certain number going out yearly, and others being elected in their stead. The visitors should be the heads or seniors of each religious denomination, or their deputies; five persons elected by the municipality, and five by the inspector. The same regularity of reporting and publicity, &c., will be required here as in the country.

The province should be divided into three inspectorships, comprising as nearly as possible an equal population, and under the direction of three inspectors appointed by the Governor; one to reside at Quebec, another at Montreal, and the third either at Three Rivers, or some more convenient place. Their duties should be to receive and collate the reports

* There have been so many complaints of the past unfairness of the divisions of districts, that I should recommend, as I have before said, the first arrangements of this description to be made under the immediate superintendence of an Education Commission.

reports of all subordinate officers; to determine, subject to appeal to the superintendent, all questions relating to the schools in their inspectorship; and to report twice a year to the superintendent, each report to be printed in one or more newspapers most in circulation in that part of the country, and a copy to be sent to each municipality. Once a year, if possible, or, at all events, twice in three years, they should visit every school of every grade, in their inspectorship, receiving government aid. These are offices of so much importance, that in order to attract well-qualified persons a handsome salary must be attached to them. For this purpose, I should think 400*l.* a year to each would be sufficient, with an additional 100*l.* for travelling expenses.

The office of superintendent or chief officer of instruction ought to be one of the highest dignity in the province. He should keep himself (and so should the inspectors), under penalty of removal, completely aloof from politics. He is to be trustee of the permanent education fund, and is to distribute it according to the precribed proportions. He will have to lay down rules as to what books are to be used in schools, the hours of attendance, &c., and to interpret the Act under which the system is created. His decisions should be binding in all matters relating to school discipline. He should receive the reports of the inspectors, and lay them, together with his comments on them, as well as his observations on the general concerns and condition of education in the province, annually before the legislature. This report, like all the others, should receive the widest possible circulation. He should reside at the seat of government, where an office and secretary should be found him, and should have a suitable salary, say 800*l.* a year. As the working of the system will materially depend upon this officer, it is needless to urge the necessity of a discreet selection, and of the most careful accuracy in defining his powers. Both he and the inspectors should hold office during good behaviour. There is some difficulty in determining the authority by which their alleged offences should be tried, and by which, in case of conviction, they should be removed. Perhaps, if a new court of appeals is established, on the principle which I understand is in your Lordship's contemplation to recommend, such would be the most fitting tribunal to adjudicate in these cases.

Such, then, my Lord, are the principles on which, in my opinion, a national system of education for Lower Canada should be based, and such the rough outline of the machinery by which it should be worked. I have made no attempt at originality, but have constantly kept in view, as models, the systems in force in Prussia and the United States, particularly the latter, as being more adapted to the circumstances of the colony. The office of inspector is somewhat new to that system, and provides, I think, against its most serious defects, but almost every other suggestion which I have made is vindicated by the most successful experience in one or the other of those countries.

From a system so founded and so managed, I anticipate the happiest results. It would be one into which religious dissensions could not find their way, and which political men would have no power to pervert. It would impress upon the people the important truth, that education was as much their own concern as that of their rulers. It would forward energetically the great national objects we should have in view,—uniting the two races and Anglifying the Canadian. It would be provided with teachers well qualified in station, character and acquirements; and pursuits of utility would be encouraged in forms at once popular and practical. A general feeling of emulation would be created, both among masters and pupils, by the prospect of honourable and substantial distinction. Its faithful administration would be guaranteed at once by the interestedness of its subordinate officers, and the disinterestedness of the superintendent and inspectors; but, above all, by that best of human securities, the perfect publicity of its minutest details.

That such a system will at first be assailed by a great many objections, I will admit. By the great mass of Dissenters and by nearly all the British laity, I believe, it will be fully approved. And, indeed, to each of those parties, among which its opponents will be found, there will be many parts of it highly acceptable. All religious denominations, for instance, will approve of its guarantees against political contamination, and politicians will not find fault with its being placed out of the control of the Church. Of course, a variety of exceptions may be taken to the details of my scheme, particularly to my imperfect development of them, but by these I do not profess to abide. I thought some such sketch as I have given was necessary for the illustration of it, and I am quite ready to believe that, in order to render it practicable, many important alterations must be made.

If, however, the unpopularity and not the intrinsic merits of measures is to be a consideration now, I should conceive that the trouble of legislating for Lower Canada might as well be spared. Unless the principle of Anglification is to be unequivocally recognized, and inflexibly carried out, of course all such proposals as mine must fall to the ground; but, if it is to be recognized and carried out, where will its popularity be found? Is it not, in other words, waging direct war with the dearest prejudices and fondest hopes of the vast majority of the people? and can any caution, in the way of half-measures or of delay, deceive them as to the object, or disarm or even mitigate their hostility? It is not without feelings of sincere aversion that those who avow liberal principles of government can so far abandon them, as to entertain propositions like these for trampling upon the opinions and feelings of the majority. But, yet, in Lower Canada, original blunders and continuous mismanagement have produced such desperate diseases as to leave none but desperate remedies. The colony will not be worth our keeping unless it is Anglified. The French

 majority

Appendix (D.)

majority detest and will resist such an attempt. If made, it must be made at once, and vigorously,—openly avowed and steadily pursued. Every new institution given to the country must be subservient to this end, which, the sooner accomplished, the shorter the struggle, and the earlier the recompense; but, in the painful interval, popularity must not be hoped for, conciliation not attempted.

Such considerations alone have induced me to submit suggestions, which I feel sure, under other circumstances, would be repugnant to your Excellency's generous disposition and liberal principles.

A question still remains—"How is this system to be supported?" The annual demand on the permanent fund for the maintenance of the elementary school-system, when it is in full operation, would, on the foregoing calculation, be about as follows:—

	£.
15 *l.* a piece towards masters' salaries to 1,300 schools	19,500
Towards building houses	2,500
Towards relieving poor districts	2,500
50 *l.* a piece to 40 model schools	2,000
Three normal schools, including 500 *l.* between them for "indigent list"	3,000
Three inspectors, including travelling expenses	1,500
One superintendent, secretary and office	1,000
Printing, &c. in different departments	500
£.	32,500

The elementary schools in the three great towns are still unprovided for. Considering their large population, and that there every child would be within reach of the schools, a less sum than 1,000 *l.* a year to each of the cities of Quebec and Montreal, and 500 *l.* to Three Rivers, would not be sufficient. Before, however, either should be entitled to its grant, it should have raised, by taxation, a sum of twice that amount. This would raise the annual charge on the education fund to 35,000 *l.* The cost to the inhabitants, to be raised by tax, and added to the above sum, would be, in town and country,—

	£.
Towards masters' salaries in elementary schools	24,500
Ditto in model ditto	800
Towards scholarships	400
£.	30,000

Great as these two amounts appear, they are not under either head as large as would have been required to carry out the provisions of the rejected Bill of 1836. The sum to have been supplied from the public chest, for the support of elementary model and normal schools, would have amounted to upwards of 40,000 *l.* per annum; and the following sums would have been raised from the inhabitants by assessment, or by monthly or irregular payments.

The country was to be divided into 1,658 districts. Now, supposing, that in each school there was only the minimum number of children (namely 20) in attendance for eight months only in the year. Each of these being required to pay 2*s.* per month, the aggregated payments under this head, arising from the inhabitants, would have amounted to 26,528 *l.* This is supposing, as I have said, that only 20 children were in attendance at each school, or 33,160 in all; whereas the number of children throughout the province, between 5 and 14 years of age, is calculated at about 100,000.

In addition to these monthly payments, localities were made to contribute 2,000 *l.* a year as their share towards the salaries of masters of model schools. Their share in the cost of building school-houses, was to have been 2,000 *l.* a year at the least, I believe; and estimating the cost of books at only 72 *l.*, there would be coming on the whole from the pockets of the inhabitants, in respect of elementary education in the rural districts alone, a yearly sum of 30,600 *l.*; whereas under the system I propose, the inhabitants of the same districts would be only taxed to the yearly amount of 25,000 *l.* There is this further difference, I think, in favour of mine, that the raising of the 30,600 *l.* fell entirely upon, at most, 33,160 parents, whereas my 25,000 *l.* will be divided probably between 200,000 tax payers.

Under the system, then, proposed by the Bill of 1836, 33,160 children might receive a very miserable education at a cost of about 71,000 *l.* per annum; under the system I propose, at least twice that number of children may receive a very excellent education at a yearly cost of only 57,000 *l.*

Still, however, the question remains unanswered, from what source is a permanent education fund of 35,000 *l.* per annum to be raised? The only means towards it at present available to the province, are the yearly revenues of the Jesuits' estates and the 20,000 *l.* belonging to the same fund, which are, or which ought to be, in the hands of the receiver-general. The 20,000 *l.* if well invested, might produce 1,200 *l.* a year; and the estates under

under good management, to yield an available income, shortly, of 3,500*l.*; hereafter, possibly, of 5,000*l.* or 10,000*l.** Still 30,000*l.* a year, remains to be permanently secured.

The only sources to which to look for this, are probably the following:—

1st. A compensation from the Home Government for the Jesuits' barracks, which in point of justice belong, of course, just as much to the education fund as any other part of these estates. This though no more than an act of justice, would be felt as one of grace.

2d. The clergy reserves. There is no doubt as to the almost universal popularity of such an appropriation of this much-disputed fund. The entire Episcopalian clergy, and half the Presbyterian, would be violently opposed to it; but I think I may say, that with very few exceptions, every one else in the province would hail it as a happy expedient for at the same time putting an end to a great national quarrel, and conferring a great national boon.

It is impossible to estimate with any exactness the value of this concession to the education fund; but perhaps it may be safe to say, that, in addition to what may be permanently secured from the above and other sources, annual appropriations of from 20,000*l.* to 25,000*l.* will still be needed from the provincial treasury. This is much to be regretted, but there is no alternative. Complete independence of the legislature is of course unattainable; but it is to be hoped that, if that body is reconstituted or reformed, the cause of education need not henceforth apprehend danger from the indifference or dishonesty of any of its component parts.

In his annual report, the superintendent will lay before each branch of the legislature an account of the expenses of the system, and, after meeting them as far as he is able by its "permanent funds," will apply to the province for the remainder. If this is refused from any capricious motives, the system must fall to the ground; but such a refusal would argue a state of things in which it would be impossible for education or any other useful institution to thrive.

I have as yet said nothing of the encouragement of superior educational institutions. The best system for adoption respecting these would perhaps be one closely resembling that in force in the state of New York, namely, to distribute annually a fixed sum between all the establishments of this grade in the province (with certain provisions as regards legal incorporation, property and tuition) in proportion to the number of pupils attending each. They should have been incorporated in accordance with the provisions of a general incorporation law, and their permanence thereby secured. They should have been endowed to a certain reasonable extent, and their teaching should be of a certain character, so as to give them the rank of academies or colleges. They should be subject to an annual visitation of an inspector, and be required to conform to such purely literary injunctions as might from time to time be specified as conditions of the public grant. One invariable condition should be the teaching of English, in a manner satisfactory to the inspector.

An amount of probably from 4,000*l.* to 5,000*l.* per annum would be necessary to serve as an incentive to the erection and endowment of such institutions. A portion of this sum might with advantage be laid out in the shape of a contribution towards academies, which should themselves raise a like sum, (50*l.* for instance) for the purchase of books and apparatus. It would be desirable also, in consideration of the lamentable deficiency of the means of superior education within reach of the higher and middle classes of British origin to devote 250*l.* per annum towards the support of each of two large English grammar or public schools at Montreal and Quebec, upon a like sum in each place being first of all provided by voluntary contribution. These schools, however, should be open to all, the teaching being entirely in English. The same restrictions as to religious instruction should be in force as in the elementary schools. The trustees should be chosen by the subscribers out of their own body. The nomination of the masters should originate with them, but be subject to the approval of the superintendent; and, in case of disagreement, the Governor should decide.

Nor would this annual grant of 5,000*l.* for superior education quite equal those made for a similar purpose for the last five years, the average of which was about 5,200*l.*

The claim upon the permanent fund would now, for the entire support of every species of education, amount to 40,000*l.* per annum.

I have before noticed the great anxiety of the higher class of colonists of British origin for the establishment of a university. I am fully sensible of its advantages, but will abstain from saying more on the subject than that its character and means of support must depend materially upon the nature of the future government of Canada. If any union of the British North American provinces is effected, a university, jointly endowed by them, might be erected on a most comprehensive scale, embracing faculties of arts, theology, law, medicine, &c. Its proper seat would seem to be Quebec.

In conclusion, if any system such as I have sketched should ultimately be adopted and confirmed by law, I should strongly recommend that it should gradually be put in force by a board of commissioners somewhat similarly constituted to that of the board of Poor Law Commissioners in this country.

The following would be among their earliest duties. To set the normal and model schools in operation, and at once open the elementary schools on the new system in the three

* Mr. Dunkin, in his report, which I had not received when the above was written, estimates the probable future income of the Jesuits' estates at a far higher amount.—*See* Appendix (A.) p. 160.

Appendix (D.)

three great towns; to lose no time individing the country into districts, either personally, or by means of assistant commissioners, visiting every locality, and superintending the necessary arrangements; and to appoint two committees, one composed, as before suggested, of clergymen of different persuasions, to prepare a book of Bible-extracts; and another composed according to their discretion, and under their own immediate control, of persons whose province it should be to draw up a list of books fit to be used in the elementary, model and normal schools, and also a series of rules and regulations for their management, in strict conformity with the provisions of the new Act.

Until the system should be sufficiently advanced to require the aid of the inspectors and superintendent, this commission would of course continue to sit and exercise their functions.

Such, my Lord, are the principal suggestions for a future plan of education for Lower Canada, which the past history and present condition of that country, and the analogies of similar experiments in other countries, in my opinion, combine in recommending.

In laying them before your Lordship, I am fully sensible of their many imperfections.

I have, &c.

(signed) *Arthur Buller.*

APPENDIX.

Appendix (A.)

JESUITS' ESTATES.

RETURNS made to EDUCATION COMMISSION, 1838.

(A. 1.)—EXTENT, &c. of PROPERTIES within the JESUITS' ESTATES.

Name.	Dimensions. Front. (Leagues)	Dimensions. Depth. (Leagues)	Square Arpents.	Arpents Surveyed.	Arpents Conceded.	Old Concessions.	New Concessions.	Arpents Unconceded.	Land otherwise disposed of than by Concession. Extent and Disposition.
Seigniory of:									Arpents.
Sillery	1	1 1/2	10,584	10,584	10,380	10,228	152	200	For the Church - - 4
St. Gabriel	1 1/2	10	105,840	41,600	40,000	13,000	25,400	65,570	,, 2 ditto - - 6
									,, 3 Mills - - 270
									Indian Reserve - - 1,600
Notre Dame des Anges	1	4	28,224	28,224	27,744	22,744	5,000	-	For the Church - - 4
									Meadows of Auvergne, under lease - - 28
									Domain Farm, under lease 272
									Mills - - ditto - 180
Belair	1	2	14,112	14,112	13,902	9,187	4,715	210	
Isle aux Reaux	- -	- -	336	- -	336	336			
La Vacherie	- -	- -	88 1/4	- -	22 3/4	- -	22 3/4	9	Hare Point - ditto - 53
As from an original survey exclusive of streets.									Beach Lot - ditto - 3 1/2
									Roman Catholic Church - Free 1 1/2
									Marine Hospital Grants 2 1/2
									Episcopal Church 1
City of Quebec	- -	- -	See List of Emplacements		- -	- -	- -	- -	- - college and garden used as barracks, and part of Garden Street. An irregular spot of ground near the gaol, occupied by the Fire Society. Ditto on Rampart Street, granted to the National School. Ditto to the congréganistes of Notre Dame.
Point Levy	- -	- -	960	960	960	960			
Saint Nicholas	- -	- -	1,180	1,180	1,180	1,180			
Seigniory of:									Arpents.
Batiscan	2	20	282,240	70,054	66,439	41,078	25,361	209,937	Domain Farm, under lease 360
									For use of mills - - 125
Cape Magdelen	2	20	282,240	63,000	- -	- -	26,000	193,000	Forge Reserve, under lease 25,940
Island, St. Christopher	- -	- -	80	- -	80	80			
Town and Banlieue of Three Rivers.	- -	- -	675 8/100	675 8/100	594 8/100	594 8/100	- -	81	- - trustees of common claim this as being in possession - - - 35
La Prairie	2	4	56,448	56,448	56,443	56,400	43	- -	Toises. - - two vacant lots reserved for a college and market place - - - - 2,585
City of Montreal	- -	- -	3 68/100	- -	- -	- -	- -	- -	- - with the exception of 520 toises, comprising three emplacements, the whole is occupied by Government for a court-house and gaol.
Tadoussac	- -	- -	6	- -	- -	- -	- -	6	
On River Meanies	- -	- -	400	- -	- -	- -	- -	400	

Office for the Management of the Jesuits' Estates, Quebec, 5 October 1837.

J. Stewart, Com.

(A. 2.)—ARRIERE FIEFS within the JESUITS' ESTATES.

In what Seigniory.	Designation and Dimensions.	No. of Square Arpents.	Date of Grant.	Name of Original Grantee.	Name of Present Holder.	Annual Rent and Charge.	Receipts at 30 September 1837.	Arrears at 30 September 1831.	Arrears at 30 September 1837.
Sillery	Monseau	566	1637 to 1652	Ursulines & others	Charles Panet	Foi & Hommage			
	St. Ursule	253	11 Feb. 1654	- ditto -	Ursulines	To furnish aven et dénombrement every 20 years.			
Notre Dame des Anges.	Grandpré	2,498	28 Apr. 1659	Jean Madry	Mrs. Zouch	Foi et Hommage, and one year's revenue every mutation.			
Batiscan	1/4 League in front. 1 League in depth.	- -	1 Aug. 1664	De la Touche	D. Monro and M. Bell.	Foi & Hommage			
Cape Magdelen	Hertel	1,100	- - -	- - -	- - -	A beaver-skin every third year		- - not known.	
	Marsolet	1,520	- - -	- - -	- - -	- - - - ditto -		- - - ditto.	
	La Pierre	860	- - -	- - -	- - -	A mark of silver every mutation		- - - ditto.	
	La Poterie	100							

Office for the Management of the Jesuits' Estates, Quebec, 5 October 1838.

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(A. 3.)—PROPERTIES under LEASE.

Where situated.	Description.	Date of Lease.	Lessees.	Period.	Annual Rent.	When Lease will Expire.	REMARKS.	Arrears at 30 Sep. 1831.	Arrears at 30 Sep. 1837.
				Years.	£. s. d.			£. s. d.	£. s. d.
Seigniory of Sillery - -	Cove - - - -	14 September 1832	W. and G. Pemberton -	7	150 – –	1 May - 1843	And 200 *l.* per annum for 14 years more.		
	Ditto - - - -	„ „ „	John Leather - - -	–	150 – –	„ „	Ditto in favour of H. Sharples.		
	Ditto - - - -	30 January - 1836	J. and J. Jeffery - -	–	750 – –	„ „	- - disputed in consequence of the old lessee remaining in possession.	- - -	750 – –
	Ditto - - - -	31 „ „	B. Hough - - -	21	30 – –	1 May - 1857			
Seigniory of St. Gabriel -	Grist-mill - - -	29 October - 1831	T. Plamondon - - -	7	67 – –	1 December - 1838	- - - - - - - - - - -	- - -	79 6 6
	Ditto - - - -	11 „ - 1836	D. C. Towner - -	7	69 – –	1 October - 1843	- - - - - - - - - - -	- - -	34 10 –
	Oat-mill - - - -	4 June - 1838	Jos. Dery - - -	7	15 – –	2 June - 1845			
Seigniory of Notre Dame des Anges.	Grist-mill - - -	8 April - 1832	J. Henderson - - -	7	27 10 –	1 October - 1839	- - - - - - - - - - -	- - -	27 10 –
	Ditto - - - -	14 August - 1837	Jas. Hayes - - -	7	107 – –	10 July - 1844	- - - - - - - - - - -	- - -	53 10 –
	Farm - - - -	- - - -	A. Anderson - - -	–	90 – –	- - - -	This was a sal efor 1,500 *l.* à Constitut - - -	245 – –	685 – –
	Ditto - - - -	- - - -	Chas. Smith - - -	–	110 – –	- - - -	Ditto - - 2,200 *l.* - ditto.		
	Ditto - - - -	27 April - 1838	John Lane - - -	7	120 – –	1 May - 1845			
	Meadows of Auvergne -	12 October - 1835	B. Lachance - - -	7	20 – –	1 May - 1843	- - - - - - - - - - -	15 – –	
La Vacherie - - -	Hare Point - - -	11 „ - 1830	Chas. Smith - - -	21	40 – –	1 May - 1850			
	Beach Lot - - -	25 January - 1837	J. Jeffery - - -	7	28 – –	1 October - 1843	- - - - - - - - - - -	28 – –	56 – –
Seigniory of Batiscan -	Grist-mill - - -	31 October - 1834	L. Marchand - - -	7	- - -	1 May - 1841	Lease on shares, say two-thirds of the mouture.		
	Ditto - - - -	11 July - 1835	N. Marchand - - -	7	- - -	1 May - 1842	Ditto - - - ditto - - - ditto.		
	Ditto - - - -	18 April - 1836	F. Massicott - - -	7	- - -	1 May - 1843	Ditto - - - ditto - - - ditto.		
	Ditto - - - -	4 September 1832	L. Marchand - - -	–	- - - -	- - - -	- - he has a deed of permission to grind on payment of 25 minots wheat annually.	- - -	8 6 8
	Farm - - - -	7 April - 1834	J. and W. Somerville -	7	15 – –	1 May - 1841	- - - - - - - - - - -	- - -	10 9 6
	Ferry - - - -	- - - -	- - - - -	–	1 – –				
	Ditto - - - -	- - - -	Proteau - - - -	–	1 – –				
	Ditto - - - -	- - - -	Lacourcière - - -	–	– 10 –				
	Grand Chute - - -	- - - -	- - - - -	7	27 5 –				
Seigniory of Cape Magdelen.	Reserve for use of forges -	24 April - 1834	Honourable M. Bell - -	10	75 – –	1 January - 1834			
	Grist mill - - -	10 October - 1837	J. Marchand - - -	7	146 – –	20 October - 1844			
Seigniory of La Prairie -	Ditto - - - -	6 February - 1835	Widow Dunn - - -	7	- - -	7 September 1841	Pays 1,100 minots wheat annually.		

Office for the Management of the Jesuits' Estates,
Quebec, 5 October 1838.

J. Stewart, Com.

(A. 4.)—STATEMENT of the REVENUE of the ESTATES heretofore belonging to the late ORDER of JESUITS, in each Year, from 1 October 1831 to 30 September 1837. (Expenses of Commissioner's Office included.)

PROPERTIES.	From 1 October 1831 to 30 September 1832.			From 1 October 1832 to 30 September 1833.		
	Gross Receipts.	Expenses.	Nett Receipts.	Gross Receipts.	Expenses.	Nett Receipts.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Seigniory of Sillery	793 8 6¼	106 1 6	687 7 −¼	867 5 8½	101 12 11½	765 12 9
„ St. Gabriel	313 11 8¼	254 10 10	59 − 10¼	250 15 8	33 14 1	217 1 7
„ Belair	65 2 2½	6 10 2½	58 12 −	52 7 4	44 4 9	8 2 7
„ Notre Dame des Anges	437 18 −¼	43 15 10	394 2 8¼	356 2 8½	42 19 11	313 2 9½
La Vacherie	112 9 5	11 4 11½	101 4 5½	165 6 8½	18 10 8	146 16 −½
City of Quebec	16 − 3	2 17 −¼	13 3 2¾	184 8 −	19 3 4¼	165 4 7¾
Point Levy and St. Nicholas	2 3 9	− 4 4½	1 19 4½	16 11 10½	1 13 2¼	14 18 8¼
Seigniory of Batiscan	551 3 8½	477 1 11½	74 1 9	343 13 10	189 15 11½	153 17 10½
„ Cape Magdelen	214 12 10	24 1 9¼	190 11 −¾	42 19 1½	13 16 2½	29 2 11
Town of Three Rivers	42 6 8	4 4 8	38 2 −	- - -	- - -	- - -
Seigniory of La Prairie	1,225 16 10	292 7 5	933 9 5	963 17 9½	105 13 3½	858 4 6
TOTALS, Currency	3,774 14 4¾	1,223 − 6½	2,551 13 10¾	3,243 8 9	571 4 4½	2,672 4 4½

PROPERTIES.	From 1 October 1833 to 30 September 1834.			From 1 October 1834 to 30 September 1835.		
	Gross Receipts.	Expenses.	Nett Receipts.	Gross Receipts.	Expenses.	Nett Receipts.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Seigniory of Sillery	381 15 2¼	87 5 −½	294 10 1¾	1,170 1 7½	139 18 11	1,030 2 8⅓
„ St. Gabriel	239 3 −	63 5 4¼	175 17 7¾	293 16 −	35 18 4¾	257 17 7¼
„ Belair	25 12 −¼	3 19 3½	21 12 8¾	10 7 3¾	1 − 8¾	9 6 7
„ Notre Dame des Anges	258 11 10½	29 12 2¼	228 19 8¼	444 3 10	46 14 6¾	397 9 4¼
La Vacherie	135 12 7¼	16 3 5	119 9 2¼	245 17 7¼	26 5 1	219 12 6¼
City of Quebec	10 14 6¾	1 13 1½	9 1 5¼	91 6 8	9 18 10¾	81 7 9¼
Point Levy and St. Nicholas	12 10 −	17 5 −	− − −	20 − 7¾	2 − −¾	18 − 7
Seigniory of Batiscan	282 7 6½	113 16 4	168 11 2½	413 2 −	181 12 6¼	231 5 9¾
„ Cape Magdelen	125 8 9	20 19 10	104 8 11	163 11 6	121 3 4¾	42 8 1¼
Town of Three Rivers	85 18 9	18 11 10	67 6 11	25 − −	5 14 −	19 6
Seigniory of La Prairie	475 13 4	167 14 8	307 18 8	263 4 8½	50 3 3¾	313 1 4¾
			1,479 16 6½			
Deduct Excess of Expenditure at Point Levy and St. Nicholas, 1 October 1833 to 30 September 1834.	−	− − −	4 15 −			
TOTALS, Currency	2,033 7 7½	540 6 1	1,497 1 6½	3,240 11 11¾	620 9 10¼	2,620 2 1¼

PROPERTIES.	From 1 October 1835 to 30 September 1836.			From 1 Octobet 1836 to 30 September 1837.		
	Gross Receipts.	Expenses.	Nett Receipts.	Gross Receipts.	Expenses.	Nett Receipts.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d	£. s. d.
Seigniory of Sillery	479 6 5¼	135 3 10¼	344 2 7	663 11 9	84 8 11¼	579 2 9¾
„ St. Gabriel	232 4 −¼	56 16 4¾	175 7 7½	358 4 9	115 2 6¼	243 2 2¾
„ Belair	35 4 11¼	4 7 11¾	30 16 11½	9 3 7¾	− 18 4¼	8 5 3¼
„ Notre Dame des Anges	361 19 5¼	47 3 9¼	314 15 8	498 − 6¾	482 14 8	15 5 10¾
La Vacherie	317 19 10½	31 15 11¼	286 3 11¼	156 4 2½	26 4 6¾	129 19 7¾
City of Quebec	21 18 5	2 3 10½	19 14 6½	25 18 10¼	3 − −	22 18 10¼
Point Levy and St. Nicholas	2 16 3	− 5 7	2 10 8	7 9 10	− 14 11¾	6 14 10¼
Seigniory of Batiscan	468 1 8½	147 18 1½	320 3 7	508 6 6½	182 2 2½	326 4 4
„ Cape Magdelen	433 4 4¼	247 8 4¾	185 15 11½	331 10 6½	116 11 11½	214 18 7
Town of Three Rivers	12 10 −	1 5 −	11 5 −	104 1 3	16 4 11½	87 16 3½
Seigniory of La Prairie	827 2 11	143 6 2¾	683 16 8½	993 14 6½	189 18 7	803 15 11½
TOTALS, Currency	3,192 8 4½	817 15 2	2,374 13 2½	3,656 6 5¾	1,218 1 8¾	2,438 4 9

Office for the Management of the Jesuits' Estates, Quebec, 17 August 1838.

J. Stewart, Com.

(A. 5.)—STATEMENT of the EXPENSES in the OFFICE of the COMMISSIONER for the Management of the ESTATES heretofore belonging to the late ORDER of JESUITS, in each Year, from 1 October 1831 to 30 September 1837.

PERIOD.	Salary of the Commissioner.	Allowance for a Clerk.	Messenger.	Contingencies, Stationery, Fuel, &c.	Totals.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1 October 1831 to 30 September 1832	200 − −	100 − −	36 − −	52 10 5½	388 10 8⅓
„ 1832 „ 1833	200 − −	100 − −	36 − −	36 11 8	372 11 8
„ 1833 „ 1834	200 − −	100 − −	36 − −	37 19 −	373 19 −
„ 1834 „ 1835	200 − −	100 − −	36 − −	26 1 8	362 1 8
„ 1835 „ 1836	200 − −	100 − −	36 − −	33 7 5½	369 7 5½
„ 1636 „ 1837	200 − −	100 − −	36 − −	35 11 11½	371 11 11½
TOTALS, Currency	1,200 − −	600 − −	216 − −	222 2 2½	2,238 2 5½

Office for the Management of the Jesuits' Estates, Quebec, 17 August 1838.

J. Stewart, Com.

(A. 6.)—STATEMENT showing the ARREARS due in the PROPERTIES comprising the ESTATES heretofore belonging to the late ORDER of JESUITS, at 1 October 1831, and 1 October 1837, respectively.

Properties.	Period.	Cens et Rentes.	Lods et Ventes.	Mills.	Farms.	Coves.	Interest on Constituts.	Ground Rent.	Total Arrears ascertained at 1 October 1831.	Total Arrears ascertained at 1 October 1837.	Cens et Rentes.		Lods et Ventes.	
											Total Arrears conjectured at 1 October 1831.	Total Arrears conjectured at 1 October 1837.	Total Arrears conjectured at 1 October 1831.	Total Arrears conjectured at 1 October 1837.
		£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Seigniory of Sillery -	1 Oct. 1831	264 18 3½	15 – –	- - -	- - -	300 – –	- - -	- - -	579 18 3½					
	„ 1837	271 14 4½	276 15 –½	- - -	- - -	750 – –	406 – –	- - -	- - -	1,704 9 5				
„ St. Gabriel -	„ 1831	896 8 5½	- - -	- - -	- - -	- - -	- - -	- - -	896 8 5½					
	„ 1837	2,135 13 9	- - -	222 16 6	- - -	- - -	- - -	- - -	- - -	2,358 10 3				
„ Notre Dame des Anges.	„ 1831	1,617 7 3	32 10 –	6 – –	510 – –	- - -	- - -	- - -	2,165 17 3					
	„ 1837	1,668 13 8	29 3 4	81 – –	937 10 –	- - -	685 – –	- - -	- - -	3,401 7 –				
„ Belair - -	„ 1831	638 17 3¼	- - -	- - -	- - -	- - -	- - -	- - -	638 17 3¼					
	„ 1837	772 3 1¾	- - -	- - -	- - -	- - -	- - -	- - -	- - -	772 3 1¾				
Isle aux Reaux - -	„ 1831	15 19 7	- - -	- - -	- - -	- - -	- - -	- - -	15 19 7					
	„ 1837	20 2 11½	- - -	- - -	- - -	- - -	- - -	- - -	- - -	20 2 11½				
La Vacherie - - -	„ 1831	- - -	- - -	- - -	- - -	- - -	215 4 5	- - -	215 5 4					
	„ 1837	- - -	- - -	- - -	- - -	- - -	1,644 17 5	- - -	- - -	1,644 17 5				
City of Quebec - -	„ 1831	- - -	- - -	- - -	- - -	- - -	- - -	257 10 –	257 10 –					
	„ 1837	- - -	- - -	- - -	- - -	- - -	- - -	309 12 9¼	- - -	309 12 9¼				
Point Levy and St. Nicholas	„ 1831	No Returns.												
	„ 1837													
Seigniory of Batiscan -	„ 1831	600 14 6½	246 5 5	- - -	- - -	- - -	- - -	- - -	846 19 11½					
	„ 1837	1,260 3 9½	597 11 10	8 6 8	10 9 6	- - -	14 5 9	- - -	- - -	1,890 17 6½				
„ Cape Magdelen	„ 1831	No Return.												
	„ 1837													
Town of Three Rivers -	„ 1831													
	„ 1837													
Seigniory of La Prairie -	„ 1831	332 4 3	507 8 4	- - -	- - -	- - -	- - -	- - -	839 12 7		500 – –	—	600 – –	
	„ 1837	534 1 11	1,367 2 10	- - -	- - -	- - -	- - -	- - -	- - -	1,901 4 9	- - -	700 – –	- - -	2,000 – –

Office for the Management of the Jesuits' Estates,
Quebec, 5 October 1838.

J. Stewart, Com.

(A. 7.)—Computed Gross Annual Revenue of the Estates heretofore belonging to the late Order of Jesuits, exclusive of *Lods et Ventes*.

	£. s. d.	£. s. d.	£. s. d.
Seigniory of Sillery:			
Old Concessions	20 2 6½		
New ditto, in Domain	155 9 11¼		
		175 12 5¾	
Coves Hough £. 30 – –			
„ Pembertons 150 – –			
„ Sharples 150 – –			
„ Jeffreys 750 – –			
	1,080 – –	1,080 – –	
			1,255 12 5
Seigniory of Saint Gabriel:			
Old Concessions	77 18 2		
New ditto	39 7 4½		
		117 5 6½	
Mill at Old Lorette	69 – –		
Mill at Jeune Lorette	67 10 –		
Oat-mill at Val Cartier	15 – –		
		151 10 –	
			268 15 6½
Seigniory of Notre Dame des Anges:			
Old Concessions	72 3 –¾		
New ditto	16 11 –¼		
		88 14 1	
Constitut of 1,500 *l.* at 5 per cent.	90 – –		
Ditto 2,200 *l.* „	110 – –		
Domain Farm	120 – –		
Meadows of Auvergne	20 – –		
Mill at Charlesbourg	107 – –		
Ditto near Beauport	27 10 –		
		474 10 –	
			563 4 1
Seigniory of Belair:			
Old Concessions	27 7 11		
New ditto	18 9 9¼		
		45 17 8¼	45 17 8¼
Isle aux Reaux en Seigneurie	– – –	– 13 10½	– 13 10½
La Vacherie, en Roture:			
Old Concessions	1 18 10		
New ditto	404 3 5		
		406 2 3	
Hare Point	40 – –		
Biach Lot	28 – –		
		68 – –	
			474 2 3
City of Quebec:			
Old Concessions, en Roture	41 14 7½		
New ditto, free and common Soccage	29 12 3¼		
		71 6 10¾	
Less payable to the Fabrique	– – –	– 8 1½	
			70 18 9¼
Point Levy, doubtful whether en Seigneurie or en Roture:			
Old Concessions	2 18 –		
Saint Nicholas, doubtful whether en Seigneurie or en Roture:			
Old Concessions	4 14 6½		
		7 12 6½	7 12 6½
Seigniory of Batiscan:			
Cens et Rentes	203 6 2		
29⅝ minots wheat, at 5 *s.*	7 8 1		
Three Mills, average of six years	216 5 3		
Permission for another mill to grind 25 minots wheat at 5 *s.*	6 5 –		
Constitut of 160 *l.* 10 *s.* 9 *d.*, at 5 per cent.	8 – 6		
Domain Farm	15 – –		
La Chute	27 5 –		
Ferries	2 10 –		
		486 – –	486 – –
Seigniory of Cape Magdelen:			
Old Concessions } say			
New ditto }	200 – –	200 – –	
Mill	146 – –		
Forge reserve	75 – –		
		221 – –	
			421 – –
Island of St. Christopher, en Seigneurie:			
Old Concessions	– 1 3	– 1 3	– 1 3
Town of Three Rivers, en Seigneurie:			
Old Concessions	2 18 8¼	2 18 8¼	2 18 8¼
Pachirigny in Three Rivers, en Seigneurie:			
Old Concessions	2 1 8½	2 1 8½	2 1 8½
Seigniory of La Prairie, Cens et Rentes:			
Old Concessions £. 133 – 3			
961⅛ minots wheat, at 5 *s.* 240 5 7			
New Concessions 63 15 2			
	437 1 –		
Mill, on an average of six years	301 13 –		
Constitut on 361 *l.* 11 *s.* 5 *d.* at 6 per cent.	21 13 10		
		760 7 10	760 7 10
Montreal, en Roture:			
Old Concessions	– 5 5	– 5 5	– 5 5
Total £.	– – –	– – –	4,389 12 1½

Office for the Management of the Jesuits' Estates, Quebec, 5 October 1838.

J. Stewart, Com.

(B. 1.)—STATEMENT of the RECEIPTS and EXPENSES of the Seigniory of *Sillery*, for each Year, from 1 October 1831 to 30 September 1837.

PERIOD.	GROSS RECEIPTS. Old Concessions. Cens et Rentes.	GROSS RECEIPTS. Old Concessions. Lods et Ventes.	GROSS RECEIPTS. New Concessions. Cens et Rentes.	GROSS RECEIPTS. New Concessions. Lods et Ventes.	Agent's Commission.	Nett Receipts, Old Concessions.	DOMAIN. Gross Receipts.	DOMAIN. Agent's Commission.	DOMAIN. Surveys.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1 Oct. 1831 to 30 Sept. 1832	34 9 9¼	78 18 9	- - -	- - -	11 6 10	102 1 8	- - -	- -	20 18 8
„ 1832 „ 1833	36 16 2¾	342 3 2¾	- - -	- - -	37 17 11	341 1 6½	70 16 3	7 1 7½	- -
„ 1833 „ 1834	7 2 7½	85 17 8¼	- - -	- - -	9 6 -¼	83 14 3½	71 4 10½	7 2 5¾	- -
„ 1834 „ 1835	26 18 2	215 8 6	- - -	- - -	24 4 8	218 2 -	79 4 11½	7 18 6	- -
„ 1835 „ 1836	30 1 6½	„ - -	- - -	- - -	3 - 1	27 1 5	69 4 11	6 18 6	41 2 6
„ 1836 „ 1837	5 3 10½	88 - 5	- - -	- - -	9 6 5¼	83 17 10¼	140 7 5½	14 - 9	- -
TOTALS - - - £.	140 12 2½	810 8 7	- -	- -	95 1 11½	855 18 9¼	430 18 5½	43 1 10¼	62 1 8

DOMAIN—(*continued.*) Roads.	DOMAIN—(*continued.*) Nett Receipts.	COVES. Gross Receipts.	COVES. Agent's Commission.	COVES. Nett Receipts.	Miscellaneous Expenses.	Total Gross Receipts.	Total Nett Receipts.	PERIOD.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
5 10 -	- - -	680 - -	68 - -	612 - -	- 6 -	793 8 6¼	687 7 -¼	1 Oct. 1831 to 30 Sept. 1832
4 17 6	58 17 1½	417 10 -	41 15 -	375 15 -	10 - 11	867 5 8½	765 12 1	„ 1832 „ 1833
44 9 -	19 13 4¼	217 10 -	21 15 -	195 15 -	4 12 6½	381 15 2¼	294 10 1¾	„ 1833 „ 1834
16 5 -	65 1 5½	848 10 -	84 17 -	763 13 -	6 13 9	1,170 1 7½	1,030 2 8½	„ 1834 „ 1835
4 17 3	16 6 8	380 - -	38 - -	342 - -	44 7 11	479 6 5½	344 2 7	„ 1835 „ 1836
12 7 -	113 19 8½	430 - -	43 - -	387 - -	5 14 9	663 11 9	579 2 9¾	„ 1836 „ 1837
88 5 9	273 18 4¼	2,973 10 -	297 7 -	2,676 3 -	71 15 10½	4,355 9 3	3,700 17 11¼	- - - TOTALS.

Office for the Management of the Jesuits' Estates, Quebec, 29 August 1838.

J. Stewart, Com.

(B. 2.)—STATEMENT of the RECEIPTS and EXPENSES of the Seigniory of *Saint Gabriel*, for each Year, from 1 October 1831 to 30 September 1837.

PERIOD.	GROSS RECEIPTS. Old Concessions. Cens et Rentes.	GROSS RECEIPTS. Old Concessions. Lods et Ventes.	GROSS RECEIPTS. New Concessions. Cens et Rentes.	GROSS RECEIPTS. New Concessions. Lods et Ventes.	Agent's Commission.	Nett Receipts, Old and New Concessions.	MILLS. Gross Receipts.	MILLS. Agent's Commission.	MILLS. Repairs, &c.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1 Oct. 1831 to 30 Sept 1832	39 13 5¼	84 7 6	19 18 3	9 7 6	15 6 8	138 - -¼	160 5 -	16 6 -	221 8 8
„ 1832 „ 1833	124 2 4¼	34 19 5¾	18 16 4	1 1 3	17 17 11	161 1 6	65 15 -	6 11 6	- -
„ 1833 „ 1834	77 11 11¾	64 3 6	6 1 9	28 18 3½	17 13 6½	159 1 11¾	60 - -	6 - -	14 18 2
„ 1834 „ 1835	50 - 5½	15 10 11¾	28 - -	82 2 1	17 11 4	158 2 2¼	114 - -	11 8 -	- -
„ 1835 „ 1836	75 8 10¼	36 12 1	7 16 3	12 18 4	13 5 6½	119 9 11¾	99 8 6	9 18 10¼	- -
„ 1836 „ 1837	32 4 11¼	117 12 4¾	7 1 9	7 1 8	16 8 -¾	147 12 8¼	194 4 -	19 8 5	27 - -
TOTALS - - - £.	399 2 -¼	353 5 11¼	87 14 4	1 9 1½	98 3 -¾	883 8 4¼	693 12 6	69 7 3¼	263 6 10

MILLS—*continued.* Net Receipts.	PROCES VERBALS. Gross Receipts.	PROCES VERBALS. Agent's Commission.	PROCES VERBALS. Nett Receipts.	Roads and Bridges.	Surveys.	Miscellaneous Expenses.	Total Gross Receipts.	Total Nett Receipts.	PERIOD.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
- - -	- -	- -	- -	- -	- -	1 15 -	313 11 8¼	59 - 10¼	1 Oct. 1831 to 30 Sept. 1832
59 3 6	6 1 3	- 12 2	5 9 1	- -	- 17 6	7 15 -	250 15 8	217 1 7	„ 1832 „ 1833
39 1 10	2 7 6	- 4 9	2 2 9	3 15 -	5 18 -	14 15 11	239 3 -¼	175 17 7¾	„ 1833 „ 1834
102 12 -	4 2 6	- 8 3	3 14 3	2 - -	- -	4 10 10	293 16 -¼	257 17 7¾	„ 1834 „ 1835
89 9 7¾	- -	- -	- -	13 10 -	13 8 -	6 4 -	232 4 -¼	175 7 7½	„ 1835 „ 1836
147 15 7	- -	- -	- -	15 - -	34 12 -	2 14 -	358 4 9	243 2 2¾	„ 1836 „ 1837
438 2 6¾	12 11 3	1 5 2	11 6 1	34 5 -	54 15 6	37 14 9	1,687 15 2	1,128 7 6½	- - - TOTALS.

Office for the Management of the Jesuits' Estates, Quebec, 29 August 1838.

J. Stewart, Com.

(B. 3.)—Statement of the Receipts and Expenses of the Seigniory of *Notre Dame des Anges*, for each Year, from 1 October 1831 to 30 September 1837.

PERIOD.	GROSS RECEIPTS. Old Concessions. Cens et Rentes.	Old Concessions. Lods et Ventes.	New Concessions. Cens et Rentes.	New Concessions. Lods et Ventes.	Agent's Commission.	Nett Receipts, Old and New Concessions.	MILLS. Gross Receipts.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1 Oct. 1831 to 30 Sept. 1832	115 12 1¾	120 4 7	1 13 3½	- - -	23 15 –	213 15 –¼	60 – –
„ 1832 „ 1833	34 8 4½	52 5 2½	1 11 8	2 18 11½	9 2 5	82 1 9½	60 – –
„ 1833 „ 1834	48 – 11½	104 3 11½	– 16 11¾	- - -	15 6 2¼	137 15 8½	75 10 –
„ 1834 „ 1835	23 12 3¾	93 19 6½	– 5 –¾	- - -	11 15 8¼	106 1 2¾	75 10 –
„ 1835 „ 1836	118 16 5¼	78 9 5	– 5 –¾	- - -	19 15 1	177 15 10	24 – –
„ 1836 „ 1837	145 6 7	51 15 5¾	– 10 –	- - -	19 15 2½	177 18 10¼	55 – –
Totals - - - £.	485 16 9¾	500 18 2½	5 2 –¾	2 18 11½	99 9 7	895 8 5¼	350 – –

MILLS—*continued.* Agent's Commission.	Repairs, &c.	Nett Receipts.	FARMS. Gross Receipts.	Agent's Commission.	Nett Receipts.	PROCES VERBALS. Gross Receipts.	PERIOD.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
6 – –	- - -	54 – –	140 8 6	14 – 10	126 7 8	- - -	1 Oct. 1831 to 30 Sept. 1832
6 – –	- - -	54 – –	202 18 6	20 5 10	182 12 8	2 – –	„ 1832 „ 1833
7 11 –	- - -	67 19 –	30 – –	3 – –	27 – –	- - -	„ 1833 „ 1834
7 11 –	- - -	67 19 –	250 17 –	25 1 8½	225 15 3½	- - -	„ 1834 „ 1835
2 8 –	- - -	21 12 –	140 8 6	14 – 10	126 7 8	- - -	„ 1835 „ 1836
5 10 –	416 10 –	- - -	245 8 6	24 10 10	220 17 8	- - -	„ 1836 „ 1837
35 – –	416 10 –	265 10 –	1,010 1 –	102 – 2½	909 – 11½	2 – –	- - - Totals.

PROCES VERBALS—*cont^d.* Agent's Commission.	Nett Receipts.	Roads and Bridges.	Surveys.	Miscellaneous Expenses.	Total Gross Receipts.	Total Nett Receipts.	PERIOD.
£ s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
- - -	- - -	- - -	- - -	- - -	437 18 6¼	394 2 8¼	1 Oct. 1831 to 30 Sept. 1832
– 4 –	1 16 –	- - -	- - -	6 7 8	356 2 8½	313 2 9½	„ 1832 „ 1833
- - -	- - -	- - -	- - -	3 15 –	258 11 10½	228 19 8¼	„ 1833 „ 1834
- - -	- - -	- - -	- - -	2 6 2	444 3 10	397 9 4¼	„ 1834 „ 1835
- - -	- - -	- - -	- - -	10 19 10	361 19 5¼	314 15 8	„ 1835 „ 1836
- - -	- - -	- - -	- - -	16 8 7½	498 – 6¾	15 5 10¾	„ 1836 „ 1837
– 4 –	1 16 –	- - -	- - -	39 17 3½	2,356 16 11¼	1,663 16 1	- - - Totals.

Office for the Management of the Jesuits' Estates, Quebec, 29 August 1838.

J. Stewart, Com.

(B. 4.)—Statement of the Receipts and Expenses of the Seigniory of *Belair*, for each Year, from 1 October 1831 to 30 September 1837.

PERIOD.	GROSS RECEIPTS. Old Concessions. Cens et Rentes.	Old Concessions. Lods et Ventes.	New Concessions. Cens et Rentes.	New Concessions. Lods et Ventes.	Agent's Commission.	Nett Receipts, New and Old Concessions.	Proces Verbals, being part of Survey charged to Censitaires.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1 Oct. 1831 to 30 Sept. 1832	64 18 –½	– 4 2	- - -	- - -	6 10 2½	58 12 –	- - -
„ 1832 „ 1833	22 19 10	– – –	- - -	- - -	2 6 –	20 13 10	29 7 6
„ 1833 „ 1834	19 5 1¾	– 1 10½	- - -	- - -	1 18 8¼	17 8 4	6 5 –
„ 1834 „ 1835	1 17 6¼	5 19 9½	- - -	- - -	– 15 8¾	7 1 7	2 10 –
„ 1835 „ 1836	20 9 11¼	14 15 –	- - -	- - -	3 10 5¾	31 14 5½	- - -
„ 1836 „ 1837	9 3 7¾	- - -	- - -	- - -	– 18 4¼	8 5 3½	- - -
Totals - - - £.	138 14 1½	21 – 10	- - -	- - -	15 19 5½	143 15 6	38 2 6

Agent's Commission.	Nett Receipts, Proces Verbals.	Roads and Bridges.	Surveys.	Miscellaneous Expenses.	Total Gross Receipts.	Total Nett Receipts.	PERIOD.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
- - -	- - -	- - -	- - -	- - -	65 2 2½	58 12 –	1 Oct. 1831 to 30 Sept. 1832
2 18 9	26 8 9	- - -	39 – –	- - -	52 7 4	8 2 7	„ 1832 „ 1833
– 12 6	5 12 6	- - -	- - -	1 8 1½	25 12 –¼	21 12 8¾	„ 1833 „ 1834
– 5 –	2 5 –	- - -	- - -	- - -	10 7 3¾	9 6 7	„ 1834 „ 1835
- - -	- - -	- - -	- - -	– 17 6	35 4 11¼	30 16 11½	„ 1835 „ 1836
- - -	- - -	- - -	- - -	- - -	9 3 7¾	8 5 3½	„ 1836 „ 1837
3 16 3	34 6 3	- - -	39 – –	2 5 7½	197 17 5½	136 16 1¾	- - - Totals.

Office for the Management of the Jesuits' Estates, Quebec, 29 August 1838.

J. Stewart, Com.

(B. 5.)—STATEMENT of the RECEIPTS and EXPENSES of *La Vacherie* held en Roture, for each Year, from 1 October 1837 to 30 September 1837.

PERIODS.	Old Concessions.	New Concessions à Constitut.	Capital paid in.	Rent of Hare Point.	Process Verbals, being a Return of part of a Survey charged to Censitaires.	Gross Receipts.	Agent's Commission.	Surveys.	Miscellaneous Expenses.	Nett Receipts.
		£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1 Oct 1831 to 30 Sept. 1832	–	63 16 11	– –	40 – –	8 12 6	112 9 5	11 4 11½	– –	– –	101 4 5½
1 Oct. 1832 to 30 Sept. 1833	–	109 11 8½	– –	40 – –	15 15 –	165 6 8½	16 10 8	1 12 6	– 7 6	146 16 –½
1 Oct. 1833 to 30 Sept. 1834	–	85 17 7¼	– –	40 – –	9 15 –	135 12 7¼	13 11 3	– –	1 5 6	119 9 2¼
1 Oct. 1834 to 30 Sept. 1835	–	170 4 11¼	32 12 8	40 – –	3 – –	215 17 7¼	24 11 9	– –	1 13 4	219 12 6¼
1 Oct. 1835 to 30 Sept. 1836	–	273 9 10½	– –	40 – –	4 10 –	317 19 10½	31 15 11¼	– –	– –	286 3 11¼
1 Oct. 1836 to 30 Sept. 1837	–	133 19 2½	– –	20 – –	2 5 –	156 4 2½	15 12 4¾	– –	10 12 2	129 19 7¾
TOTALS - £.	–	837 – 3	32 12 8	220 – –	43 17 6	1,133 10 5	113 6 11½	1 12 6	13 8 6	1,003 5 9½

Office for the Management of the Jesuits' Estates,
Quebec, 29 August 1838.

J. Stewart, Com.

(B. 6.)—STATEMENT of the RECEIPTS and EXPENSES of the PROPERTY situated within the City of *Quebec* for each Year, from 1 October 1831 to 30 September 1837.

PERIOD.	Rentes Foncières ou Emplacements.	LOTS, in Rear of Barracks, in Free and Common Soccage.			Gross Receipts.	Agent's Commission.	Miscellaneous Expenses.	Nett Receipts.
		Capital paid in.	Interest.	Ground Rent.				
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1 Oct. 1831 to 30 Sept. 1832	16 – 3	– –	– – –	– – –	16 – 3	1 12 –¼	1 5 –	13 3 2¾
„ 1832 „ 1833	35 16 3	– –	131 12 9	16 19 –	184 8 –	18 8 9¼	– 14 7	165 4 7¾
„ 1833 „ 1834	6 6 6¾	– –	4 3 –	– 5 –	10 14 6¾	1 1 5½	– 11 8	9 1 5¼
„ 1834 „ 1835	28 12 2	– –	61 2 –	1 12 6	91 6 8	9 2 8	– 16 [illegible]	81 7 9¼
„ 1835 „ 1836	16 – 5	– –	4 3 –	1 15 –	21 18 5	2 3 10½	– – –	19 14 6½
„ 1836 „ 1837	20 10 10¼	– –	4 3 –	1 5 –	25 18 10¼	2 11 10½	– 8 1½	22 18 10¼
TOTALS - - - £.	123 6 6	– –	205 3 9	21 16 6	350 6 9	35 – 8	3 15 7¼	311 10 5¾

Office for the Management of the Jesuits' Estates,
Quebec, 29 August 1838.

J. Stewart, Com.

(B. 7.)—STATEMENT of the RECEIPTS and EXPENSES of LANDS at *Point Levy* and *St. Nicholas*, within the Seigniory of *Lauzun*, for each Year, from 1 October 1831 to 30 September 1837.

PERIOD.	RENTS.	Lods et Ventes.	Gross Receipts.	Agent's Commission.	Surveys.	Miscellaneous Expenses.	Nett Receipts.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1 Oct. 1831 to 30 Sept. 1832	– – –	2 3 9	2 3 9	– 4 4½	– – –	– – –	1 19 4½
„ 1832 „ 1835	– – –	16 10 11½	16 11 10½	1 13 2¼	– – –	– – –	14 18 8¼
„ 1833 „ 1834	– – –	12 10 –	12 10 –	1 5 –	16 – –		
„ 1834 „ 1835	– – –	20 – 7½	20 – 7½	2 – –½	– – –	– – –	18 – 7
„ 1835 „ 1836	– – –	2 16 3	2 16 3	– 5 7	– – –	– – –	2 10 8
„ 1836 „ 1837	7 9 10	– – –	7 9 10	– 14 11¾	– – –	– – –	6 14 10¼
TOTALS - - - £.	7 9 10	54 2 6	61 12 4	6 3 2	16 – –	– – –	44 4 2

Office for the Management of the Jesuits' Estates,
Quebec, 29 August 1838.

J. Stewart, Com.

(B. 8.)—STATEMENT of the RECEIPTS and EXPENSES of the Seigniory of *Batiscan*, for each Year from 1 October 1831 to 30 September 1837.

PERIOD.	GROSS RECEIPTS.				Agent's Commission.	Nett Receipts Old and New Concessions.	MILLS.				FARMS.			
	Old Concessions.		New Concessions.				Gross Receipts.	Agent's Commission.	Repairs, &c.	Nett Receipts.	Gross Receipts.	Agent's Commission.	Fences, &c.	Nett Receipts.
	Cens et Rentes.	Lods et Ventes.	Cens et Rentes.	Lods et Ventes.										
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1 Oct. 1831 to 30 Sept. 1832	306 19 – ½	27 5 7 ½	14 11 5	9 19 4 ½	35 17 6 ½	322 17 11	184 14 11	18 9 5	396 10 6 ½	– – –	7 12 –	– 15 3	14 8 4	– – –
„ 1832 „ 1833	80 2 11	14 4 2 ½	28 5 1	1 13 9	12 8 7	111 17 4 ½	207 7 10 ½	20 14 9 ½	124 17 9 ½	61 15 4	3 15 –	– 7 6	– – –	3 7 6
„ 1833 „ 1834	52 10 11 ½	11 16 1 ½	3 4 4 ½	– 11 1 ½	6 16 3	61 6 4	211 12 5 ½	21 3 3	76 1 1	114 8 1 ½	2 12 6	– 5 3	– – –	2 7 3
„ 1834 „ 1835	55 – 11 ½	19 18 6 ½	22 17 7 ½	4 19 – ½	10 5 7 ¼	92 10 7 ¼	239 2 8	23 18 3	115 18 6 ½	99 5 10 ½	8 7 6	– 16 9	11 5 11	– –
„ 1835 „ 1836	107 4 7 ½	22 18 10	31 19 3	4 11 4	16 13 5	150 – 7 ½	221 9 3	22 2 10	85 9 3 ½	113 17 1 ½	9 10 6	– 19 – ½	2 12 6 ½	5 18 11
„ 1836 „ 1837	49 – 4	15 8 9 ½	99 6 6	5 7 5	16 18 3 ½	152 4 9	233 4 9	23 6 8	119 18 8 ½	89 19 6 ½	17 10 –	1 15 –	– – –	15 15 –
TOTALS - - - £.	650 18 10	111 12 1 ½	200 4 3	27 2 – ½	98 19 8 ¼	890 17 7 ¼	1,297 11 11	129 15 2 ½	918 15 11 ½	479 6 –	49 7 6	4 18 9 ½	28 6 9 ½	27 8 8

SAW LOGS.				PROCES VERBALS.			FERRIES.			Roads and Bridges.	Surveys.	Miscellaneous Expenses.	Total Gross Receipts.	Total Nett Receipts.	PERIOD.
Gross Receipts.	Agent's Commission.	Expenses.	Nett Receipts.	Gross Receipts.	Agent's Commission.	Nett Receipts.	Gross Receipts.	Agent's Commission.	Nett Receipts.						
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	10 19 2 ½	551 3 8 ½	74 1 9	1 Oct. 1831 to 30 Sept. 1832
8 5 –	– 16 6	- - -	7 8 6	- - -	- - -	- - -	- - -	- - -	- - -	- - -	26 3 10	4 7 –	343 13 10	153 17 10 ½	„ 1832 „ 1833
- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	9 10 6	282 7 6 ½	168 11 2 ½	„ 1833 „ 1834
57 15 8	5 15 6 ¾	6 10 6	45 9 7 ¼	- - -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	6 11 5	413 2 –	231 9 5 ¾	„ 1834 „ 1835
66 11 11	6 13 2	- - -	59 18 9	1 10 –	– 3 –	1 7 –	2 6 –	– 4 7	2 1 5	- - -	- - -	13 – 3	468 1 8 ½	320 3 7	„ 1835 „ 1836
84 3 9	8 8 4 ½	- - -	75 15 4 ½	2 15 –	– 5 6	2 9 6	1 15 –	– 3 6	1 11 6	- - -	- - -	11 11 4	508 6 6 ½	326 4 4	„ 1836 „ 1837
216 16 4	21 13 7 ¼	6 10 6	188 12 2 ¾	4 5 –	– 8 6	3 16 6	4 1 –	– 8 1	3 12 11	- - -	26 3 10	55 19 8 ½	2,566 15 4	1,274 8 2 ¾	- - - TOTALS.

Office for the Management of the Jesuits' Estates,
Quebec, 14 September 1838.

J. Stewart, Com.

(B. 9.) STATEMENT of the RECEIPTS and EXPENSES of the Seigniory of *Cape Magdelen*, for each Year, from 1 October 1831 to 30 September 1837.

PERIOD.	GROSS RECEIPTS.				Agent's Commission.	Net Receipts, Old and New Concessions.	MILLS.				FORGE RESERVE.			
	Old Concessions.		New Concessions.				Gross Receipts.	Agent's Commission.	Repairs, &c.	Nett Receipts.	Gross Receipts.	Agent's Commission.	Nett Receipts.	
	Cens et Rentes.	Lods et Ventes.	Cens et Rentes.	Lods et Ventes.										
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	*
1 Oct. 1831 to 30 Sept. 1832	11 13 9	3 17 6	2 17 2½	2 6 10½	2 1 6	18 13 9¾	126 – –	12 12 –	2 – –	111 8 –	– – –	– – –	– – –	
„ 1832 „ 1833	18 5 –½	5 10 –	5 10 4	4 13 9	3 7 10½	30 11 3	– – –	– – –	– – –	– – –	– – –	– – –	– – –	
„ 1833 „ 1834	34 1 10	8 12 11	8 2 7	11 11 5	6 4 10	56 3 11	63 – –	6 6 –	– – –	56 14 –	– – –	– – –	– – –	
„ 1834 „ 1835	6 11 1½	5 5 –	62 7 2½	13 13 2	8 15 7¾	79 – 10¼	63 – –	6 6 –	– – –	56 14 –	– – –	– – –	– – –	
„ 1835 „ 1836	45 3 3¾	19 4 1	29 16 11½	– 7 6	9 9 2¼	85 2 8	252 – –	25 4 –	72 16 10½	153 19 1½	75 – –	7 10 –	67 10 –	
„ 1836 „ 1837	19 15 11½	7 7 2½	30 14 10	9 15 6½	6 15 4¼	60 18 2¼	150 – –	15 – –	7 – 3	127 19 9	75 – –	7 10 –	67 10 –	
TOTALS - - - £.	135 11 –½	49 16 8½	139 9 1½	42 8 3	36 14 4¾	330 10 8¼	654 – –	65 8 –	81 17 1½	506 14 10½	150 – –	15 – –	135 – –	

SAW LOGS.				PROCES VERBALS.			Roads and Bridges.	Surveys.	Miscellaneous Expenses.	Total Gross Receipts.	Total Nett Receipts.	PERIOD.
Gross Receipts.	Agent's Commission.	Expenses.	Nett Receipts.	Gross Receipts.	Agent's Commission.	Nett Receipts.						
* £. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
- - -	- - -	- - -	- - -	67 17 6	6 15 9	61 1 9	- - -	- -	– 12 6	214 12 10	190 11 –¾	1 Oct. 1831 to 30 Sept. 1832
- - -	- - -	- - -	- - -	9 – –	– 18 –	8 2 –	- - -	5 15 6	3 14 10	42 19 1½	29 2 11	„ 1832 „ 1833
- - -	- - -	- - -	- - -	6 – –	– 12 –	5 8 –	- - -	13 15 –	– 2 –	125 8 9	104 8 11	„ 1833 „ 1834
- - -	- - -	- - -	- - -	12 15 –	– 15 6	11 19 6	97 15 –	4 5 –	3 6 3	165 11 6	42 8 1¼	„ 1834 „ 1835
- - -	- - -	- - -	- - -	11 12 6	1 3 3	10 9 3	73 2 6	57 10 –	– 12 7	433 4 4½	185 15 11½	„ 1835 „ 1836
20 2 –	2 – 2¼	– 7 6	17 14 3¾	18 15 –	1 17 6	16 17 6	- - -	70 – –	6 1 2	331 10 6½	214 18 7	„ 1836 „ 1837
20 2 –	2 – 2¼	– 7 6	17 14 3¾	126 – –	12 2 –	113 18 –	170 17 6	151 5 6	14 9 4	1,313 7 1½	767 5 6½	- - - TOTALS

Office for the Management of the Jesuits' Estates,
Quebec, 3 October 1838.

J. Stewart, Com.

(B. 10.)—STATEMENT of the RECEIPTS and EXPENSES of the PROPERTIES situated within the Town and Banlieue of *Three Rivers*, for each Year, from 1 October 1831 to 30 September 1837.

PERIODS.	Old Concessions. Cens et Rentes.	Old Concessions. Lods et Ventes.	Agent's Commission.	Surveys.	Miscellaneous Expenses.	Total Gross Receipts.	Total Nett Receipts.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1 Oct. 1831 to 30 Sept. 1832	- - -	42 6 8	4 4 8	- - -	- - -	42 6 8	38 2 -
„ 1832 „ 1833	—	—	—	—	—	—	—
„ 1833 „ 1834	- - -	85 18 9	8 11 10	10 - -	- - -	85 18 9	67 6 11
„ 1834 „ 1835	- - -	25 - -	2 10 -	- - -	3 4 -	25 - -	19 6 -
„ 1835 „ 1836	- - -	12 10 -	1 5 -	- - -	- - -	12 10 -	11 5 -
„ 1836 „ 1837	- - -	104 1 3	10 8 1½	- - -	5 16 10	104 1 3	87 16 3½
TOTALS - - -£.	- - -	269 16 8	26 19 7½	10 - -	9 - 10	269 16 8	223 16 2½

Office for the Management of the Jesuits' Estates, Quebec, 3 October 1838.

J. Stewart, Com.

(B. 11.)—STATEMENT of the RECEIPTS and EXPENSES of the Seigniory of *La Prairie*, for each Year, from 1 October 1831 to 30 September 1837.

PERIODS.	GROSS RECEIPTS. Old Concessions. Cens et Rentes.	Old Concessions. Lods et Ventes.	New Concessions. Cens et Rentes.	New Concessions. Lods et Ventes.	Agent's Commission.	Nett Receipts, Old and New Concessions.	MILLS. Gross Receipts.	
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
1 Oct. 1831 to 30 Sept. 1832	459 19 6½	373 10 8½	13 13 4	12 12 6	85 19 7	773 16 5	366 - 9	
„ 1832 „ 1833	333 3 7	319 9 7	6 14 9	10 - 4	66 18 10	614 3 9	294 9 7	*
„ 1833 „ 1834	181 6 5¼	36 8 3	6 9 7	6 5 -	23 - 11¼	207 8 4	245 4 2	
„ 1834 „ 1835	120 2 8½	5 10 5	1 11 9	- - -	12 14 4½	114 9 6	236 - 10	
„ 1835 „ 1836	206 8 3	329 16 9	- 17 11	- - -	53 14 3¼	483 8 7¾	290 - -	
„ 1836 „ 1837	363 11 9¼	233 18 5¾	11 6 9½	6 15 -	61 11 2½	554 - 10	378 2 6	
TOTALS - - - £.	1,664 12 3½	1,298 14 2¼	40 14 1½	35 12 10	303 19 2½	2,747 7 5¾	1,809 17 10	

MILLS—*continued.* Agent's Commission.	Repairs, &c.	Nett Receipts.	Roads and Bridges.	Surveys and Expenses of Papier Terrier.	Miscellaneous Expenses.	Total Gross Receipts.	Total Nett Receipts.	PERIODS.	
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.		
* 36 12 1	128 17 2½	200 11 5½	- -	- -	40 18 5½	1,225 16 10	933 9 5	1 Oct. 1831 to 30 Sept. 1832	
29 8 11½	- 18 8	264 1 11½	- -	- -	8 6 10½	963 17 9½	858 4 6	„ 1832 „ 1833	
24 10 5	- - -	220 13 9	- -	100 - -	20 3 5	475 13 4	307 18 8	„ 1833 „ 1834	
23 12 1	10 16 5¼	201 12 3¾	- -	- -	3 - 5	363 4 8½	313 1 4¾	„ 1834 „ 1835	
29 - -	3 16 3	257 3 9	- -	50 - -	6 15 8½	827 2 11	683 16 8¼	„ 1835 „ 1836	
37 16 3	- 7 6	339 18 9	- -	84 - -	6 3 7½	993 14 6½	803 15 11½	„ 1836 „ 1837	
180 19 9	144 16 -¾	1,484 1 11¾	- -	234 - -	85 8 6	4,849 10 1½	3,900 6 7½	- - - TOTALS.	

Office for the Management of the Jesuits' Estates, Quebec, 14 September 1838.

J. Stewart, Com.

(C. 1.)—List of Censitaires in the Seigniory of *Sillery*.

Date of Original Grant.	Name of Original Concedee.	Name of Present Holder.	Arpents in Superficies.	Annual Rent.	Arrears at 30 September 1831. Cens et Rentes.	Arrears at 30 September 1831. Lods et Ventes.	Arrears at 30 September 1837. Cens et Rentes.	Arrears at 30 September 1837. Lods et Ventes.
				£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
		Pierre Laberge	- -	7 3 -	82 10 -	- - -	15 2 -	
		François Lapointe	- -	5 14 -	5 14 -	- - -	22 16 -	
		John Porter	- -	40 16 11	40 16 11	- - -	276 18 4	
		Ant. Belleau	- -	13 9 -	13 9 -	- - -	81 14 -	
		Jos. Hamel	- -	11 15 -	11 15 -	- - -	11 15 -	
		Benj. Tremain	- -	5 14 6	17 3 6	- - -	51 10 6	
		André Ol. Vilaire	- -	6 1 -	10 3 -	- - -	6 1 -	
		John Sewell	- -	4 2 -	4 2 -	360 - -	28 14 -	360 - -
		Pierre Villaire, fils de Nicolas	- -	5 19 -	5 19 -	- - -	5 19 -	
		Pierre Minguy	- -	7 13 -	280 8 -	- - -	221 6 -	
		Michel Rontier	- -	7 9 -	66 15 -	- - -	83 8 -	
		Pierre Hamel	- -	6 4 -	6 4 -	- - -	12 8 -	
		Ant. Rontier	- -	6 10 -	6 10 -	- - -	6 10 -	
		Paul Couture	- -	1 1 -	70 - -	- - -	83 12 -	
		Jacques Légaré	- -	6 2 -	6 2 -	- - -	6 2 -	
		Ant. Légaré	- -	6 14 -	6 14 -	- - -	26 16 -	
		Chs. Berthiaume	- -	2 9 -	124 18 -	- - -	142 12 -	
		La Fabrique de St. Foy	- -	- 1 -	- 4 -	- - -	- 9 -	
		Joseph Drolet	- -	9 12 -	779 1 4	- - -	846 5 4	
		Veuve Jos. Langlois	- -	10 14 -	10 14 -	- - -	10 14 -	
		John Craig	- -	6 1 -	6 1 -	- - -	36 6 -	400 - -
		Pierre Villaire fils de Pierre	- -	2 10 6	2 10 6	- - -	17 13 6	
		Louis Plamondon	- -	9 19 -	29 17 -	- - -	19 2 -	
		Michel Belleau	- -	- 1 -	15 14 -	- - -	16 - -	
		Ed. W. Sewell, et al.	- -	5 19 -	11 18 -	- - -	29 15 -	
		Olivier Villaire	- -	7 4 -	7 4 -	- - -	14 8 -	
		Joseph Dupil	- -	- 1 -	5 9 -	- - -	- 6 -	
		Chs. Drolet	- -	7 8 -	29 12 -	- - -	66 12 -	
		Michel L. Poitras	- -	4 19 -	288 7 -	- - -	318 1 -	
		Ignace Pagé	- -	7 4 -	7 4 -	- - -	7 4 -	
		Chs. Paradis, fils	- -	8 4 -	8 4 -	- - -	49 4 -	
		Chs. Belleau, fils	- -	- 14 -	155 2 -	- - -	159 6 -	
		Thos. Miller	- -	1 6 -	1 6 -	- - -	7 16 -	
		Jean B. Migneron	- -	12 16 -	12 16 -	- - -	12 16 -	
		Thelesphore Rontier	- -	10 11 -	189 5 -	- - -	42 4 -	
		Jos. Robitaille	- -	5 2 -	20 2 -	- - -	10 4 -	
		Marie A. Parent, V. P. Blais	- -	8 9 -	115 16 -	- - -	16 18 -	
		Jos. Berthiaume	- -	1 - -	4 - -	- - -	9 - -	
		Frs. Blondeau	- -	6 18 -	469 7 4	- - -	510 15 4	
		Frs. Œ. Hamel	- -	8 3 -	81 10 -	- - -	138 11 -	
		Joseph Belleau	- -	- 16 -	72 1 8	- - -	77 13 8	
		Joseph Delisle	- -	5 13 -	64 18 -	- - -	114 9 -	
		Joseph Rontier	- -	9 3 -	9 3 -	- - -	44 18 -	
		André Drolet	- -	5 14 -	108 6 -	- - -	148 4 -	
		J. B. Mauffet	- -	7 10 -	75 - -	- - -	368 - -	
		Antoine Légaré	- -	5 14 -	78 6 -	- - -	64 16 -	982 - -
		Abraham Roberts	- -	11 14 -	364 8 -	- - -	72 6 -	982 - -
		Michel Rontier	- -	7 13 -	45 - -	- - -	98 6 -	
		Pierre Blais	- -	11 17 -	11 17 -	- - -	71 2 -	
		John Grout	- -	5 2 -	20 8 -	- - -	51 - -	
		John Murray	- -	4 9 -	4 9 -	- - -	26 14 -	1,800 - -
		Jacques Drolet	- -	7 12 -	98 - -	- - -	152 - -	
		Ignace Légaré	- -	4 8 -	13 4 -	- - -	39 12 -	
		Les heritiers de Nic. Villaire	- -	7 3 -	7 3 -	- - -	21 9 -	
		Guillaume Belleau	- -	7 5 -	7 5 -	- - -	50 15 -	
		Miche Brusseau	- -	6 18 -	316 10 -	- - -	261 18 -	
		Frs. Falerdeau	- -	5 2 -	178 10 -	- - -	113 2 -	
		Jos. De Vareune, fils	- -	2 4 -	2 4 -	- - -	13 4 -	466 13 1
		William Bell	- -	9 1 -	171 19 -	- - -	45 5 -	
		Nicholas Juneau	- -	2 6 -	126 4 -	- - -	142 6 -	
		Frs. Voyer	- -	2 12 -	2 12 -	- - -	2 12 -	
		Jean Plamondon	- -	1 7 -	4 1 -	- - -	12 3 -	
		Jos. Robitaille	- -	3 1 -	3 1 -	- - -	6 2 -	
		Chs. Leclaire	- -	3 15 -	11 11 -	- - -	15 - -	
		Louis Hamel	- -	1 10 -	3 - -	- - -	12 - -	
		Frs. Petit Clair	- -	3 16 -	201 4 -	- - -	208 16 -	
		Jos. Langlois	- -	2 1 -	138 7 -	- - -	152 14 -	
		Jean Ignace Drolet	- -	- 16 6	- 16 6	- - -	2 9 6	
		Pierre Robitaille	- -	7 18 -	7 18 -			
		Geo. Desbarats	- -	- 4 -	360 14 -	- - -	433 - -	
		L. Hon. W. Smith	- -	2 2 -	2 2 -	- - -	10 10 -	
		William Ridley	- -	- 2 -	762 17 -	- - -	5 15 -	800 - -
		Augustin Jourdain	- -	11 10 -	23 - -	- - -	81 10 -	
		Jean Plamondon	- -	10 - -	30 - -	- - -	90 - -	
		J. Guillet dit Touran-gean	- -	12 16 -	12 16 -	- - -	12 16 -	
		Ignace Paquet	- -	13 11 -	13 11 -	- - -	81 6 -	
		Ignace Parent	- -	- 2 6	4 5 6	- - -	4 19 6	
		Ancien Cours	- -	483 1 5	6,357 19 3	360 - -	6,521 5 4	4,808 13 1
		Currency	- -	20 2 6½	264 18 3½	15 - -	271 14 4½	200 7 2½

(C. 1.)—List of Censitaires in the Seigniory of Sillery—*continued.*

New Concessions.

Date of Original Grant.	Name of Original Concedee.	Name of Present Holder.	Arpents in Superficies.	Annual Rent.	Arrears at 30 September 1831. Cens et Rentes.	Arrears at 30 September 1831. Lods et Ventes.	Arrears at 30 September 1837. Cens et Rentes.	Arrears at 30 September 1837. Lods et Ventes.
				£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
23 Dec. 1831	The Hon. W. Bell -	Patrick M'Innenly -	26 40	28 6 – ½	- - -	- - -	169 16 3	51 5 1
6 Mar. 1833	Geo. Pemberton -	Geo. Pemberton -	20 35	17 5 8 ½	- - -	- - -	17 5 8 ½	
6 Mar. 1833	Dom. Daly - -	Dom. Daly - -	16 5	17 5 8 ½	- - -	- - -	17 5 8 ½	
30 Nov. 1831	William Walker -	William Walker -	21 40	23 12 11 ½	- - -	- - -	23 12 11 ½	
30 Nov. 1831	Jas. B. Forsyth -	Jas. B. Forsyth -	9 70	11 – 7	- - -	- - -	11 – 7	
15 April 1834	Henry Oliver -	Henry Oliver - -	9 40	12 7 2 ¾	- - -	- - -	37 4 1 ¾	
20 Oct. 1834	William Quinn -	William Quinn - -	10 60	13 9 –	- - -	- - -	40 4 6 ¾	
12 June 1832	C. N. Montizambert	Ml. M'Cue - -	10 50	14 7 1	- - -	- - -	71 15 5	25 2 9
	A. W. Cochran -	A. W. Cochran -	10 60	17 15 7 ½	- - -	- - -	17 15 7 ½	
		Currency - -	135 –	155 9 11 ¼	- - -	- - -	406 – 10 ½	76 7 10

Jesuits' Office, 3 October 1838.
A true Copy.
(signed) *J. Stewart*, Com.

Quebec, 30 September 1838,
(signed) *Louis Panet*,
Agent.

(C. 2.)—List of Censitaires in the Seigniory of *St. Gabriel.*

Date of Original Grant.	Name of Original Concedee.	Name of Present Holder.	Arpents in Superficies.	Annual Rent.	Arrears at 30 September 1831. Cens et Rentes.	Arrears at 30 September 1831. Lods et Ventes.	Arrears at 30 September 1837. Cens et Rentes.	Arrears at 30 September 1837. Lods et Ventes.
				£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
		Jean B. Martel - -	- -	13 16 8	949 16 4	- - -	1,129 12 10	
		Joseph Dion - -	- -	18 3 6	300 1 –	- - -	366 18 6	
		Jean Hamel - -	- -	8 15 –	300 12 4	- - -	332 14 8	
		Pierre Drolet - -	- -	5 – –	83 17 8	- - -	274 3 2	
		Joseph Robitaille -	- -	18 17 6	18 17 6	- - -	75 10 –	
		J. B. Savard - -	- -	24 15 8	120 14 8	- - -	269 8 8	
		Gabriel Belleau -	- -	6 11 –	7 5 6	- - -	7 5 6	
		Jean Allain - -	- -	– 9 –	3 – –	- - -	8 – –	
		François Plamondon -	- -	5 3 2	192 4 5	- - -	225 18 6	
		Jean Paradis - -	- -	4 5 6	4 5 6	- - -	17 2 –	
		Louis Déry - -	- -	12 2 6	72 15 –	- - -	24 5 –	
		Jean Plamondon -	- -	4 8 –	9 15 6	- - -	9 15 1	
		François Drolet -	- -	4 18 –	157 8 –	- - -	189 14 8	
		Jean Robitaille -	- -	9 – –	60 – –	- - -	203 10 –	
		Frs. Guill. Falardeau -	- -	2 3 –	44 4 2	- - -	57 2 2	
		Louis L'Héro - -	- -	1 – –	6 – –	- - -	2 – –	
		Prisque Coté - -	- -	2 8 –	173 16 5	- - -	82 1 4	
		François Voyer -	- -	7 1 4	151 7 –	- - -	193 15 –	
		Vincent Tessier -	- -	2 19 9	19 3 9	- - -	13 5 6	
		Jean Marie Geueste -	- -	– 2 –	– 15 6	- - -	1 8 6	
		Joseph Dion - -	- -	4 1 8	29 13 4	- - -	54 8 10	
		François Voyer -	- -	13 10 –	13 10 –	- - -	13 10 –	
		Ignace Paquet -	- -	3 11 6	23 10 5	- - -	46 19 1	
		Charles Huet - -	- -	6 – 6	89 14 8	- - -	129 4 4	
		Jean Stéguy - -	- -	4 2 4	155 1 4	- - -	4 9 5	
		Prisque A. Vezina -	- -	5 – –	68 18 9	- - -	98 18 9	
		François Coté - -	- -	– 16 –	5 4 8	- - -	10 12 8	
		Michel Albany - -	- -	3 9 –	3 16 8	- - -	3 16 8	
		Pierre Renaud - -	- -	– 1 –	200 11 –	- - -	201 2 6	
		Joseph Pepin - -	- -	6 4 3	37 5 6	- - -	49 14 –	
		Jacques Plamondon -	- -	2 13 3	2 19 3	- - -	2 19 3	
		Charles Sédillot -	- -	5 10 6	312 1 8	- - -	300 16 –	
		François Allain - -	- -	– 3 6	2 10 6	- - -	3 19 5	
		Antoine Blondeau -	- -	4 14 7	14 8 –	- - -	127 16 2	
		Jacques Pageot - -	- -	4 3 8	316 9 10	- - -	207 8 6	
		Joseph Drolet - -	- -	6 5 –	111 15 –	- - -	152 14 5	
		Michel Drolet - -	- -	4 12 –	343 10 8	- - -	287 8 –	
		Louis Bureau - -	- -	4 12 –	68 2 4	- - -	98 5 5	
		Joseph Huard - -	- -	4 17 –	100 6 6	- - -	132 2 4	
		Prisque Cloutier -	- -	4 11 6	30 19 1	- - -	72 18 11	
		Joseph Cloutier -	- -	11 9 –	156 3 6	- - -	160 – 6	
		Jean B. Cloutier -	- -	4 11 6	31 1 2	- - -	60 10 8	
		Joseph Parent - -	- -	9 14 3	228 9 1	- - -	286 14 7	
		Philippe Drolet - -	- -	14 13 1	626 17 1	- - -	699 15 1	
		André Robitaille -	- -	4 8 –	131 9 6	- - -	160 6 5	
		Joseph Célandre -	- -	– 1 –	176 18 –	- - -	177 4 6	
		Joseph Allain - -	- -	2 15 –	107 1 9	- - -	113 2 3	
		Jean B. Hamel -	- -	4 13 –	62 10 4	- - -	20 13 4	
		Michel Boivin - -	- -	4 17 –	108 – 5	- - -	139 16 3	
		Pierre Robitaille -	- -	5 4 8	5 4 8	- - -	5 4 8	
		Ignace Stéguy - -	- -	1 – –	14 7 6	- - -	19 19 8	
		Jacques Dion - -	- -	3 12 –	136 8 –	- - -	160 – –	
		Joseph Dion - -	- -	– 7 –	12 11 8	- - -	14 17 6	
		Joseph Hamel - -	- -	– 14 –	24 18 10	- - -	18 10 4	
		Jean Petit dit Mille-homme - -	- -	– 1 –	10 9 4	- - -	10 15 10	
		Charles Dery - -	- -	10 10 –	89 6 8	- - -	152 6 8	
		Pierre Chatiguy -	- -	– 1 –	10 11 –	- - -	10 17 6	

(*continued.*)

303.

(C. 2.)—List of Censitaires in the Seigniory of St. Gabriel—*continued.*

Date of Original Grant.	Name of Original Concedee.	Name of Present Holder.	Arpents in Superfices.	Annual Rent.	Arrears at 30 September 1831.		Arrears at 30 September 1837.	
					Cens et Rentes.	Lods et Ventes.	Cens et Rentes.	Lods et Ventes.
				£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
		Jacques Beaupré	- -	3 6 9	102 12 -	- - -	124 9 7	
		Pierre Savard	- -	10 14 6	11 17 9	- - -	12 7 -	
		Joseph Allain	- -	2 12 10	15 17 -	- - -	5 5 8	
		Agathe Fluet, Veuve Boivin	- -	4 12 -	27 12 -	- - -	63 16 1	
		François Martel	- -	9 17 -	235 1 2	- - -	270 3 2	
		Jacques Pepin	- -	1 18 4	1 18 4	- - -	9 11 8	
		J. B. Légaré	- -	1 9 11	7 9 7	- - -	16 9 1	
		Laurence Organ	- -	1 2 1	1 4 5	- - -	1 4 5	
		François Pageot	- -	2 7 6	130 12 7	- - -	121 9 1	
		J. B. Dubeau	- -	1 10 -	26 7 4	- - -	6 13 4	
		Fran. G. Falardeau	- -	17 12 6	90 - -	- - -	149 15 -	
		Jacques Geneste	- -	9 4 10	10 4 6	- - -	41 1 5	
		Etienne Lebel	- -	6 19 2	41 15 -	- - -	83 10 -	
		Jos. et Jean L'Héro	- -	3 6 8	126 13 4	- - -	146 13 4	
		Pierre Contremine	- -	7 13 9	148 7 8	- - -	67 11 4	
		Charles Martel	- -	13 6 10	244 4 8	- - -	157 5 8	
		Pierre Verret	- -	6 17 -	239 15 -	- - -	270 17 -	
		Charles Verret	- -	6 5 4	50 2 8	- - -	6 5 4	
		Charles Darveau	- -	9 12 -	180 2 -	- - -	213 14 -	
		Louis Darveau	- -	9 18 -	212 6 -	- - -	135 14 -	
		Pierre L'Hero	- -	4 6 -	95 6 6	- - -	105 10 8	
		Jacques Lebel	- -	7 1 8	56 13 4	- - -	99 3 4	
		J. B. Cliche	- -	- 1 -	- 6 -	- - -	- 12 6	
		J. B. Le Bel	- -	7 12 -	7 12 -	- - -	21 8 -	
		Philippe Drolet	- -	25 12 7	25 12 7	- - -	102 10 4	
		Etienne Allain	- -	6 1 9	65 9 11	- - -	13 3 11	
		Etienne Auclair	- -	5 3 -	30 18 -	- - -	48 12 -	
		J. B. Jobin	- -	7 8 -	762 - -	- - -	501 16 -	
		Louis Le Bel	- -	4 14 -	94 10 -	- - -	134 2 -	
		Jacques Falardeau	- -	24 16 -	24 16 -	- - -	24 16 -	
		J. B. Martel	- -	8 8 -	187 8 -	- - -	237 16 -	
		Antoine Bedard	- -	1 6 4	60 6 8	- - -	56 4 8	
		Jacques Beleau	- -	1 4 -	8 2 8	- - -	2 13 4	
		Jos. Duchesneau	- -	15 6 -	15 6 -	- - -	15 6 -	
		J. B. Duchesneau	- -	5 1 -	221 4 -	- - -	149 10 -	
		Joseph Drolet	- -	2 4 -	87 7 -	- - -	30 17 9	
		Ignace Martel	- -	8 10 11	170 18 4	- - -	222 3 10	
		François Maret	- -	5 4 5	31 6 6	- - -	109 3 -	
		Louis L'Héro	- -	6 11 5	14 9 5	- - -	78 17 11	
		Jos. Gauthier de Varennes	- -	2 - -	12 - -	- - -	24 - -	
		Jean Cliche	- -	- 1 6	- 9 6	- - -	- 6 8	
		Jos. Pageot	- -	11 17 -	489 14 -	- - -	395 2 -	
		Jos. Pageot	- -	6 17 -	6 17 -	- - -	6 17 -	
		Louis Savard	- -	10 9 10	235 3 8	- - -	20 19 8	
		Germain Auclair	- -	7 4 -	222 14 -	- - -	265 18 -	
		François Auclair	- -	18 - 10	18 - 10	- - -	18 - 10	
		Etienne Falardeau	- -	12 6 -	12 6 -	- - -	12 6 -	
		François Geneste	- -	3 9 6	3 9 6	- - -	11 9 8	
		François Martel	- -	3 13 6	571 1 4	- - -	593 1 4	
		Louis Renaud	- -	- 2 -	25 12 -	- - -	38 4 -	
		Charles Lefebvre	- -	- 1 -	333 14 8	- - -	334 8 8	
		Pierre Esquiambre	- -	11 13 8	95 8 -	- - -	8 13 4	
		M. Bouin, dit Dufresne	- -	6 18 -	41 8 -	- - -	82 16 -	
		Jos. Renaud	- -	11 16 5	210 - 4	- - -	178 18 10	
		Jacques Renaud	- -	11 12 -	228 8 -	- - -	228 14 -	
		Charles Trudel	- -	4 15 10	2 10 6	- - -	15 3 -	
		Nicolas Tardif	- -	- 1 -	- 8 -	- - -	- 14 -	
		P. Martin, dit Beauleau	- -	3 2 -	97 7 -	- - -	97 19 -	
		Antoine Hamel	- -	2 2 -	284 2 4	- - -	296 14 4	
		Jean B. L'Hero	- -	- 11 -	206 10 -	- - -	151 9 -	
		Jean B. Dubeau	- -	13 8 9	237 14 4	- - -	13 8 9	
		Louis Falardeau	- -	9 17 3	579 17 -	- - -	579 - -	
		Louis Geneste	- -	14 8 -	521 10 -	- - -	14 8 -	
		Joseph Dugal	- -	14 17 6	216 10 -	- - -	305 15 -	
		Joseph Beaumont	- -	5 9 -	5 9 -	- - -	10 18 -	
		Charles Verret	- -	2 6 -	80 10 -	- - -	94 6 -	
		Pierre Bedard	- -	5 17 6	52 16 -	- - -	88 1 -	
		Joseph Moraud	- -	5 7 2	121 10 6	- - -	130 9 8	
		Joseph Leclerc	- -	4 11 -	91 14 -	- - -	119 - -	
		Etienne L'Hero	- -	12 19 4	246 12 8	- - -	300 8 8	
		Jacques Dubeau	- -	8 8 6	274 18 -	- - -	17 13 6	
		Joseph Savard	- -	11 19 -	588 1 -	- - -	377 15 -	
		Jacques Savard	- -	12 - -	12 - -	- - -	13 - -	
		J. M. Maufaite	- -	2 6 -	2 6 -	- - -	13 16 -	
		Charles Garneau	- -	10 6 -	24 3 -	- - -	27 6 -	
		Jean B. Auclair	- -	4 11 -	27 6 -	- - -	54 12 -	
		Pierre Bernier	- -	2 19 -	107 14 -	- - -	95 8 -	
		Charles Bedard	- -	15 - -	15 - -	- - -	3 15 -	
		Angélique Falardeau	- -	5 2 5	174 4 6	- - -	10 4 10	
		Jean Robitaille	- -	- 1 -	51 6 -	- - -	51 12 -	
		Joseph Savard	- -	1 12 -	83 13 -	- - -	93 5 -	
		Jos. et Charles Légaré	- -	1 10 -	37 10 -	- - -	46 10 -	
		Louis Falardeau	- -	11 10 -	265 3 -			
		J. B. Légaré	- -	8 6 10	145 11 4	- - -	147 12 4	
		Louis Girard	- -	7 7 9	446 2 6	- - -	430 9 -	
		Jacques Martel	- -	3 12 -	124 - -	- - -	145 12 -	
		Ignace Parent	- -	5 2 -	221 14 -	- - -	234 6 -	
		Frs. P. Verret	- -	10 6 1	206 2 5	- - -	198 18 11	

(C.2.)—List of Censitaires in the Seigniory of St. Gabriel—*continued.*

Date of Original Grant.	Name of Original Concedee.	Name of Present Holder.	Arpents in Superficies.	Annual Rent.	Arrears at 30 September 1831. Cens et Rentes.	Arrears at 30 September 1831. Lods et Ventes.	Arrears at 30 September 1837. Cens et Rentes.	Arrears at 30 September 1837. Lods et Ventes.
				£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
		Pierre Auclair		2 6 –	2 6 –	- - -	2 6 –	
		Louis Penisson		11 7 –	11 7 –	- - -	56 15 –	
		Pierre Esquiambre		4 11 9	123 17 3	- - -	151 7 9	
		Joseph Auclair		2 15 –	104 19 –	- - -	121 9 –	
		Jacques Bedard		5 16 9	5 16 9	- - -	5 16 9	
		Simon Mérieux		2 2 –	100 10 –	- - -	113 2 –	
		Pierre Pageot		1 12 6	26 3 –	- - -	35 18 –	
		Marguerite Laberge		5 – 6	196 17 –	- - -	190 3 –	
		Etienne Falardeau		– 1 –	50 8 –	- - -	50 14 –	
		Pierre Albœuf		4 15 –	65 – –	- - -	75 4 –	
		Etienne Auclair		4 2 –	70 16 –	- - -	30 8 –	
		Louis Geneste		– 1 –	31 15 –	- - -	32 1 –	
		Joseph Esquiambre		4 11 9	123 17 3	- - -	151 7 9	
		Jean Allard		3 2 6	3 2 6	- - -	3 2 6	
		Chs. Albœuf		36 13 –	36 13 –	- - -	36 13 –	
		Ambroise Verret		6 18 –	6 18 –	- - -	41 8 –	
		Ls. Barnabé Parent		– 6 6	– 7 6	- - -	1 17 6	
		Jean B. Savard		1 7 –	1 7 –	- - -	9 9 –	
		Thos. Lepine		– 2 –	83 10 –	- - -	72 2 –	
		J. B. Auclair		1 2 6	6 15 –	- - -	13 10 –	
		Thos. Falardeau		4 5 9	47 3 3	- - -	42 17 9	
		Jacques Pénisson		3 15 8	3 15 8	- - -	11 7 –	
		Charles Pageot		3 4 6	396 14 10	- - -	318 11 10	
		Ls. Et. Savard		13 2 –	159 12 –	- - -	106 4 –	
		Jacques Drolet		4 16 –	256 19 –	- - -	165 15 –	
		Jean Darveau		4 8 –	35 4 –	- - -	61 12 –	
		Chs. Albœuf		13 14 –	13 14 –	- - -	13 14 –	
		Narcisse Savard		11 19 –	322 13 –	- - -	394 7 –	
		Charles Lafond		7 19 6	239 6 –	- - -	281 3 –	
		Joseph Chamberland		7 10 –	45 – –	- - -	457 10 –	
		Joseph Bergevin		4 – –	92 – –	- - -	4 – –	
		Pierre Pénisson		3 15 8	3 15 8	- - -	15 2 8	
		Michel Savard		12 14 –	332 6 –	- - -	261 4 –	
		François Albœuf		– 1 –	– 1 –	- - -	– 6 –	
		Charles Albœuf		– 1 –	– 13 3	- - -	– 1 –	
		Charles Albœuf		– 1 –	13 6 –	- - -	– 1 –	
		Josephte Martel		7 7 –	134 13 –	- - -	166 15 –	
		Charles Savard		16 12 –	372 14 –	- - -	459 16 –	
		J. B. Savard		5 9 –	190 15 –	- - -	21 16 –	
		J. B. Verret		7 8 –	100 – –	- - -	63 8 –	
		Jacques Duchesneau		12 13 –	343 18 –	- - -	339 17 –	
		Thomas Lépine		5 18 –	159 6 –	- - -	194 14 –	
		François Bedard		17 17 –	40 16 –	- - -	89 5 –	
		Frs. Régis Bedard		8 2 4	8 2 4	- - -	56 16 4	
		Pierre Paquet		– 1 –	29 15 –	- - -	30 1 –	
		Joseph Bedard		3 19 –	233 11 –	- - -	257 5 –	
		Thomas Bedard		14 1 6	146 18 –	- - -	221 7 –	
		Jean Pageot		– 1 –	42 2 4	- - -	40 2 4	
		Jacques Savard		5 19 –	148 15 –	- - -	184 9 –	
		Joseph Cliche		10 10 –	210 – –	- - -	207 – –	
		Pierre Albœuf		5 10 –	109 8 –	- - -	142 8 –	
		Louis Albœuf		5 10 6	109 11 –	- - -	123 14 6	
		Louis Bedard		8 5 3	8 5 3	- - -	37 11 6	
		Charles Martel		– 2 –	170 – –	- - -	171 2 –	
		Jacques Chartré		7 6 3	7 6 3	- - -	7 6 3	
		Joachim et Stanislas Bedard		5 6 –	5 6 –	- - -	37 2 –	
		J. B. Voyer		2 1 3	2 1 3	- - -	2 1 3	
		Antoine Savard		8 15 4	17 10 8	- - -	65 10 –	
		Joseph Savard		11 15 6	393 7 4	- - -	475 15 10	
		Jos. et Ant. Savard		4 8 –	8 16 –	- - -	39 12 –	
		Paul et Etienne Savard		6 18 –	13 16 –	- - -	62 2 –	
		Joseph Falardeau		9 4 –	183 4 –	- - -	238 8 –	
		Jean B. Noel		1 6 9	49 10 3	- - -	39 10 9	
		Jean B. Verret		4 9 3	531 3 9	- - -	505 19 3	
		Louis Martel		4 17 –	436 9 8	- - -	505 11 8	
		Pierre Bernier		5 11 –	88 7 –	- - -	120 13 –	
		Jean Hannahouil		8 7 4	115 2 8	- - -	25 2 –	
		Jacques Légaré		2 2 8	56 18 8	- - -	69 14 8	
		Germain Bedard		2 – –	104 – –	- - -	116 – –	
		J. B. Fortier		2 13 6	82 16 –	- - -	52 13 6	
		J. B. Falardeau		1 15 11	1 15 11	- - -	1 15 11	
		J. B. Jobin		10 12 –	10 12 –	- - -	10 12 –	
		Clement Bedard		2 6 –	11 10 –	- - -	25 6 –	
		J. B. Jobin		2 13 6	79 3 6	- - -	95 3 6	
		Joseph Esquiambre		8 19 6	44 18 6	- - -	44 17 6	
		François Pageot		5 7 –	212 5 –	- - -	244 7 –	
		Jacques Bourbeau		5 6 –	108 12 –	- - -	50 8 –	
		Pierre Auclair		– 18 9	22 11 6	- - -	27 14 –	
		François Falardeau		6 12 –	186 8	- - -	213 8 –	
		Jean Pageot		– 1 –	55 8 –	- - -	55 14 –	
		Jacques Pepin		5 6 –	37 2 –	- - -	47 10 –	
		J. B. Renaud		2 18 6	2 18 6	- - -	2 18 6	
		Jean Beaumont		5 3 –	63 7 –	- - -	15 9 –	
		Pierre Duchesneau		9 5 –	327 – –	- - -	382 10 –	
		Jacques Lefebvre		5 17 –	159 12 –	- - -	11 14 –	
		Joseph Bourbeau		2 18 6	14 12 6	- - -	11 14 –	
		Charles Manger		7 8 5	7 8 5	- - -	14 16 10	
		Louis Verret		11 10 –	416 – –	- - -	485 – –	

(*continued.*)

(C. 2.)—List of Censitaires in the Seigniory of St. Gabriel—*continued.*

Date of Original Grant.	Name of Original Concedee.	Name of Present Holder.	Arpents in Superficies.	Annual Rent.	Arrears at 30 September 1831.		Arrears at 30 September 1837.	
					Cens et Rentes.	Lods et Ventes.	Cens et Rentes.	Lods et Ventes.
				£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
		J. B. Bedard		1 12 –	510 6 –	– – –	519 18 –	
		Jacques Albœuf		1 14 6	48 18 –	– – –	59 4 –	
		J. B. Pepin		5 6 –	5 6 –	– – –	10 12 –	
		Frans. Drouin		1 9 3	41 1 6	– – –	5 17 –	
		Pierre Bedard, fils		– 16 –	45 10 –	– – –	50 – –	
		Autoine Allard		14 2 9	504 16 3	– – –	579 12 9	
		Louis Dion		4 11 –	159 5 –	– – –	186 11 –	
		Frs. Regis Bedard		5 17 –	224 15 –	– – –	259 17 –	
		J. B. Pager		4 10 –	193 17 –	– – –	220 17 –	
		Joseph Plamondon		10 10 –	551 1 –	– – –	614 1 –	
		Joseph Cliche		– 1 –	100 11 –	– – –	100 17 –	
		Pierre Chartré		5 15 8	86 6 –	– – –	84 2 6	
		Michel Racine		3 – –	173 11 6	– – –	176 11 6	
		Antonie Delaurier		– 4 –	1 4 –	– – –	2 8 –	
		J. B. Barbeau		– 7 –	72 1 8	– – –	71 7 8	
		Jean Falardeau		1 4 4	7 6 –	– – –	14 12 –	
		Germain Auclair		2 – –	71 6 –	– – –	68 6 –	
		Ignace Cliche		14 – –	597 16 8	– – –	681 16 8	
		Ignace Cliche, Boulanger		4 9 6	235 15 6	– – –	222 3 –	
		François Falardeau		– 1 –	50 12 –	– – –	50 18 –	
		Joseph Barbeau		9 – –	330 18 –	– – –	374 18 –	
		Joseph Sevin		1 10 6	46 17 6	– – –	26 19 6	
		Michel Girard		1 11 –	30 5 –	– – –	39 11 –	
		Thos. Plamondon		– 1 –	– 9 –	– – –	– 15 –	
		J. B. Brière		3 11 –	71 – –	– – –	92 6 –	
		J. B. Thibault		– 12 –	87 16 –	– – –	91 8 –	
		Marie Frs. Savard		– 5 –	8 15 –	– – –	10 5 –	
		Pierre Verret		4 12 –	159 4 –	– – –	189 16 –	
		Pierre Plamondon		– 1 –	150 13 –	– – –	150 19 –	
		Pierre Légaré		3 2 –	3 2 –	– – –	12 8 –	
		Pierre Duchesneau		– 1 6	1 4 –	– – –	1 13 –	
		Pierre Duchesneau		4 1 –	252 15 8	– – –	277 1 8	
		Joseph Verret		2 7 –	82 5 –	– – –	90 7 –	
		Charles Savard		7 16 8	47 16 6	– – –	39 3 4	
		Marie Garneau		9 4 9	267 14 9	– – –	184 11 3	
		Michel Bernard		– 1 –	– 15 –	– – –	1 1 –	
		Joseph Daigle		9 6 –	328 10 –	– – –	384 6 –	
		Jacques Durand		21 16 6	509 17 6	– – –	616 6 6	
		Jean B. Falardeau		5 17 –	93 5 –	– – –	128 7 –	
		Marie Noel Drouin		1 3 4	353 13 4	– – –	360 13 4	
		J. B. Roi		– 1 –	– 7 –	– – –	– 13 –	
		Jacques Barbeau		10 – –	130 – –	– – –	190 – –	
		Zacharie Gagnon		2 10 6	53 17 6	– – –	69 – –	
		Pierre Allain		4 – –	140 – –	– – –	164 – –	
		Jean B. Duchesneau		6 3 9	216 11 3	– – –	241 13 9	
		Jean Marie Mauffet		2 11 –	34 – 6	– – –	49 6 6	
		Nicolas Gran		1 3 –	210 1 –	– – –	210 19 –	
		Jean Beaupré		– 12 –	69 8 –	– – –	73 – –	
		Jacques Dauphiné		– 1 –	20 9 –	– – –	20 15 –	
		Victoire Paquin		2 7 4	34 6 8	– – –	48 10 8	
		J. B. Renaud		2 19 –	95 6 –	– – –	113 – –	
		J. B. Bedard		4 12 –	4 12 –	– – –	4 12 –	
		Jacques Fluet		1 7 –	1 7 –	– – –	55 7 –	
		Jacques Drolet		2 13 6	64 15 –	– – –	79 16 –	
		Philippe Panet		4 19 –	39 12 –	– – –	69 6 –	
		Jean Petit dit Millehomme		1 – –	50 – –	– – –	56 – –	
		Ignace Martel		4 13 –	368 9 8	– – –	396 7 8	
		Joseph Frichet		2 7 –	80 10 –	– – –	94 12 –	
		Jacques Durand		13 5 –	267 5 –	– – –	274 15 –	
		Marguerite Martin Varve Thos. Auclair		1 9 –	46 17 –	– – –	55 11 –	
		Dr. Wm. Holmes		10 7 –	135 11 –	– – –	197 13 –	
		Pierre Martel		7 19 –	231 14 –	– – –	279 8 –	
		Louis Gingras		– 2 –	13 8 –	– – –	14 – –	
		Charles Martel		2 6 –	82 10 –	– – –	96 6 –	
		J. B. Noreau		9 14 –	67 18 –	– – –	126 2 –	
		Charles Jobin		2 18 –	2 18 –	– – –	14 10 –	
		Etienne Robitaille		7 14 –	858 10 –	– – –	30 16 –	
		A. Romain Huron		12 18 –	64 10 –	– – –	141 18 –	
		Etienne Robitaille		7 3 –	209 15 –	– – –	21 9 –	
		Louis Savard		14 11 –	369 17 –	– – –	457 3 –	
		Jos. Drolet		5 8 –	327 – –	– – –	333 16 4	
		Thomas Legallé		6 – –	66 – –	– – –	102 – –	
		J. Guillet dit Touraugeau		14 5 –	14 5 –	– – –	14 5 –	
		Pierre Bedard		2 16 –	87 8 –	– – –	104 4 –	
		Jean B. Chartré		4 15 –	282 3 –	– – –	190 13 –	
		François Falardeau		6 12 –	186 8 –	– – –	229 – –	
		Jean Falardeau		6 12 –	186 8 –	– – –	229 – –	
		Etienne Audit		1 9 3	46 15 9	– – –	55 11 3	
		Pierre Trudel		3 6 –	53 8 –	– – –	73 4 –	
		Messire Thomas Cook		1 18 –	97 8 4	– – –	108 – –	
		Michel Gough		9 13 –	252 18 –	– –	310 16 –	
		Messrs. Ch. & J. Deschenaux		1 10 –	40 10 –	– – –	49 10 –	
		Jacques Beaumont		5 – –	20 – –	– – –	5 – –	
		Louis F. Dufresne		10 14 –	54 6 –	– – –	118 10 –	

(C. 2.)—List of Censitaires in the Seigniory of St. Gabriel—*continued.*

Date of Original Grant.	Name of Original Concedee.	Name of Present Holder.	Arpents in Superficies.	Annual Rent.	Arrears at 30 September 1831. Cens et Rentes.	Arrears at 30 September 1831. Lods et Ventes.	Arrears at 30 September 1837. Cens et Rentes.	Arrears at 30 September 1837. Lods et Ventes.
				£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
		Jean Pageot	- -	3 6 –	104 12 –	- - -	3 6 –	
		Antoine Bedard, P.	- -	– 2 –	– 16 –	- - -	1 8 –	
		Joseph Rochette	- -	– 7 –	16 4 –	- - -	18 6 –	
		Ambroise Talardeau	- -	2 8 –	86 2 –	- - -	93 2 –	
		Charles L'Héro	- -	– 3 –	6 10 –	- - -	7 8 –	
		Louis Falardeau	- -	16 19 –	107 18 –	- - -	16 19 –	
		Jean Savard	- -	4 4 –	221 2 –	- - -	229 10 –	
		Jean B. Falardeau	- -	3 9 –	143 10 –	- - -	164 4 –	
		Ancien Cours	- -	1,869 18 2	40,765 17 11	- - -	41,348 9 10	
		Currency	- -	77 18 2	1,698 11 7	- - -	1,722 17 1	
		NEW CONCESSIONS.						
		David Sinclair	- -	8 18 –	82 6 –	- - -	115 14 –	
		Andrew Kerr	- -	8 18 –	82 6 –	- - -	115 14 –	
		William Corrigan	- -	8 18 –	82 6 –	- - -	115 14 –	
		William Maher	- -	8 18 –	82 6 –	- - -	115 14 –	
		Alexander Badnock	- -	10 3 –	61 18 –	- - -	122 16 –	
		Donald Grant	- -	9 – –	9 – –	- - -	108 – –	
		Ralph Ridley	- -	8 11 –	51 6 –	- - -	102 12 –	
		Robert Boyd	- -	4 17 –	29 2 –			
		Donald Grant	- -	8 18 –	8 18 –	- - -	8 18 –	
		John M'Cartney	- -	7 18 –	47 8 –	- - -	94 16 –	
		John M'Cartney	- -	6 2 –	36 12 –	- - -	73 4 –	
		Thomas Murphy	- -	8 – –	48 – –	- - -	96 – –	
		Joseph Shea	- -	8 – –	48 – –	- - -	96 – –	
		John Bethel	- -	10 – –	60 – –	- - -	120 – –	
		Thomas Bethel	- -	10 – –	60 – –	- - -	120 – –	
		John Deleney, sen.	- -	10 – –	60 – –	- - -	120 – –	
		John Deleney, sen.	- -	10 – –	60 – –	- - -	120 – –	
		William Deleney	- -	10 – –	60 – –	- - -	120 – –	
		Ferdinand Murphey	- -	5 8 –	32 8 –	- - -	64 16 –	
		Andrew Monk	- -	10 – –	60 – –	- - -	120 – –	
		Andrew Monk	- -	10 – –	60 – –	- - -	120 – –	
		Hon. W. Burns	- -	45 18 –	311 15 –	- - -	587 7 6	
		Andrew Gibson	- -	10 4 –	61 4 –	- - -	122 8 –	
		Andrew Gibson	- -	10 4 –	61 4 –	- - -	122 8 –	
		Andrew Gibson	- -	10 4 –	61 4 –	- - -	122 8 –	
		Robert Thornton	- -	10 4 –	61 4 –	- - -	122 8 –	
		Robert Thornton	- -	10 4 –	61 4 –	- - -	122 8 –	
		John Boyd	- -	10 4 –	61 4 –	- - -	122 8 –	
		George Gibson	- -	10 4 –	61 4 –	- -	122 8 –	
		John Boyd	- -	10 4 –	61 4 –	- - -	122 8 –	
		Richard Holt	- -	10 4 –	61 4 –	- - -	122 8 –	
		William Bethel	- -	10 4 –	61 4 –	- - -	122 8 –	
		John Brown	- -	10 4 –	61 4 –	- - -	122 8 –	
		Michael Quinn	- -	10 4 –	61 4 –	- - -	122 8 –	
		Jos. Remy Valliéres de St. Real	- -	6 18 –	41 8 –	- - -	82 16 –	
		John Young	- -	10 4 –	61 4 –	- - -	122 8 –	
		James Robertson	- -	10 4 –	61 4 –	- - -	122 – –	
		Elzéar Bedard	- -	6 18 –	41 8 –	- - -	82 16 –	
		James Doran	- -	10 4 –	61 4 –	- - -	122 8 –	
		Elzéar Bedard	- -	3 12 –	21 12 –	- - -	43 4 –	
		Samuel Irvin	- -	10 4 –	61 4 –	- - -	122 8 –	
		Chs. Fitzpatrick	- -	10 4 –	61 4 –	- - -	122 8 –	
		David Neil	- -	10 4 –	61 4 –	- - -	122 8 –	
		Isaac Brown	- -	10 4 –	61 4 –	- - -	122 8 –	
		Isaac Brown	- -	10 4 –	61 4 –	- - -	122 8 –	
		Isaac Brown	- -	10 4 –	61 4 –	- - -	122 8 –	
		Rev. T. L. Mills	- -	10 – –	40 – –	- - -	100 – –	
		Rev. T. L. Mills	- -	10 – –	40 – –	- - -	100 – –	
		Rev. T. L. Mills	- -	10 – –	40 – –	- - -	100 – –	
		Rev. T. L. Mills	- -	14 8 10¾	57 15 7	- - -	144 8 11	
		Henry Black	- -	10 – –	40 – –	- - -	100 – –	
		Henry Black	- -	9 – –	36 – –	- - -	90 – –	
		Laurence Mooney	- -	7 17 9¾	31 11 2	- - -	7 17 9¾	
		James Black	- -	7 17 9¾	31 11 2	- - -	86 15 8¾	
		James Black	- -	7 17 9¾	31 11 2	- - -	86 15 8¾	
		James Black	- -	7 17 9¾	31 11 2	- - -	86 15 8¾	
		John Cannon	- -	10 4 –	61 4 –	- - -	132 12 –	
		William Downes	- -	8 – –	8 – –	- - -	40 – –	
		James Abraham	- -	10 4 –	61 4 –	- - -	132 12 –	
		John O'Neil	- -	12 14 –	63 10 –	- - -	152 8 –	
		John O'Neil	- -	12 14 –	63 10 –	- - -	152 8 –	
		N. Frs. Maillot	- -	25 2 –	314 3 –	- - -	50 4 –	
		Chs. Fitzpatrick	- -	10 4 –	61 4 –	- - -	132 12 –	
		Chs. Fitzpatrick	- -	10 4 –	61 4 –	- - -	132 12 –	
		Maurice Droyne	- -	10 4 –	30 12	- - -	102 – –	
		Hugh O'Connor	- -	10 – –	30 – –	- - -	100 – –	
		Elizer Worn	- -	10 – –	30 – –	- - -	100 – –	
		George Brooks	- -	10 – –	30 – –	- - -	100 – –	
		James Cuslahan	- -	10 – –	30 – –	- - -	100 – –	
		William Davidson	- -	10 – –	30 – –	- - -	90 – –	
		William Davidson	- -	10 – –	30 – –	- - -	90 – –	
		Rev. T. L. Mills	- -	8 10 –	25 10 –	- - -	76 10 –	

(*continued.*)

(C. 2.)—List of Censitaires in the Seigniory of St. Gabriel—New Concessions—*continued.*

Date of Original Grant.	Name of Original Concedee.	Name of Present Holder.	Arpents in Superficies.	Annual Rent.	Arrears at 30 September 1831.		Arrears at 30 September 1837.	
					Cens et Rentes.	Lods et Ventes.	Cens et Rentes.	Lods et Ventes.
				£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
		Rev. T. L. Mills		8 6 8	25 – –	– – –	75 – –	
		Rev. T. L. Mills		8 – –	24 – –	– – –	72 – –	
		Rev. T. L. Mills		8 6 8	25 – –	– – –	75 – –	
		Thomas Davis		10 4 –	40 16 –	– – –	102 – –	
		Wm. Goodfellow		10 4 –	40 16 –	– – –	102 – –	
		Robert Goodfellow		10 4 –	40 16 –	– – –	102 – –	
		John Hartigan		10 – –	30 – –	– – –	90 – –	
		Curtis Billing		10 – –	30 – –	– – –	90 – –	
		Curtis Billing		10 – –	30 – –	– – –	90 – –	
		John Abraham		10 – –	30 – –	– – –	90 – –	
		John Abraham		10 – –	30 – –	– – –	90 – –	
		Michael Cassan		10 – –	30 – –	– – –	90 – –	
		Denis Cassan		10 – –	30 – –	– – –	90 – –	
		William Bethel		10 – –	30 – –	– – –	90 – –	
		Edward Monaghan		10 – –	30 – –	– – –	90 – –	
		John Emery, junior		10 13 4	32 – –	– – –	94 14 –	
		Thomas Brown		10 – –	30 – –	– – –	90 –	
		William Crawford		10 – –	30 – –	– – –	90 – –	
		John Ward		10 6 8	20 13 4	– – –	82 13 4	
		John Ward		10 6 8	20 13 4	– – –	82 13 4	
		Thomas White		15 6 3	15 6 3	– – –	107 3 9	
		Ancien Cours		944 17 3¾	4,748 5 2	– – –	9,908 5 9	
		Currency		39 7 4½	197 16 10½	– – –	412 16 8	

Jesuits' Office, 3 October 1838.
A true Copy.
(signed) *J. Stewart.*

Quebec, 30 September 1838.
(signed) *Louis Panet,*
Agent.

(C. 3.)—List of Censitaires, &c. in the Seigniory of *Notre Dame des Anges.*

Old Concessions.

Date of Original Grant.	Name of Original Concedee.	Name of Present Holder.	Arpents in Superficies.	Annual Rent.	Arrears at 30 September 1831.		Arrears at 30 September 1837.	
					Cens et Rentes.	Lods et Ventes.	Cens et Rentes.	Lods et Ventes.
				£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
		Louis Rochelau		13 1 –	13 1 –	– – –	91 7 –	
		Marie Villeneuve		5 14 –	535 10 –	– – –	546 14 –	
		Jean Bilodeau		7 14 –	248 14 –	– – –	294 18 –	
		Ant. Lortie		8 6 –	557 6 –	– – –	607 2 –	
		Frs. Grenier		6 12 –	377 2 –	– – –	416 14 –	
		Jas. M'Kenzie		10 15 –	55 5 –	– – –	64 10 –	
		René Emond		– 18 –	205 6 –	– – –	211 14 –	
		Ag. Gosselin		2 10 –	48 10 –	– – –	63 10 –	
		L'Hotel Dieu		6 10 –	45 10 –	– – –	19 10 –	
		Jos. Poitras		6 12 –	211 4 –	– – –	250 16 –	
		A. Godbout		6 10 –	26 – –	– – –	39 – –	
		God. Belanger		13 6 –	425 12 –	– – –	505 8 –	
		Frs. Poulin		6 10 –	81 2 –	– – –	120 2 –	
		L. Dupins		7 15 –	234 15 –	– – –	281 5 –	
		J. Bignell		6 10 –	70 10 –	– – –	109 10 –	
		Frs. Binet		– 8 –	1 12 –	– – –	2 – –	
		Ed. W. Sewell		2 4 –	568 8 –	– – –	8 16 –	
		The Seminary		3 6 2	6 12 4	– – –	26 9 4	
		Chs. Smith		13 15 –	86 18 –	– – –	169 8 –	
		J. B. Jobin		1 18 –	1 18 –	– – –	13 6 –	
		Jos. Bernier		4 13 –	7 14 –	– – –	15 8 –	
		Louis Jacques		15 19 –	15 19 –	– – –	63 13 –	
		J. B. Villeneuve		15 17 –	15 17 –	– – –	15 17 –	
		J. B. Bedard		22 18 –	176 10 –	– – –	1 6 –	
		Et. Lefebvre		23 1 –	92 4 –	– – –	230 10 –	
		Jos. Delarge		8 3 –	667 9 –	– – –	662 7 –	
		Thos. Pepin		– 12 –	11 16 –	– – –	3 – –	
		Frs. Pepin		9 11 –	229 13 –	– – –	259 13 –	
		P. Dorion		10 15 –	10 15 –	– – –	64 10 –	
		Chs. et A. Leclerc		11 7 –	324 9 –	– – –	152 11 –	
		Pierre Pepin		6 9 –	66 3 –	– – –	104 17 –	
		Jos. Gagné		41 12 –	41 12 –	– – –	49 8 –	
		Chs. Smith, jun.		11 12 –	23 4 –	– – –	92 16 –	
		Chs. Bergerou		5 10 –	648 7 –	– – –	454 5 –	
		Les Ursulines		6 – –	102 – –	– – –	138 – –	
		Ant. Bertrand		8 6 –	232 8 –	– – –	276 4 –	
		Chs. Bertrand		2 2 –	8 8 –	– – –	12 12 –	
		Jean Trudel		1 17 –	237 – –	– – –	284 2 –	
		Jas. Dion		1 17 –	537 – –	– – –	548 2 –	
		Didas Beaussré		1 – –	20 – –	– – –	26 – –	
		L. T. Besserer		2 12 –	145 4 –	– – –	154 4 –	
		Jos. Gauvreau		1 6 –	226 – –	– – –	233 16 –	
		Thos. Bedard		– 14 –	490 – –	– – –	494 4 –	
		Chs. Lenireux		– 10 –	392 – –	– – –	395 – –	
		Paul Vernet		3 12 –	1,125 17 –	– – –	14 8 –	620 –

(C. 3.)—List of Censitaires, &c. in the Seigniory of Notre Dame des Anges—Old Concessions—*continued.*

Date of Original Grant.	Name of Original Concedee.	Name of Present Holder.	Arpents in Superficies.	Annual Rent.	Arrears at 30 September 1831. Cens et Rentes.	Arrears at 30 September 1831. Lods et Ventes.	Arrears at 30 September 1837. Cens et Rentes.	Arrears at 30 September 1837. Lods et Ventes.
				£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
		Frs. Gagné		– 18 –	417 16 –	– – –	423 4 –	
		Jos. Cantin		– 18 –	67 16 –	– – –	3 12 –	
		P. Gagnon		– 18 –	18 18 –	– – –	23 16 –	
		Peter Grant		3 16 –	11 8 –	– – –	22 16 –	
		Ant. Falardeau		1 13 –	89 7 –	– – –	99 5 –	
		Frs. Julien		– 13 –	132 7 –	– – –	136 5 –	
		Jos. Jas. Galarneau		6 9 –	38 13 –	– – –	12 18 –	
		P. Pageot		7 18 –	31 12 –	– – –	79 – –	
		L. Bedard		1 3 –	20 4 –	– – –	2 6 –	
		Chs. Pageot		– 16 –	4 2 –	– – –	4 2 –	
		Jean Villeneuve		13 3 –	13 3 –	– – –	13 3 –	
		Frs. Tremblay		9 5 –	451 5 –	– – –	482 15 –	
		Ls. Maynan		13 6 –	679 5 –	– – –	574 8 –	
		Nic. Delinelle		7 7 –	216 5 –	– – –	212 7 –	
		J. B. Bedard		16 8 –	383 6 –	– – –	481 14 –	
		Ths. Ch. Bedard		11 1 –	225 11 –	– – –	74 13 –	
		A. Guilbanet		4 8 –	357 1 –	– – –	388 9 –	
		A. et Jos. Reaune		1 – –	4 10 –	– – –	10 10 –	
		Laur. Danais		8 17 –	193 3 –	– – –	210 5 –	
		Frs. Villeneuve		7 14 –	116 3 8	– – –	30 16 –	
		L. Bourré		30 13 –	172 7 –	– – –	92 5 –	
		Chs. Hupé		5 18 –	5 18 –	– – –	41 6 –	
		Jean Audi		2 15 –	38 10 –	– – –	55 – –	
		Pierre Bedard		10 – –	230 – –	– – –	290 – –	
		Jean Tremblay		7 6 –	240 10 –	– – –	212 6 –	
		A. Bedard		9 2 –	9 2 –	– – –	18 4 –	
		L. Bedard		12 – –	119 12 –	– – –	155 – –	
		Gab. Bedard		10 18 –	218 – –	– – –	265 8 –	
		P. Poulin		– 2 –	– 10 –	– – –	1 2 –	
		Frs. Pepin		4 11 –	119 4 –	– – –	146 10 –	
		P. Poulin, père		6 7 –	187 19 –	– – –	226 1 –	
		Frs. Equiambre		7 11 –	338 15 –	– – –	384 1 –	
		P. Parent		3 6 –	105 12 –	– – –	125 8 –	
		Jos. Roy dit Audy		2 4 –	2 4 –	– – –	15 8 –	
		Geo. Howard		19 16 –	825 12 –	– – –	944 8 –	
		Jos. Drouin		– 1 –	– 4 –	– – –	– 10 –	
		P. Delisnel		5 10 –	248 – –	– – –	281 – –	
		Jean Hupé		2 8 –	54 14 –	– – –	69 2 –	
		Jac. Lefebvre		6 2 –	93 6 –	– – –	55 10 –	
		A. Bedard		1 2 –	1 2 –	– – –	2 4 –	
		Jean Bedard		4 2 –	104 18 –	– – –	129 10 –	
		Gab. Paradis		8 16 –	8 16 –	– – –	37 12 –	
		Jean Bedard et al.		11 9 –	96 9 –	– – –	168 3 –	
		Etienne Bedard		6 10 –	137 6 8	– – –	176 6 8	
		J. Hammon		3 10 –	17 10 –	– – –	38 10 –	
		D. Chauritte		2 4 –	70 8 –	80 – –	83 12 –	80 – –
		Jean Bilodeau		4 8 –	140 16 –	– – –	167 4 –	
		V. Frs. Bilodeau		2 4 –	102 15 –	– – –	115 19 –	
		Gen. Bedard		1 2 –	37 2 –	– – –	43 14 –	
		Gen. Crépau		– 4 –	26 4 –	– – –	27 8 –	
		Jos. Bouriér		19 3 6	19 3 6	– – –	19 3 6	
		Thos. Villeneuve		7 12 –	38 10 –	– – –	15 4 –	
		Hy. Giroux		20 17 –	65 16 –	– – –	41 14 –	
		Dom. Lortie		6 11 –	214 7 –	– – –	253 13 –	
		M. L. Lortie		8 2 –	335 17 –	– – –	346 9 –	
		J. B. Drouin		3 6 –	3 6 –	– – –	13 4 –	
		Frs. Garnier		3 11 –	17 15 –	– – –	7 2 –	
		V. Belanger		2 13 –	63 12 –	– – –	79 10 –	
		L. Belanger		6 6 6	6 6 6	– – –	44 5 6	
		Chs. Bedard		15 10 –	15 10 –	– – –	15 10 –	
		Chs. Parent		15 8 –	15 8 –	– – –	15 8 –	
		Prisque Bourré		10 9 –	10 9 –	– – –	31 7 –	
		Prisque Chalifour		5 5 –	78 15 –	– – –	110 5 –	
		Frs. Potvin		2 11 –	77 – –	– – –	5 2 –	
		Chs. Potvin		4 8 –	110 4 –	– – –	121 12 –	
		Jos. Valin		4 8 –	26 8 –	– – –	22 – –	
		Chs. Paradis et al.		1 2 –	1 2 –	– – –	1 2 –	
		Frs. Langovin		9 6 –	110 – –	– – –	98 12 –	
		Marie Paradis		14 8 –	31 4 –	– – –	28 16 –	
		G. Bedard		1 2 –	36 6 –	– – –	42 18 –	
		Jos. Proteau		3 18 –	19 10 –	– – –	42 18 –	
		G. Pegeot		– 1 –	1 3 –	– – –	1 9 –	
		J. Dery		14 7 –	124 18 –	– – –	205 – –	
		J. B. Proteau		4 8 –	189 – –	– – –	215 8 –	
		J. Jos. Bedard		10 – –	391 – –	– – –	379 – –	
		Frs. Belanger		15 7 –	75 15 –	– – –	100 1 –	
		P. Guilbaut		2 15 –	60 10 –	– – –	8 9 –	
		J. Pepin		5 5 –	871 16 –	– – –	903 6 –	
		Jac Bedard		10 17 –	10 17 –	– – –	75 19 –	
		P. Belanger		1 11 –	7 15 –	– – –	17 1 –	
		Etienne Bourré		8 12 –	88 6 –	– – –	17 4 –	
		Jac. Bourré		4 5 –	127 15 –	– – –	21 5 –	
		L. Paradis		6 – –	30 – –	– – –	6 – –	
		Chs. Paradis		6 – –	30 – –	– – –	6 – –	
		J. B. Renaud		4 3 –	136 19 –	– – –	95 17 –	
		Jac. Proteau		13 18 –	13 18 –	– – –	27 16 –	
		Simon Parent		154 10 –	2,952 – –	– – –	3,579 – –	
		L. Parent		40 8 –	897 8 –	– – –	4 9 –	
		V. Grenier		1 10 –	1 10 –	– – –	10 10 –	

(*continued.*)

(C. 3.)—List of Censitaires, &c. in the Seigniory of Notre Dame des Anges—Old Concessions—*continued.*

Date of Original Grant.	Name of Original Concedee.	Name of Present Holder.	Arpents in Superficies.	Annual Rent.	Arrears at 30 September 1831.		Arrears at 30 September 1837.	
					Cens et Rentes.	Lods et Ventes.	Cens et Rentes.	Lods et Ventes.
				£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
		A. Gravell		11 11 –	9 11 –	– – –	19 2 –	
		P. Rainville		4 – –	4 – –	– – –	4 – –	
		François Deguise		– 1 –	83 11 –	– – –	83 17 –	
		Ve. Jos. Paquet		5 11 –	22 4 –	– – –	5 11 –	
		L. Lortie		2 8 –	107 4 –	– – –	121 12 –	
		François Leroux		4 3 –	4 3 –	– – –	16 12 –	
		François Diagle		10 18 –	10 18 –	– – –	21 16 –	
		François Lunard		2 14 –	77 4 –	– – –	93 8 –	
		William Phillips		4 11 –	27 6 –	– – –	54 12 –	
		A. Badenock		7 14 –	7 14 –	– – –	15 8 –	
		J. Barbeau		4 8 –	136 8 –	– – –	8 16 –	
		J. B. Roy dit Audy		3 6 –	16 10 –	– – –	36 6 –	
		L. Greiner		– 15 –	– 15 –	– – –	5 5 –	
		J. P. Mailoux		1 6 –	3 18 –	– – –	3 18 –	
		Laur. Normandeau		2 15 –	2 15 –	– – –	19 5 –	
		M. Giroux		16 19 –	341 7 –	– – –	377 14 –	
		Jac. Paradis		14 16 –	356 9 –	– – –	442 5 –	
		Thos. J. M. Bedard		10 8 –	443 2 8	– – –	247 10 8	
		L. Dery		6 4 –	31 – –	– – –	68 4 –	
		P. Mann		7 2 –	437 – –	– – –	479 18 –	
		P. Guilbault		2 4 –	469 – –	– – –	533 10 –	
		J. B. Renaud		12 7 –	228 10 –	– – –	302 12 –	
		Jos. Guilbault		2 16 –	86 16 –	– – –	103 12 –	
		Jean Allard		9 1 –	9 1 –	– – –	36 4 –	
		Jos. Réaume		11 5 –	11 5 –	– – –	45 – –	
		Jas. Allard		1 4 –	1 4 –	– – –	8 8 –	
		Elz. Verret		– 1 –	– 14 –	– – –	1 – –	
		Jac. Beaumont		8 16 –	8 16 –	– – –	8 16 –	
		Ch. Allard		8 16 –	8 16 –	– – –	35 4 –	
		Jos. Blondeau		11 2 –	11 2 –	– – –	11 2 –	
		Jac. Galarneau		4 10 –	4 10 –	– – –	4 10 –	
		Pierre Pageot		3 17 –	19 5 –	– – –	6 7 –	
		Jos. Bedard		4 11 –	665 2 –	– – –	541 17 –	
		L. Lefebvre		– 1 –	15 5 –	– – –	15 11 –	
		Frs. Réaume		2 1 6	29 1 –	– – –	8 6 –	
		Mich. Giroux		1 7 –	2 14 –	– – –	10 16 –	
		Cl. Linteau		– 1 –	50 6 –	– – –	50 12 –	
		Jos. Paradis		18 8 –	537 9 –	– – –	23 5 –	
		Ant. Bedard		4 10 –	4 10 –	– – –	4 10 –	
		Jerome Cloutier		1 8 –	256 3 6	– – –	264 11 6	
		J. B. Bedard		– 9 –	– 9 –	– – –	3 3 –	
		A. G. Réaume		7 – –	134 – –	– – –	178 – –	
		Frs. Villeneuve		4 6 –	125 19 –	– – –	151 15 –	
		P. Giroux		6 – –	6 – –	– – –	6 – –	
		Jos. Réaume		9 14 –	531 16 –	– – –	444 16 –	
		Baz. Bedard		10 10 –	118 16 –	– – –	160 16 –	
		L. Cloutier		13 7 –	278 11 –	– – –	99 19 –	
		A. L. Pepin		1 18 –	7 12 –	– – –	11 8 –	
		Marie Gendreau		– 1 –	9 14 –	– – –	10 – –	
		Jac. Armaud		8 1 –	193 4 –	– – –	219 – –	
		L. Légaré		2 19 –	2 19 –	– – –	11 13 –	
		J. B. Roy		13 4 –	303 2 –	– – –	282 6 –	
		Jac. Paradis		2 4 –	55 – –	– – –	68 4 –	
		Jos. Lefebvre		7 16 –	123 8 –	– – –	170 4 –	
		Paul Paradis		7 16 –	119 14 –	– – –	36 4 –	
		N. Dorion		12 2 –	175 5 –	– – –	175 11 –	
		J. M. Armaud		12 2 –	261 2 –	– – –	333 14 –	
		Jac. Bedard		12 2 –	8 10 –	– – –	51 – –	
		Ant. Delaurier		– 1 –	34 9 –	– – –	34 15 –	
		J. B. Renaud		– 1 –	20 7 –	– – –	20 13 –	
		Jac. Beaulieu		– 1 –	50 15 –	– – –	51 1 –	
		Chs. Humpleman		15 – –	345 – –	– – –	435 – –	
		Fabien Soucy		3 3 –	843 6 –	– – –	724 4 –	
		H. Gowen		– 4 –	2 12 –	700 – –	3 16 –	
		Laur. Bedard		6 18 –	123 14 –	– – –	141 2 –	
		P. Bedard		4 12 –	82 16 –	– – –	96 – –	
		Jac. Bedard		4 8 –	79 4 –	– – –	99 12 –	
		Chs. Paquet		3 7 –	29 17 –	– – –	49 19 –	
		Jos. Villeneuve		18 11 –	8 11 –	– – –	8 11 –	
		P. Lefrance		3 6 –	53 10 –	– – –	55 14 –	
		Jean Roi		2 9 –	166 16 –	– – –	181 10 –	
		J. B. Bedard		– 8 –	– 8 –	– – –	2 16 –	
		J. Berthianne		12 17 –	349 1 –	– – –	156 3 –	
		A. Réaume		2 12 –	51 8 –	– – –	67 – –	
		Ang. Langevin		6 3 –	236 5 8	– – –	273 3 8	
		Chs. Moran		4 2 –	147 16 –	– – –	172 8 –	
		P. Chalifour		20 9 –	546 3 –	– – –	513 13 –	
		J. L. Bedard		9 16 –	322 10 –	– – –	381 6 –	
		Simon Bedard		2 19 –	31 12 –	– – –	49 6 –	
		J. N. Métivier		7 9 –	57 1 –	– – –	95 3 –	
		J. F. Bedard		17 6 –	111 14 –	– – –	170 18 –	
		J. S. Bedard		13 9 –	13 9 –	– – –	94 3 –	
		Petit F. Bedard		8 2 –	46 16 –	– – –	46 4 –	
		Frs. Bedard		18 13 –	146 – –	– – –	257 18 –	
		Frs. Lienard		9 7 –	246 13 –	– – –	266 15 –	
		Jos. Pepin		1 2 –	27 10 –	– – –	34 2 –	
		Jos. Paquet		6 4 –	194 9 –	– – –	231 13 –	
		J. B. Levesque		3 10 –	28 – –	– – –	49 – –	
		J. M. Lefrance		1 2 –	22 12 –	– – –	29 4 –	

(C. 3.)—List of Censitaires, &c. in the Seigniory of Notre Dame des Anges—Old Concessions—*continued.*

Date of Original Grant.	Name of Original Concedee.	Name of Present Holder.	Arpents in Superficies.	Annual Rent.	Arrears at 30 September 1831. Cens et Rentes.	Arrears at 30 September 1831. Lods et Ventes.	Arrears at 30 September 1837. Cens et Rentes.	Arrears at 30 September 1837. Lods et Ventes.
				£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
		Jean Pepin		7 14 –	819 10 –	– – –	755 6	
		Jean Lienard		2 14 –	63 6 –	– – –	79 10 –	
		J. B. Pepin		1 18 –	48 19 –	– – –	60 7 –	
		Frs. Falardeau		21 4 –	1,111 19 –	– – –	1,230 3 –	
		Jean Bedard		11 – –	357 10 –	– – –	384 6 –	
		A. Grenier		1 10 –	45 – –	– – –	54 – –	
		Ancien Cours	– –	1,731 13 8	38,043 13 6	780 – –	37,151 13 7	700 – –
		Currency	– –	72 3 $-\frac{3}{4}$	1,585 3 $-\frac{1}{4}$	32 10 –	1,547 19 $8\frac{3}{4}$	29 3 4
		NEW CONCESSIONS.						
5 Feb. 1829	George Church	George Church	– –	11 10 –	34 10 –	– – –	103 10 –	
12 Feb. 1829	James Kelly		– –	4 3 4	12 10 –	– – –	37 1 –	
12 Feb. 1829	James M'Kenzie		– –	4 8 $10\frac{3}{4}$	13 6 8	– – –	40 – –	
18 Feb. 1829	John Parker		– –	13 6 8	40 – –	– – –	120 – –	
8 April 1829	Martin Ray		– –	13 6 8	40 – –	– – –	120 – –	
1 June 1829	Patrick Foristel		– –	4 8 $10\frac{3}{4}$	8 17 $9\frac{1}{4}$	– – –	62 4 $5\frac{1}{4}$	
5 Jan. 1831	John O'Neil		– –	7 11 $1\frac{1}{4}$	22 13 4	– – –	68 – –	
12 June 1831	William Reynar		– –	3 15 $6\frac{3}{4}$	11 6 8	– – –	34 – –	
2 July 1830	Ed. Landers		– –	8 17 $9\frac{1}{4}$	17 15 6	– – –	71 2 2	
2 July 1830	James Phelan		– –	4 8 $10\frac{3}{4}$	8 17 $6\frac{1}{4}$	– – –	35 11 $1\frac{1}{4}$	
18 Nov. 1830	P. Courtney		– –	4 8 $10\frac{3}{4}$	8 17 $9\frac{1}{4}$	– – –	35 11 $1\frac{1}{4}$	
22 Dec. 1830	John Masson		– –	8 17 $9\frac{1}{4}$	17 15 $6\frac{2}{4}$	– – –	35 11 $1\frac{1}{4}$	
1 April 1830	James Fairley		– –	7 11 $1\frac{1}{4}$	15 2 $2\frac{2}{4}$	– – –	50 8 10	
30 April 1832	Patrick Mahon		74 15	8 4 –	– – –	– – –	41 – –	
30 April 1832	Denis Mahon		74 15	8 4 –	– – –	– – –	41 – –	
25 Aug. 1832	Daniel M'Donald		149 80	16 11 –	– – –	– – –	66 13 3	
10 Jan. 1835	William Saunders		40 –	4 8 $10\frac{3}{4}$	31 2 $2\frac{1}{4}$	– – –	57 15 6	
30 Oct. 1832	James Cullen		141 –	15 13 4	– – –	– – –	78 6 8	
23 Mar. 1833	J. Langevin, esq.		154 –	17 2 $2\frac{3}{4}$	– – –	– – –	85 11 $1\frac{3}{4}$	
6 Aug. 1833	A. Fraser		77 45	8 11 $1\frac{1}{2}$	– – –	– – –	34 4 6	
22 Feb. 1827	P. Courtney		40 –	4 8 $10\frac{3}{4}$	22 4 $5\frac{2}{4}$	– – –	48 17 $10\frac{1}{4}$	
28 Oct. 1833	John Hall		78 35	8 13 4	– – –	– – –	34 13 4	
9 Oct. 1835	Peter Brand		100 –	11 2 $2\frac{3}{4}$	66 13 $4\frac{3}{4}$	– – –	133 6 9	
2 Oct. 1826	James M'Kenzie		80 –	8 17 $9\frac{1}{4}$	44 8 $10\frac{2}{4}$	– – –	97 15 $6\frac{2}{4}$	
1 Aug. 1826	Patrick Buckley		80 –	8 17 $9\frac{1}{4}$	44 8 $10\frac{2}{4}$	– – –	97 15 $6\frac{2}{4}$	
15 Jan. 1825	Mat. M'Gowan		40 –	4 8 $10\frac{3}{4}$	31 2 $2\frac{3}{4}$	– – –	57 15 $6\frac{3}{4}$	
19 Jan. 1825	Frs. Bedard		40 –	4 8 $10\frac{3}{4}$	31 2 $2\frac{3}{4}$	– – –	57 15 $6\frac{3}{4}$	
10 Jan. 1825	A. Thomson		40 –	4 8 $10\frac{3}{4}$	31 2 $2\frac{3}{4}$	– – –	57 15 $6\frac{3}{4}$	
22 Aug. 1826	George Beyley		80 –	8 17 $9\frac{1}{4}$	44 8 $10\frac{3}{4}$	– – –	97 15 $6\frac{2}{4}$	
29 Feb. 1829	J. M'Leod		80 –	8 17 $9\frac{1}{4}$	26 13 4	– – –	80 – –	
31 Oct. 1831	William Browne		80 –	8 17 $9\frac{1}{4}$	– – –	– – –	53 6 8	
23 Mar. 1833	Michael Kenny		80 –	8 17 $9\frac{1}{4}$	– – –	– – –	44 8 $10\frac{3}{4}$	
23 Mar. 1833	Charles Little		148 –	16 8 $10\frac{1}{2}$	– – –	– – –	82 4 $4\frac{2}{4}$	
24 Aug. 1833	John Parker		31 95	3 8 $10\frac{3}{4}$	– – –	– – –	13 15 7	
11 July 1831	Denis Sammon		80 –	8 17 $9\frac{1}{4}$	– – –	– – –	53 6 8	
19 Feb. 1833	Robert Conn		40 –	4 8 $10\frac{3}{4}$	– – –	– – –	22 4 $5\frac{1}{4}$	
26 Nov. 1834	Richard Conn		80 –	8 17 $9\frac{1}{4}$	– – –	– – –	26 13 4	
20 May 1833	L. J. Duchesnay		68 –	7 11 $1\frac{1}{4}$	– – –	– – –	30 – –	
1 June 1831	William Aird		68 –	7 11 $1\frac{1}{4}$	– – –	– – –	45 6 $7\frac{2}{4}$	
4 May 1833	William Dobbin		102 –	11 6 8	– – –	– – –	45 6 8	
5 April 1832	William Bradford		68 18	7 11 $1\frac{1}{4}$	– – –	– – –	45 6 $7\frac{2}{4}$	
30 Oct. 1832	Michael Dunn		34 –	3 15 $6\frac{3}{4}$	– – –	– – –	18 17 $9\frac{3}{4}$	
9 June 1832	Christopher Wilson		97 –	10 15 $6\frac{3}{4}$	– – –	– – –	53 17 $9\frac{3}{4}$	
13 Nov. 1826	Thomas M'Niff		122 70	13 12 $2\frac{3}{4}$	68 1 $1\frac{1}{4}$	– – –	149 14 6	
19 Mar. 1833	James Kelly		80 –	8 17 $9\frac{1}{4}$	– – –	– – –	44 8 $10\frac{3}{4}$	
13 Feb. 1827	John Byrne		120 –	13 6 8	66 13 4	– – –	146 13 4	
12 Feb. 1829	James M'Kenzie		40 –	4 8 $10\frac{3}{4}$	13 6 $8\frac{1}{4}$	– – –	40 – $6\frac{3}{4}$	
		Ancien Cours	2,708 73	397 6 $9\frac{1}{2}$	773 1 $1\frac{1}{4}$	– – –	2,896 15 $-\frac{1}{4}$	
		Currency	– –	16 11 $1\frac{1}{4}$	32 4 $2\frac{3}{4}$	– – –	120 13 $11\frac{1}{2}$	

Jesuits' Office, 3 October 1838.
A true Copy.
(signed) *J. Stewart*, Com.

Quebec, 30 September 1838.
(signed) *Louis Panet*,
Agent.

(C. 4.)—LIST of CENSITAIRES in the Seignory of *Belair.*

Date of Original Grant.	Name of Original Concedee.	Name of Present Holder.	Arpents in Superficies.	Annual Rent.	Arrears at 30 September 1831. Cens et Rentes.	Arrears at 30 September 1831. Lods et Ventes.	Arrears at 30 September 1837. Cens et Rentes.	Arrears at 30 September 1837. Lods et Ventes.
				£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
		Michel Constantin	– –	17 17 $9\frac{2}{4}$	17 17 $9\frac{2}{4}$	– – –	80 8 –	
		Pierre Robitaille	– –	2 6 –	2 6 –	– – –	2 6 –	
		Pierre Allain, pére	– –	6 18 –	273 2 –	– – –	13 16 –	
		Jean Robitaille	– –	2 6 –	2 6 –	– – –	2 6 –	
		Etienne Robitaille	– –	2 6 –	76 2 –	– – –	89 18 –	
		Joachim Plamondon	– –	8 7 $9\frac{3}{4}$	144 2 $2\frac{1}{4}$	– – –	112 7 8	
		André Plamondon	– –	4 8 $10\frac{2}{4}$	259 4 5	– – –	220 1 2	
		Pierre Moisan	– –	8 8 $10\frac{3}{4}$	169 8 11	– – –	223 2 2	

(*continued.*)

(C. 4.)—List of Censitaires in the Seigniory of Belair—*continued.*

Date of Original Grant.	Name of Original Concedee.	Name of Present Holder.	Arpents in Superficies.	Annual Rent.	Arrears at 30 September 1831. Cens et Rentes.	Arrears at 30 September 1831. Lods et Ventes.	Arrears at 30 September 1837. Cens et Rentes.	Arrears at 30 September 1837. Lods et Ventes.
				£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
		Pierre Beaupré		4 9 1¾	- - -	- - -	4 9 1¾	
		Pierre Allain		9 16 6	186 16 6	- - -	245 2 -	
		Pierre Plamondon		6 - 10	51 - 10	- - -	87 4 11	
		Louis Vezina		12 5 11	236 1 5	- - -	509 17 -	
		Joseph Robitaille		7 10 6	37 12 6	- - -	45 3 -	
		Joseph Paquet		8 18 10¾	467 14 4	- - -	518 18 2	
		Phillip-Moisau		4 - 6	205 17 2	- - -	187 16 10	
		Antoine Paradis		6 14 1	450 1 2	- - -	6 14 1	
		Joseph Linteau		12 4 8¼	111 11 4¾	- - -	185 2 11	
		Joachim Plamondon		4 13 11	81 8 7	- - -	102 12 6	
		Ignace Déry		9 16 8	299 - -	- - -	368 - -	
		François Voyer		2 18 10¾	- - -	- - -	2 18 10¾	
		Pierre Plamondon		4 8 4¾	138 6 5¾	- - -	165 9 5	
		Veuve Michel Déry		- - -	274 16 -	- - -	358 4 5	
		Louis Quantin		8 - 9	252 7 9	- - -	277 10 1	
		Jacques Julien		16 15 3¼	241 7 6	- - -	207 1 6	
		Etienne Gingras		8 - -	70 17 6	- - -	71 6 6	
		Charles Beaumont		4 17 2	14 3 -	- - -	9 14 5	
		Ignace Plamondon		8 18 10¾	261 18 -	- - -	303 17 6	
		Pierre Moisau		3 9 4¾	53 17 9	- - -	86 16 1	
		J. B. Plamondon		6 - 5	151 15 11	- - -	196 18 11	
		Germaine Paradis		9 - -	47 14 -	- - -	18 - -	
		Pierre Déry		4 12 2¾	40 12 5	- - -	8 15 4	
		François Gingras		8 18 10¾	57 3 7	- - -	17 17 8	
		Michel Charles Rochet		4 18 3¾	87 7 8	- - -	113 18 8	
		Pierre Doryal		13 7 9¼	293 12 8	- - -	471 19 -	
		Marie Robitaille		8 5 2¾	272 3 3	- - -	228 3 11	
		J. B. Drolet		6 - 6	290 4 8	- - -	24 2 2	
		Joseph Moisau		23 4 -	512 17 -	- - -	566 - 3	
		Jean Robitaille		10 14 5¼	356 15 11	- - -	371 11 -	
		Jean Marie Noreau		8 17 9¼	94 2 6	- - -	85 11 1	
		François Rochet		8 1 1	382 10 4	- - -	342 14 10	
		J. B. Tessier		13 14 11¼	369 19 6	- - -	341 11 10	
		Michel Thierry P. Rochet		14 19 3¾	1,180 7 1	- - -	1,362 15 9	
		Marie Magdelaine Verret		8 18 10¾	8 18 10¾	- - -	52 13 4	
		Joseph Robitaille		2 6 -	2 6 -	- - -	4 12 -	
		Jacques Beaumont		1 16 8	1 16 8	- - -	8 5 -	
		Joseph Déry		13 8 3¼	469 11 3¼	- - -	563 11 1	
		Antoine Paradis		4 10 -	4 10 -	- - -	4 11 6	
		Louis Beaumont		4 9 8¾	4 9 8¾	- - -	22 10 10	
		Louis Robitaille		4 - 4	73 18 10	- - -	98 - 9	
		Michel Fiset		7 10 -	52 10 -	- - -	99 - -	
		Joseph Hamel		7 10 -	7 10 -	- - -	7 10 -	
		Louis Jobin		- 1 1¾	11 6 8	- - -	11 13 4	
		Jacques Gauvin		- 8 3¼	78 7 7¾	- - -	80 8 -	
		Louis Fiset		9 6 -	9 6 -	- - -	9 6 -	
		Gabriel Belleau		2 6 -	6 18 -	- - -	4 12 -	
		François Jobin		- 5 6¾	9 14 2¾	- - -	3 6 8	
		Jean Allain et fils		2 19 4¾	96 16 7	- - -	99 13 1	
		Jean Allain, père, et fils		3 24 4	201 3 4	- - -	223 9 5	
		Jacques Gauvin		2 8 10¾	14 13 4	- - -	4 17 9	
		Louis Déry		5 18 10¾	148 12 2	- - -	184 5 6	
		Jean Robitaille		3 6 8	109 1 -	- - -	134 14 4	
		Eustache Dénisseau		3 6 8	109 1 -	- - -	134 14 4	
		François Drolet		1 6 9	46 14 6	- - -	54 15 -	
		Jean Plamondon		2 19 4¾	27 - 8	- - -	45 17 4	
		Prisque Coté		- 7 9¼	11 13 -	- - -	14 4 4	
		Joseph Hamel		2 4 6¼	13 6 9	- - -	2 4 6¼	
		François Voyer		2 4 5¼	4 8 10¾	- - -	2 4 5¼	
		Vincent Tessier		1 4 6	7 7 -	- - -	5 8 10	
		Jean Paradis		1 9 7	1 9 7	- - -	2 19 4	
		François Voyer		2 4 6¼	2 4 6¼	- - -	4 9 -¾	
		Jean B. Drolet		2 19 4¾	17 16 3	- - -	35 13 4	
		Ignace Pacquet		4 9 1¾	26 15 -	- - -	53 10 -	
		Joseph Fiset		4 9 1¾	26 15 -	- - -	4 9 1¾	
		Joseph Trudel		2 4 8¼	76 18 5	- - -	91 13 7	
		Pierre Paradis		4 4 2	4 4 2	- - -	29 9 2	
		Michel Albany		2 19 4¾	107 16 -	- - -	125 12 8	
		Charles Fluet		- 14 10	9 5 -	- - -	14 3 10	
		Charles Sédillot		1 9 7¾	29 8 4	- - -	39 4 6	
		Jacques Pepin		- 7 9¼	30 19 -	- - -	37 14 -	
		Louis Pepin		1 9 7¾	11 15 10	- - -	10 14 6	
		J. B. Drolet		1 3 -	1 3 -	- - -	6 18 -	
		Agathe Beaumont		1 - -	3 - -	- - -	2 - -	
		Alexis Paradis		4 4 5¼	- 16 -	- - -	7 12 -	
		Jean Martel		2 1 8¾	64 16 5¾	- - -	8 7 -	
		Joseph Alain		- 8 8¼	15 5 2	- - -	17 8 5	
		J. B. Hamel		1 9 4¾	63 14 9	- - -	5 17 9	
		Michel et Jos. Boivin		7 8 5¼	219 17 1	- - -	304 9 2	
		Michel Robitaille		1 5 6¾	7 12 2¾	- - -	13 16 -	
		Louis Voyer		2 12 4	5 4 8	- - -	20 18 8	
		Jacques Dion		1 9 7¾	74 - 3	- - -	82 18 6	
		Joseph Martel		1 1 5¼	36 12 9	- - -	17 11 10	
		Jean Alain		4 9 1¾	142 19 10	- - -	136 16 9	
		François Minguy		4 9 1¾	167 19 10	- - -	4 9 1¾	
		Pierre Alain		2 11 5¼	15 8 7¾	- - -	27 16 -	
		Charles Déry		5 17 10¼	78 18 4¾	- - -	149 19 11	
		Nicolas Trudel		13 8 3¼	309 11 8	- - -	550 1 8	
		Joseph Hamel		- 1 -	26 5 -	- - -	38 - 1	

(C. 4.)—List of Censitaires in the Seigniory of Belair—*continued.*

Date of Original Grant.	Name of Original Concedee.	Name of Present Holder.	Arpents in Superficies.	Annual Rent.	Arrears at 30 September 1831. Cens et Rentes.	Arrears at 30 September 1831. Lods et Ventes.	Arrears at 30 September 1837. Cens et Rentes.	Arrears at 30 September 1837. Lods et Ventes.
			£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
		Pierre Savard	- - -	3 17 2	3 17 2	- - -	3 17 2	
		François Plamondon	- - -	1 7 9 2/4	24 19 11	- - -	33 6 10	
		Laurence Organ	- - -	1 9 8 3/4	1 9 8 3/4	- - -	1 9 8 3/4	
		Antoine Paquet	- - -	5 18 10 2/4	65 15 4	- - -	101 8 9	
		Paul et Jacques Paradis	- - -	4 12 2 3/4	22 13 4	- - -	55 6 8	
		Gabriel Hamel	- - -	4 8 10	115 5 4	- - -	26 13 -	
		Louis Savard	- - -	4 12 -	27 12	- - -	9 4 -	
		Pierre Nolin	- - -	2 6 -	11 10 -	- - -	80 - -	
		Pierre Gauvin	- - -	2 6 -	11 10 -	- - -	45 8 -	
		Jacques Savard	- - -	2 7 -	11 15 -	- - -	2 7 -	
		Alexis et Jos. Hamel	- - -	5 18 -	11 16 -	- - -	11 16 -	
		Charles Plamondon	- - -	9 10 -	312 13 2	- - -	327 3 2	
		Joseph Robitaille	- - -	2 15 6 2/4	53 5 10	- - -	69 19 2	
		Louis Girard	- - -	4 18 -	132 6 -	- - -	161 14 -	
		Charles Gauvin	- - -	1 3 -	86 16 -	- - -	93 14 -	
		Joseph Parent	- - -	2 19 -	61 19 -	- - -	79 13 -	
		J. B. Savard	- - -	1 3 -	25 6 -	- - -	23 - -	
		Joseph Rochet	- - -	4 12 -	87 19 4	- - -	13 11 4	
		Louis Beaumont	- - -	2 6 -	78 18 -	- - -	82 14 -	
		Charles Daigle	- - -	4 12 -	149 4 -	- - -	9 4 -	
		Louis Plamondon	- - -	3 19 -	82 19 -	- - -	54 14 -	
		Charles Lortie	- - -	1 11 -	54 5 -	- - -	63 11 -	
		Michel Girard	- - -	4 6 4	151 1 8	- - -	176 19 8	
		Michel Gauvin	- - -	4 10 8	154 2 -	- - -	143 16 8	
		Pierre Tessier	- - -	1 10 -	53 4 -	- - -	62 4 -	
		Joseph Tessier	- - -	7 18 -	239 16 7	- - -	282 4 10	
		Gabriel Petitdair	- - -	2 6 -	2 6 -	- - -	13 16 -	
		Joseph Bedard	- - -	6 18 -	332 12 -	- - -	372 - -	
		Charles Maret	- - -	3 18 -	18 - -	- - -	15 - -	
		Jacques Gauvin, fils	- - -	3 - -	12 - -	- - -	18 - -	
		Pierre Hamel	- - -	6 - -	36 - -	- - -	18 - -	
		Jean Hamel	- - -	6 - -	6 - -	- - -	30 - -	
		Thomas Légaré	- - -	15 - -	25 5 -	- - -	87 - -	
		Ancien Cours	- - -	657 10 2 3/4	14,889 - -3/4	- - -	14,919 8 1 3/4	
		Currency	- - -	27 7 11	620 7 6	- - -	621 12 10	

New Concessions.

24 Sept. 1827	Philippe Moisan	- - - - -	60 - -	6 13 4	33 6 8	- - -	66 13 4	
24 Sept. 1827	Charles Fluet	- - - - -	60 - -	6 13 4	33 6 8	- - -	66 13 4	
24 Sept. 1827	François Plamondon	- - - - -	60 - -	6 13 4	33 6 8	- - -	66 13 4	
24 Sept. 1827	Joseph Drolet	- - - - -	60 - -	6 13 4	33 6 8	- - -	66 13 4	
24 Sept. 1827	Pierre Drolet	- - - - -	30 - -	3 6 8	16 13 4	- - -	33 6 8	
24 Sept. 1827	J. B. Tessier	- - - - -	45 - -	5 - -	25 - -	- - -	50 - -	
24 Sept. 1827	Charles Plamondon	- - - - -	45 - -	5 - -	25 - -	- - -	50 - -	
24 Sept. 1827	Pierre Plamondon	- - - - -	45 - -	5 - -	25 - -	- - -	50 - -	
1 Oct. 1827	Jacques Pepin	- - - - -	60 - -	6 13 4	33 6 8	- - -	66 13 4	
1 Oct. 1827	Pierre Déry fils Michel	- - - - -	60 - -	6 13 4	33 6 8	- - -	66 13 4	
4 Oct. 1827	Louis Quantin	- - - - -	60 - -	6 13 4	33 6 8	- - -	66 13 4	
6 Oct. 1827	Jean Plamondon	- - - - -	45 - -	5 - -	25 - -	- - -	50 - -	
6 Oct. 1827	J. B. Plamondon	- - - - -	45 - -	5 - -	25 - -	- - -	50 - -	
3 Nov. 1827	Germain Paradis	- - - - -	60 - -	6 13 4	33 6 8	- - -	66 13 4	
5 Dec. 1827	Joseph Paquet, père	- - - - -	60 - -	6 13 4	33 6 8	- - -	66 13 4	
5 Dec. 1827	Ignace Plamondon	- - - - -	60 - -	6 13 4	33 6 8	- - -	66 13 4	
5 Dec. 1827	Joachim Plamondon	- - - - -	60 - -	6 13 4	33 6 8	- - -	66 13 4	
10 Mar. 1828	Michel C. Rochet	- - - - -	45 - -	5 - -	20 - -	- - -	45 - -	
10 Mar. 1828	François Rochet	- - - - -	45 - -	5 - -	20 - -	- - -	45 - -	
10 Mar. 1828	André Plamondon	- - - - -	60 - -	6 13 4	26 13 4	- - -	60 - -	
10 Mar. 1828	C. Genéste	- - - - -	60 - -	6 13 4	26 13 4	- - -	60 - -	
10 Mar. 1828	J. B. Genéste	- - - - -	60 - -	6 13 4	26 13 4	- - -	60 - -	
1 Apr. 1828	Jean Marie Noreau	- - - - -	60 - -	6 13 4	26 13 4	- - -	28 13 4	
1 Apr. 1828	Pierre Robitaille	- - - - -	60 - -	3 6 8	13 6 8	- - -	27 6 8	
1 Apr. 1828	Pierre Moisau	- - - - -	60 - -	6 13 4	26 13 4	- - -	60 - -	
10 Mar. 1828	Joseph Robitaille	- - - - -	60 - -	6 13 4	26 13 4	- - -	60 - -	
10 Mar. 1828	Pierre Déry	- - - - -	66 5 -	6 17 3 1/4	27 13 4	- - -	62 5 -	
9 Mar. 1833	Pierre Plamondon	- - - - -	30 - -	3 6 8	- - -	- - -	16 13 4	
11 Sept. 1833	Murdock M'Kenzie	- - - - -	90 - -	10 - -	- - -	- - -	40 - -	
11 Sept. 1833	T. M'Neil	- - - - -	60 - -	6 13 4	- - -	- - -	26 13 4	
11 Sept. 1833	J. M'Cormack	- - - - -	60 - -	6 13 4	- - -	- - -	26 13 4	
11 Sept. 1833	J. Gillacy	- - - - -	60 - -	6 13 4	- - -	- - -	26 13 4	
11 Sept. 1833	William Hare	- - - - -	60 - -	6 13 4	- - -	- - -	26 13 4	
11 Sept. 1833	John Carson	- - - - -	60 - -	6 13 4	- - -	- - -	26 13 4	
11 Sept. 1833	W. Mountain	- - - - -	60 - -	6 13 4	- - -	- - -	26 13 4	
11 Sept. 1833	J. Mitchell	- - - - -	60 - -	6 13 4	- - -	- - -	26 13 4	
11 Sept. 1833	James Leonard	- - - - -	60 - -	6 13 4	- - -	- - -	26 13 4	
11 Sept. 1833	Jos. Daly	- - - - -	60 - -	6 13 4	- - -	- - -	26 13 4	
11 Sept. 1833	R. Crane	- - - - -	60 - -	6 13 4	- - -	- - -	26 13 4	
11 Sept. 1833	J. Brown	- - - - -	60 - -	6 13 4	- - -	- - -	26 13 4	
11 Sept. 1833	Charles Cardwell	- - - - -	60 - -	6 13 4	- - -	- - -	26 13 4	
11 Sept. 1833	William Dezell	- - - - -	56 - -	6 4 5	- - -	- - -	24 17 8	
11 Sept. 1833	M. Pheely	- - - - -	56 - -	6 4 5	- - -	- - -	24 17 8	
11 Sept. 1833	Alfred Rich	- - - - -	56 - -	6 4 5	- - -	- - -	24 17 8	
11 Sept. 1833	Robert Fulton	- - - - -	56 - -	6 4 5	- - -	- - -	24 17 8	
11 Sept. 1833	Oliver Paittie	- - - - -	56 - -	6 4 5	- - -	- - -	24 17 8	

(*continued.*)

(C. 4.)—List of Censitaires in the Seigniony of Belair—New Concessions—*continued.*

Date of Original Grant.	Name of Original Concedee.	Name of Present Holder.	Arpents in Superficies.	Annual Rent.	Arrears at 30 September 1831. Cens et Rentes.	Arrears at 30 September 1831. Lods et Ventes.	Arrears at 30 September 1837. Cens et Rentes.	Arrears at 30 September 1837. Lods et Ventes.
				£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
11 Sept. 1833	James Coleman		56 –	6 4 5	– – –	– – –	24 17 8	
11 Sept. 1833	W. M'Cochern		56 –	6 4 5	– – –	– – –	24 17 8	
11 Sept. 1833	J. M'Williams		56 –	6 4 5	– – –	– – –	24 17 8	
11 Sept. 1833	Dainel Kelly		56 –	6 4 5	– – –	– – –	24 17 8	
11 Sept. 1833	Geo. Eglinton		56 –	6 4 5	– – –	– – –	24 17 8	
11 Sept. 1833	Rob. Dundas		56 –	6 4 5	– – –	– – –	24 17 8	
11 Sept. 1833	Chs. Browne		56 –	6 4 5	– – –	– – –	24 17 8	
11 Sept. 1833	Jas. Browne		56 –	6 4 5	– – –	– – –	24 17 8	
28 Sept. 1833	J. B. Barbeau		56 –	6 4 5	– – –	– – –	24 17 8	
28 Sept. 1833	Ml. Shealy		56 –	6 4 5	– – –	– – –	24 17 8	
28 Sept. 1833	T. M'Kerven		56 –	6 4 5	– – –	– – –	24 17 8	
28 Sept. 1833	Pat. M'Hugh		56 –	6 4 5	– – –	– – –	24 17 8	
28 Sept. 1833	Jas. Starkey		56 –	6 4 5	– – –	– – –	24 17 8	
28 Sept. 1833	B. Loughlin		56 –	6 4 5	– – –	– – –	24 17 8	
6 Nov. 1833	Wm. Seaton		60 –	6 13 4	– – –	– – –	26 13 4	
6 Nov. 1833	Thos. Seaton		60 –	6 13 4	– – –	– – –	26 13 4	
27 Nov. 1833	Jas. Doyle		56 –	6 4 5	– – –	– – –	24 17 8	
6 Nov. 1833	Louis L'Héro		56 –	6 4 5	– – –	– – –	24 17 8	
10 Sept. 1834	William Tate		56 –	6 4 5	– – –	– – –	24 17 8	
23 Oct. 1834	Ls. F. Dufresne		112 –	12 8 10¾	– – –	– – –	37 6 7¾	
18 Dec. 1834	Jas. Baxter		56 –	6 4 5	– – –	– – –	18 13 3	
11 Mar. 1835	Ls. Déry		30 –	3 6 8	– – –	– – –	10 – –	
30 Mar. 1835	Jos. Linteau		60 –	6 13 4	– – –	– – –	19 19 –	
20 July 1835	Jos. Déry		31 –	3 8 10¾	– – –	– – –	6 17 9¾	
30 Sept. 1835	Geo. Eglinton		56 –	6 4 5	– – –	– – –	12 8 10	
		Ancien Cours	4,028 5	443 14 4¾	749 6 8	– – –	3,612 7 9	
		Currency	– –	18 9 9¼	31 4 5¼	– – –	150 10 3¾	

Jesuits' Office, 4 October 1838.
A true Copy.
(signed) *J. Stewart,* Com.

Quebec, 2 October 1838.
(signed) *Louis Panet.*

(C. 5.)—Statement of Concessions and Sales à Constitut in the Farm of *La Vacherie.*

Date.	Name of Original Concedee.	Name of Present Holder.	Feet in Superficies.	Rentes Foncières.	Amount of Constitut.	Amount Interest on Constitut.	Arrears at 30 September 1831. Rentes Foncières.	Arrears at 30 September 1831. Interest on Constituts.	Arrears at 30 September 1837. Rentes Foncières.	Arrears at 30 September 1837. Interest on Constituts.
				£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
24 Mar. 1834	Michel Chartré		6,820	– –	63 2 11	3 3 1¾	– –	– –	– –	12 12 7
42 Mar. 1834	John Vanderheyder		5,160	– –	47 15 6	2 7 9$\frac{6}{20}$	– –	– –	– –	9 9 1
24 Mar. 1834	Mrs. W. Tourangeau	Mrs. W. Tourangeau	8,569	– –	76 4 6	3 16 2$\frac{7}{10}$	– –	– –	– –	3 16 2
24 Mar. 1834	J. W. Fezette		7,864	– –	72 16 4	3 12 6¼	– –	– –	– –	14 10 3
22 Août 1831	J. B. Nadeau	Et. Bacon	2,400	– –	35 – –	1 15 –	– –	– –	– –	1 14 7
31 Oct. 1831	John Wilson	Olivier Labbé	2,400	– –	35 – –	1 15 –	– –	– –	– –	15 15 –
22 Août 1831	Olivier Labbé		2,400	– –	35 – –	1 15 –	– –	– –	– –	10 10 –
31 Oct. 1831	Marie Débigaré		4,800	– –	70 – –	3 10 –	– –	– –	– –	3 10 –
31 Oct. 1831	J. B. Bigavuette		5,508	– –	80 6 6	4 – 3$\frac{7}{10}$	– –	– –	– –	24 1 11
24 Oct. 1831	Jos. G. Tourangeau		4,270	– –	62 5 5	3 2 3¼	– –	– –	– –	6 4 4½
22 Août 1831	Michel Hupé		2,400	– –	35 – –	1 15 –	– –	– –	– –	5 5 –
22 Oct. 1831	Jacques Tremblé		3,984	– –	58 2 –	2 18 1⅕	– –	– –	– –	17 8 7
22 Août 1831	François Falardeau		11,433	– –	166 14 7½	8 6 8$\frac{8}{9}$	– –	– –	– –	50 – 6
19 Août 1831	Jos. Jas. Duval		6,783	– –	98 17 6½	4 18 6½	– –	– –	– –	29 11 3
31 Août 1833	Louis Noreau		2,400	– –	35 – –	1 15 –	– –	– –	– –	7 – –
22 Août 1831	James Marshall		6,783	– –	98 18 4½	4 18 11$\frac{1}{40}$	– –	– –	– –	22 4 7
22 Août 1831	Jean Chartré		6,783	– –	98 18 4½	4 18 11$\frac{1}{40}$	– –	– –	– –	29 13 6
22 Août 1831	Adolphe Larne		6,783	– –	98 18 4½	4 18 11$\frac{1}{40}$	– –	– –	– –	23 13 6
28 Mai 1833	Jean M. Bourbeau		2,400	– –	35 – –	1 15 –	– –	– –	– –	7 – –
28 Mai 1833	Louis Langlois		2,400	– –	35 – –	1 15 –	– –	– –	– –	7 – –
28 Mai 1833	Charles Fortier		3,030	– –	44 3 9	2 4 2¼	– –	– –	– –	6 12 6½
30 Août 1831	Louis Noreau		4,800	– –	70 – –	3 10 –	– –	– –	– –	21 – –
17 Août 1833	Olivier Fluette		2,400	– –	35 – –	1 15 –	– –	– –	– –	5 5 –
29 Avril 1834	Jacques Marcatte		2,400	– –	35 – –	1 15 –	– –	– –	– –	7 – –
11 Sept. 1833	Dominico Seconelli		2,400	– –	35 – –	1 15 –	– –	– –	– –	7 – –
20 Dec. 1832	George Vine		2,580	– –	37 12 6	1 17 8	– –	– –	– –	9 8 4
31 Août 1833	Henry Germain		2,400	– –	35 – –	1 15 –	– –	– –	– –	7 – –
27 Août 1831	Jsaie Germain		3,980	– –	58 3 4	2 18 2	– –	– –	– –	17 9 –
17 Août 1833	Louis Noreau		2,400	– –	35 – –	1 15 –	– –	– –	– –	7 – –
17 Avril 1831	Louis Noreau		2,400	– –	35 – –	1 15 –	– –	– –	– –	10 10
21 Oct. 1831	Jos. Marcotte		2,400	– –	35 – –	1 15 –	– –	– –	– –	10 10
21 Mars 1833	Jos. Terrieu		2,400	– –	35 – –	1 15 –	– –	– –	– –	7 – –
17 Août 1833	J. B. Lafontaine		2,400	– –	35 – –	1 15 –	– –	– –	– –	7 – –
9 Avril 1835	Jos. Allé		2,400	– –	35 – –	1 15 –	– –	– –	– –	5 5 –
17 Août 1833	Augustin Dugal		2,400	– –	35 – –	1 15 –	– –	– –	– –	7 – –
31 Oct. 1832	L. Martinette, dit Bonamy		2,400	– –	35 – –	1 15 –	– –	– –	– –	7 – –
23 Août 1831	Ditto		2,400	– –	35 – –	1 15 –	– –	– –	– –	10 10 –
22 Août 1831	Pierre Bidégaré	Edouard Dubeau	2,400	– –	35 – –	1 15 –	– –	– –	– –	1 15 –
22 Août 1831	Frs. X. Latouche		2,400	– –	35 – –	1 15 –	– –	– –	– –	1 15 –
2 Avril 1832	Chs. Maisau		2,400	– –	35 – –	1 15 –	– –	– –	– –	10 10 –

(C. 5.)—Statement of Concessions and Sales à Constitut, in the Farm of La Vacherie—*continued.*

Date.	Name of Original Concedee.	Name of Present Holder.	Feet in Superficies.	Rentes Foncières.	Amount of Constitut.	Amount Interest on Constitut.	Arrears at 30 September 1831. Rentes Foncières.	Arrears at 30 September 1831. Interest on Constituts.	Arrears at 30 September 1837. Rentes Foncières.	Arrears at 30 September 1837. Interest on Constituts.
				£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
22 Août 1831	Jean Audry		4,800	- -	70 - -	3 10 -	- -	- -	- -	7 - -
31 Juillet 1832	Louis Bidégaré		4,800	- -	70 - -	3 10 -	- -	- -	- -	17 10 -
17 Juin 1834	André Tanqué		2,400	- -	35 - -	1 15 -	- -	- -	- -	5 5 -
3 Oct. 1831	Lewis Pepin		3,600	- -	52 10 -	2 12 6	- -	- -	- -	15 15 -
31 Oct. 1831	Thos. Legallé		4,800	- -	70 - -	3 10 -	- -	- -	- -	17 10 -
4 Dec. 1832	W. Rogers	W. D. Dupont	2,400	- -	35 - -	1 15 -	- -	- -	- -	10 10 -
31 Oct. 1831	Pierre Bidégaré		2,400	- -	35 - -	1 15 -	- -	- -	- -	10 10 -
22 Août 1831	Pierre Bedard		2,400	- -	35 - -	1 15 -	- -	- -	- -	10 10 -
24 Oct. 1831	Etienne Boucher	André Bedard	2,400	- -	35 - -	1 15 -	- -	- -	- -	7 - -
22 Août 1831	Jean Montigny		2,400	- -	35 - -	1 15 -	- -	- -	- -	10 10 -
21 Sept. 1833	P. Deblot, dit Dostie		2,178	- -	31 15 3	1 11 $9\frac{3}{20}$	- -	- -	- -	6 7 $4\frac{1}{2}$
31 Oct. 1831	J. G. Perette		5,016	- -	75 5 -	3 15 3	- -	- -	- -	18 16 3
22 Août 1831	George Vine	Pierre Boisseau	11,628	- -	72 1 8	8 12 1	- -	- -	- -	8 12 1
22 Août 1831	Louis Richard		3,294	- -	48 9 -	2 8 $5\frac{2}{3}$	- -	- -	- -	14 10 $8\frac{2}{3}$
31 Oct. 1831	Pierre Lancier		9,520	- -	140 - -	7 - -	- -	- -	- -	42 - -
9 Mai 1832	François Labelle		6,222	- -	90 14 9	4 10 $8\frac{17}{20}$	- -	- -	- -	22 13 $8\frac{1}{4}$
31 Oct. 1831	Jacques Parent		1,761¼	- -	25 10 $8\frac{1}{2}$	1 5 $6\frac{17}{20}$	- -	- -	- -	5 2 1
3 Sept. 1834	Jacques Parent	Felix Bedard	1,761½	- -	26 10 10	1 6 $6\frac{1}{2}$	- -	- -	- -	3 19 6
31 Oct. 1831	Felix Bedard		1,761½	- -	53 1 8	2 13 1	- -	- -	- -	15 18 6
31 Oct. 1831	J. B. Bertrand	François Gosselin	1,761¼	- -	26 10 10	1 6 $6\frac{1}{2}$	- -	- -	- -	5 6 2
30 Avril 1832	Jean Dupins		3,523	- -	47 5 -	2 7 3	- -	- -	- -	14 3 6
17 Mai 1832	Adrien Rey	J. B. Gosselin	3,523	- -	53 1 8	2 13 1	- -	- -	- -	7 19 5
31 Oct. 1831	Joseph Sampson		1,729	- -	25 4 $3\frac{1}{2}$	1 5 $2\frac{1}{8}$	- -	- -	- -	7 11 1
3 Oct. 1831	Pierre Dostie	Pierre Dostie et	1,685¼	- -	24 11 $5\frac{1}{2}$	1 4 $6\frac{7}{8}$	- -	- -	- -	4 19 1
7 Avril 1834	Marguerite Dupont	Jacques Rousseau	1,761½	- -	26 10 10	1 6 $6\frac{1}{2}$	- -	- -	- -	3 19 7
21 Mars 1833	François Gosselin		3,640	- -	47 5 -	2 7 3	- -	- -	- -	11 16 3
31 Oct. 1831	Joseph Rousseau		2,206¾	- -	32 5 5	1 12 $3\frac{1}{4}$	- -	- -	- -	2 2 7
31 Oct. 1831	Louis Dupras		1,800½	- -	26 5 -	1 6 3	- -	- -	- -	6 11 3
31 Oct. 1831	Pierre Souprette		1,920	- -	28 - -	1 8 -	- -	- -	- -	8 8 -
29 Avril 1834	Prospère Poitras		1,940	- -	28 5 10	1 8 $3\frac{1}{2}$	- -	- -	- -	5 13 2
4 Juin 1835	Prospère Poitras		1,940	- -	68 5 1	3 8 $3\frac{1}{20}$	- -	- -	- -	6 16 $6\frac{2}{20}$
31 Dec. 1831	Antoine Fecto		3,055½	- -	44 11 11	1 4 $7\frac{7}{8}$	- -	- -	- -	7 7 $7\frac{7}{8}$
7 Avril 1832	Thos. A. Place		1,940	- -	24 11 $5\frac{1}{2}$	1 4 $6\frac{18}{40}$	- -	- -	- -	7 7 2
7 Avril 1834	Frans. Dampiene		1,940	- -	28 5 10	1 8 $3\frac{1}{2}$	- -	- -	- -	4 4 $10\frac{1}{2}$
28 Avril 1832	Thos. A. Place		1,940	- -	23 15 1	1 3 $9\frac{1}{20}$	- -	- -	- -	7 2 $6\frac{3}{10}$
31 Oct. 1831	Abraham Leclair		2,400	- -	34 11 3	1 14 $6\frac{5}{8}$	- -	- -	- -	10 8 $6\frac{1}{2}$
23 Mai 1834	A. Marette, dit Lepine		2,310	- -	33 13 9	1 13 $8\frac{1}{4}$	- -	- -	- -	3 7 $5\frac{1}{4}$
31 Oct. 1831	Charles Parant		2,250	- -	32 16 3	1 12 $9\frac{3}{8}$	- -	- -	- -	3 16 $1\frac{3}{8}$
31 Oct. 1831	François Verret		2,190	- -	31 12 9	1 11 $8\frac{9}{20}$	- -	- -	- -	9 10 $-\frac{9}{20}$
23 Avril 1832	François Emond		2,130	-	31 1 3	1 11 $-\frac{3}{4}$	- -	- -	- -	9 10 $4\frac{1}{2}$
13 Juillet 1835	A. Sevin, dit Latourlippe		2,070	- -	30 3 9	1 10 $2\frac{1}{2}$	- -	- -	- -	3 - 5
31 Oct. 1831	Jacques Normand		2,400	-	35 - -	1 15 -	- -	- -	- -	10 10 -
21 Août 1833	Etienne Morency		2,400	- -	35 - -	1 15 -	- -	- -	- -	5 5 -
28 Mars 1832	Michel Blais		2,400	- -	35 - -	1 15 -	- -	- -	- -	10 10 -
11 Sept. 1832	Pierre Morency		2,400	- -	35 - -	1 15 -	- -	- -	- -	7 - -
11 Oct. 1831	Jos. Picard	André Menard	2,400	- -	35 - -	1 15 -	- -	- -	- -	3 10 -
31 Oct. 1831	Jean Laliberté		2,400	- -	35 - -	1 15 -	- -	- -	- -	10 10 -
3 Oct. 1835	Etienne Morency		2,400	- -	35 - -	1 15 -	- -	- -	- -	3 10 -
5 Août 1835	Pierre Baillargeon		1,400	- -	35 - -	1 15 -	- -	- -	- -	3 10 -
12 Sept. 1834	Pierre Baillargeon		2,400	- -	35 - -	1 15 -	- -	- -	- -	5 5 -
4 Juin 1834	Augt. Morency		2,400	- -	35 - -	1 15 -	- -	- -	- -	5 5 -
3 Oct. 1831	Jean Simonean	Gabriel Belleau	2,400	- -	35 - -	1 15 -	- -	- -	- -	7 - -
31 Oct. 1831	Jos. Marceau		2,400	- -	35 - -	1 15 -	- -	- -	- -	3 10 -
18 Mai 1835	Edouard Massé		2,400	- -	35 - -	1 15 -	- -	- -	- -	5 5 -
5 Avril 1832	P. J. Courtney		3,408	- -	49 14 -	2 9 $8\frac{2}{6}$	- -	- -	- -	14 18 $2\frac{2}{3}$
31 Oct. 1831	Michel Beaumond		2,400	- -	35 - -	1 15 -	- -	- -	- -	10 10 -
31 Oct. 1831	L. Foucher		2,400	- -	35 - -	1 15 -	- -	- -	- -	5 5 -
31 Oct. 1832	Michel Beaumont		2,400	- -	35 - -	1 15 -	- -	- -	- -	6 2 6
11 Sept. 1833	Jos. Lépine		2,400	- -	35 - -	1 15 -	- -	- -	- -	5 5 -
11 Sept. 1833	Jos. Lépine, sen.		2,400	- -	35 - -	1 15 -	- -	- -	- -	7 - -
7 Août 1835	Jean Hemond		2,400	- -	35 - -	1 15 -	- -	- -	- -	1 15 -
4 Avril 1835	Peter Bolt		13,373	- -	180 10 $6\frac{1}{2}$	9 - $6\frac{13}{40}$	- -	- -	- -	54 3 $1\frac{3}{4}$
22 Oct. 1831	Phi. Artus		2,683	- -	39 2 $6\frac{1}{2}$	1 19 $1\frac{1}{2}$	- -	- -	- -	5 18 $3\frac{2}{4}$
30 Juin 1835	Frans. Bedard		2,400	- -	40 10 11	2 - $6\frac{11}{20}$	- -	- -	- -	4 1 $10\frac{1}{10}$
30 Sept. 1831	Jos. Cameron		2,856	- -	41 13 -	2 1 $7\frac{4}{5}$	- -	- -	- -	12 - $10\frac{4}{5}$
7 Mai 1834	Michel Martin		2,943	- -	48 18 4	2 2 11	- -	- -	- -	4 8 9
23 Avril 1832	George Reynar		5,265	- -	76 15 $7\frac{1}{2}$	3 16 $9\frac{3}{8}$	- -	- -	- -	23 - $8\frac{1}{4}$
4 Dec. 1831	Donald Grant		2,125	- -	30 19 $9\frac{1}{2}$	1 10 $6\frac{17}{28}$	- -	- -	- -	9 3 $5\frac{1}{10}$
31 Mars 1832	Lament Paradis		4,800	- -	68 19 7	3 8 $11\frac{3}{4}$	- -	- -	- -	10 7 $-\frac{3}{4}$
31 Juillet 1832	Thos. Cyrus Francis		4,650	- -	67 3 $1\frac{1}{2}$	3 7 $1\frac{17}{20}$	- -	- -	- -	13 8 $5\frac{2}{4}$
28 Juin 1834	Olivier Patry		2,095	- -	30 11 -	1 11 $6\frac{3}{5}$	- -	- -	- -	4 14 9
10 Sept. 1834	James Hinds		- -	- -	- - -	6 2 1	- -	- -	- -	6 2 1
17 Août 1833	Jean B. Gilbert		1,920	- -	55 3 4	2 15 2	- -	- -	- -	11 - 8
17 Août 1833	Jean B. Gilbert		1,920	- -	55 3 4	2 15 2	- -	- -	- -	11 - 8
19 Juin 1834	Gabriel Valin		1,920	- -	28 - -	1 8 -	- -	- -	- -	4 4 -
31 Dec. 1831	George Boyd		5,510	- -	80 7 1	4 - $4\frac{1}{4}$	- -	- -	- -	24 2 $1\frac{1}{2}$
30 Juin 1834	Alex. Russell, esq.		3,480	- -	50 15 -	2 10 9	- -	- -	- -	7 12 3
31 Dec. 1831	Jos. Hamel		3,920	- -	46 13 4	2 6 8	- -	- -	- -	14 - -
12 Oct. 1831	Donald Grant		2,960	- -	43 3 4	2 3 2	- -	- -	- -	12 19 -
31 Oct. 1831	William Aird		3,420	- -	49 17 6	2 9 $10\frac{1}{2}$	- -	- -	- -	14 19 $1\frac{1}{2}$
3 Mai 1833	H. M. Blaiklock		4,580	- -	66 15 10	3 6 $9\frac{1}{2}$	- -	- -	- -	13 7 2
9 Mai 1834	La Corporation de Quebec		2,718	- -	39 12 9	1 19 $7\frac{13}{20}$	- -	- -	- -	3 19 4
20 Jan. 1835	J. B. Coté		2,400	- -	35 - -	1 15 -	- -	- -	- -	5 5 -
28 Mai 1835	Louis Falardeau		2,400	- -	35 - -	1 15 -	- -	- -	- -	3 10 -
3 Juin 1833	Louis Martin		2,370	- -	34 11 3	1 14 $6\frac{3}{4}$	- -	- -	- -	6 18 3
31 Oct. 1831	James Marshall		4,800	- -	70 - -	3 10 -	- -	- -	- -	21 - -
1 Juin 1833	Jos. Stiguy, dit Angé		2,400	- -	35 - -	1 15 -	- -	- -	- -	7 - -

(*continued.*

(C. 5.)—Statement of Concessions and Sales à Constitut, in the Farm of La Vacherie—*continued.*

Date.	Name of Original Concedee.	Name of Present Holder.	Feet in Superficies.	Rentes Foncières.	Amount of Constitut.	Amount Interest on Constitut.	Arrears at 30 September 1831. Rentes Foncières.	Arrears at 30 September 1831. Interest on Constituts.	Arrears at 30 September 1837. Rentes Foncières.	Arrears at 30 September 1837. Interest on Constituts.
				£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
31 Oct. 1833	P. Deblot, dit Dostie	- - -	2,400	-	35 - -	1 15 -	- -	- -	-	5 5 -
29 Mars 1834	Jacques Marcut -	- - -	2,400	- -	35 - -	1 15 -	- -	- -	-	7 - -
31 Août 1833	Isaïc Germain -	- - -	2,400	- -	35 - -	1 15 -	- -	- -	- -	7 - -
31 Oct. 1832	Joseph Sanson -	- - -	1,729	- -	25 4 3½	1 5 $2\frac{23}{40}$	- -	-	- -	6 6 $-\frac{3}{4}$
29 Nov. 1822	Roger Lelièvre, Ecuier	- - -	918	- -	150 - -	7 10 -	- -	-	-	105 - -
2 Juillet 1838	Rose Beaudouin, femme de Jean Simoneau - -	- - -	2,400	- -	35 - -	1 15 -	- -	- -	- -	1 15 -
	Omitted :		429,871	- -	6,316 18 1¼	323 17 10	- -	- -	- -	1,441 4 3
30 Avril 1829	John Anderson, his Estate - -	- - -	29,187	- -	455 - -	22 15 5	- -	22 15 5	- -	22 15 5
28 Nov. 1822 / 14 Mai 1824	Anthony Anderson	- - -	114,052	- -	1,150 - -	57 10 -	- -	192 9 11	- -	132 3 7
		Currency - -	573,110	- -	7,921 18 10	404 3 3	- -	215 15 4	- -	1,596 3 3

Jesuits' Office, 3 October 1838.
A true Copy.
(signed) *J. Stewart*, Com.

Quebec, 2 October & 29 September 1838.
(signed) *Louis Panet*,
Agent.

(C. 6.)—Emplacements in the City of *Quebec.*

Name of Street.	N° on each House.	Date of Original Concession.	Name of Original Concedee.	Name of Present Holder.	Rentes Foncières.	Arrears 30 September 1831.	Arrears 30 September 1837.
					£. s. d.	£. s. d.	£. s. d.
Fabrique - -	- -	- - - -	- - - -	Fran. Le Houillier - -	6 - -	54 - -	18 - -
				William Burke - -	25 - -	25 - -	75 - -
				Peter Langlois - -	22 4 5	- - -	134 6 6
				Ben. Corriveau - -	4 2 6	- - -	20 12 6
				W. Holmes - - -	10 - -	20 - -	80 - -
St. John - -	- -	- - - -	- - - -	Gab. Plante's Estate -	26 7 9	- - -	26 7 9
				A. Wexler's Estate -	35 10 10	- - -	177 14 2
				W. Holmes' Estate -	27 15 6	- - -	138 17 6
				W. Stilling's Estate -	18 - -	- - -	18 - -
				J. Isoir - - - -	15 11 1	- - -	31 2 2
				Garaut - -	9 - -	9 - -	27 - -
				Jos. Deblois - - -	12 8 -	- - -	12 8 -
				M. Julien - - -	12 12 -	- - -	37 16 -
				Jos. Peticlerk - -	28 - -	- - -	28 - -
				W. Wilson - - -	27 10 -	220 - -	385 - -
				J. Tourangeau's Estate -	16 - -	- - -	16 - -
				Thos. C. Aylevin - -	18 10 -	55 10 -	185 - -
				Ch. Hoffman - - -	30 2 -	- - -	60 4 -
				Pat. Lawler - - -	10 - -	- - -	50 - -
				Geo. Pozer - - -	18 - -	- - -	18 - -
				L. Latouche's Estate -	15 - -	60 - -	75 - -
				Frs. Romain's Estate -	26 10 -	- - -	26 10 -
				Ph. Brown's Estate - -	6 10 -	- - -	39 - -
				Mad. Amiot - - -	- - -	- - -	90 - -
				Jas. Drolet - - -	1 10 -	3 - -	12 - -
				Jos. Légaré - - -	20 - -	- - -	60 - -
				N. Juneau - - -	13 - -	261 - -	339 - -
				P. Chaloup's Estate - -	9 - -	36 - -	88 - -
				R. K. Young - - -	18 - -	18 - -	90 - -
				N. Juneau.			
e. Ursule - -	- -	- - - -	- - - -	Jos. Routier - - -	20 - -	160 - -	280 - -
				J. Villaire.			
				Ch. Marié - - -	1 - -	29 - -	29 - -
				Dun. Napier.			
				James Ross's Estate - -	125 - -	250 - -	1,125 - -
				Dan. Sutherland's Estate -	50 - -	- - -	300 - -
				Frs. Vocelle - - -	12 10 -	- - -	25 - -
				N. Villaire's Estate - -	16 - -	- - -	30 - -
				Veuve Ig. Guay - -	16 - -	128 - -	64 - -
Ste. Angele	- -	- - - -	- - - -	Geo. Larouche - -	32 - -	224 - -	64 - -
				Miss L. Vocelle - -	16 - -	- - -	16 - -
				Frs. Romain's Estate -	15 - -	- - -	15 - -
				J. Rowley - - -	15 - -	- - -	60 - -
St. Stanislas	- -	- - - -	- - - -	Geo. Symes' Estate - -	45 - -	45 - -	135 - -
				Geo. Pozer - - -	31 15 -	- - -	31 15 -
				Geo. Pozer - - -	23 10 -	- - -	23 10 -
				Geo. Pozer - - -	21 10 -	85 - -	21 10 -
				D. Napier - - -	- - -	- - -	84 - -
				Miss Duplessis - - -	12 - -	- - -	12 - -
				Ch. Hoffman - - -	6 - -	48 - -	12 - -
				R. Lelievre - - -	5 12 -	49 8 -	83 14 -
				M. Bardy - - -	5 - -	5 - -	20 - -
				M. Moreau's Estate - -	4 10 -	- - -	27 - -
				Miss L. Vocelle - -	5 - -	- - -	5 - -
				Jos. Tardif - - -	5 - -	- - -	20 - -
				Frs. Perche - - -	20 - -	- - -	20 - -

(C. 6.)—Emplacements in the City of Quebec—*continued.*

Name of Street.	N° on each House.	Date of Original Concession.	Name of Original Concedee.	Name of Present Holder.	Rentes Foncières.	Arrears 30 September 1831.	Arrears 30 September 1837.
					£. s. d.	£. s. d.	£. s. d.
Des Jardins -	- -	- - - - -	- - - - -	A. Wexler's Estate - -	5 - -	- - -	30 - -
				Frs. Romain's Estate -	6 - -	- - -	6 - -
				W. Holmes' Estate - -	5 - -	- - -	25 - -
				Ancien Cours - -	1,001 11 1	1,784 18 -	4,913 17 7
				Currency - -	41 14 7½	74 7 5	204 14 11

Quebec, 30 September 1838.

(signed) *Louis Panet*, Agent.

NEW GRANTS:—Emplacements in Rear of the Barracks.

Name of Street.	N° on each House.	Date of Concession.	Name of Original Concedee.	Name of Present Holder.	Rentes Foncières, and Interest.	Arrears at 30 Sept. 1831.	Arrears at 30 Sept. 1837.	Capital exigible.
					£. s. d.	£. s. d.	£. s. d.	£. s. d.
		8 Nov. 1820	Minors Echart -	Jos. Peticlerc -	4 8 -	8 16 -	4 8 -	71 15 6
		Ditto -	Ch. Trudel - -	M. Julien - -	4 19 5½	12 3 7½	14 18 4½	78 15 -
		Ditto -	W. Stillings - -	Heirs W. Stillings -	- 5 -	- 10 -	- 5 -	
		Ditto -	L. P. Seguin -	Jos. Deblois - -	- 5 -	- 10 -	- 5 -	
		Ditto -	Ed. Larne - -	Garant -	- 2 6	- 5 -	- 7 6	
		Ditto -	J. Isoir - -	J. Isoir - -	- 5 -	- 10 -	2 - -	
		Ditto -	W. Holmes - -	Heirs W. Holmes -	11 1 10¾	143 16 11½	55 9 5¾	182 17 -
		Ditto -	Peter Langlois -	Peter Langlois -	- 5 -	- 10 -	2 - -	
		Ditto -	Frs. Drolet - -	W. Burke - -	7 15 6	15 11 -	23 6 6	127 7 -
		Ditto -	Frs. Girard - -	Gab. Plante - -	- 5 -	- 10 -	2 - -	
				Currency - £.	29 12 3¼	183 2 7	104 17 10¼	460 14 6

Jesuits' Office, 3 October 1838.
A true Copy.
(signed) *J. Stewart*, Com.

Quebec, 30 September 1838.
(signed) *Louis Panet*,
Agent.

(C. 7.)—Liste des Censitaires de la Seigneurie de *Batiscan*.—Anciennes Concessions.

No.	Date du Premier Titre.	Nom du Premier Concessionaire.	Nom de celui qui Possède actuellement.	Arpents en Superficie.	Rente Annuelle. Bled Boisseaux.	Rente Annuelle. Argent.	Arrérages dus le 30 Septembre 1831. Cens et Rentes.	Arrérages dus le 30 Septembre 1831. Lods et Ventes.	Arrérages dus le 30 Septembre 1837. Cens et Rentes.	Arrérages dus le 30 Septembre 1837. Lods et Ventes.
						£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1	- - -	- - - -	Joseph Gouin - -	30	½	- - 5				
2	15 Nov. 1813	Joseph Gouin - -	„ „ - - -	80	- -	- 5 6½	8 18 4	- -	11 11 5	
3	14 Nov. 1814	„ „ - -	„ „ - - -	30	- -	- 2 9½				
4	- - -	- - - -	Jean Godin Felix - -	40	½	- - 10				
5	7 Dec. 1814	Joseph Godin Félix -	„ „ - -	20	- -	- 1 10½	- - -	- -	- 14 2	
6	- - -	- - - -	Alexis Lahaye - -	36	- -	- 2 2				
7	- - -	- - - -	„ „ - - -	54	½	- - 7½				
8	17 Nov. 1796	Louis Labissionnière -	„ „ - - -	60	- -	- 2 7½				
9	20 Nov. 1775	Joseph Moreau - -	„ „ - - -	71	- -	- - 1				
10	- - -	- - - -	Hyacinthe St. Cyre -	112	1	- 1 6				
11	- - -	- - - -	„ „ - -	120	½	- 2 9	3 11 7	- -	1 2 10	
12	14 Nov. 1814	Hyacinthe St. Cyre -	„ „ - -	30	- -	- 2 9				
13	- - -	- - - -	Veuve Alexis Marchant -	31	- -	- 1 5	- 9 4	- -	- 10 -	
14	- - -	- - - -	Amand Quépy - -	80	½	- 2 9				
15	21 Juin 1825	Amand Quépy - -	„ „ - -	40	- -	- 3 9				
16	20 Nov. 1775	Joseph Moreau - -	„ „ - -	71	- -	- - 1				
17	- - -	- - - -	„ „ - -	35	¼	- - 5	- -	- -	- -	10 8 4
18	- - -	- - - -	Gabriel Moreau - -	70	½	- - 8				
19	- - -	- - - -	„ „ - -	4	¼	- - 4				
20	20 Nov. 1775	Joseph Moreau - -	„ „ - -	160	- -	- - 2½				
21	- - -	- - - -	Joseph Moreau - -	70	½	- - 8				
22	- - -	- - - -	„ „ - -	4	¼					
23	20 Nov. 1776	Joseph Moreau - -	„ „ - -	160	- -	- - 2½				
24	- - -	- - - -	Joseph Bergeron - -	75	½	- - 7½				
25	- - -	- - - -	„ „ - -	60	- -	- 3 6				
26	21 Juill. 1717	P. Mongrain - -	„ „ - -	6	2½ Mt	- -	- -	- -	- 15 -	
27	- - -	- - - -	Joseph Dupont - -	60	- -	- 1 10				
28	16 Nov. 1813	Joseph Hamelin -	„ „ - -	40	- -	- 3 6	4 18 10	- -	6 11 2	
29	- - -	- - - -	Alcime Brunelle - -	32	- -	- - 7½	- -	- -	- -	10 5 -
30	17 Nov. 1666	Pierre Guillet Lajeunesse	Pierre Fugère - -	96	- -	- 2 3½	- -	- -	- 8 9	16 15 -
31	- - -	- - - -	„ „ - -	136	- -	- 3 6	4 7 2	- -	5 8 -	
32	20 Mars 1666	Michel Lemai - -	Joseph Marchant - -	80	- -	- 1 6	- -	- -	- 3 -	
33	22 Mars 1666	Pierre Lemoine - -	Louis Machildon - -	80	- -	- 1 8				
34	- - -	- - - -	„ „ - -	40	- -	- - 10	- 10 -	- -	- 17 9	
35	- - -	Damien Quatresous -	Joachim Moreau - -	110	1 B.	- 1 1	- -	- -	- 5 6	
36	22 Mars 1666	Pierre Baribault -	François Lahaye - -	180	- -	- 3 3				
37	- - -	- - - -	„ „ - -	80	- -	- 1 7½				

(*continued*.)

(C. 7.)—Liste des Censitaires de la Seigneurie de Batiscan—Anciennes Concessions—*continued.*

No.	Date du Premier Titre.	Nom du Premier Concessionaire.	Nom de celui qui Possède actuellement.	Arpents en Superficie.	Rente Annuelle. Blé Boisseaux.	Rente Annuelle. Argent. £. s. d.	Arrérages dus le 30 Septembre 1831. Cens et Rentes. £. s. d.	Arrérages dus le 30 Septembre 1831. Lods et Ventes. £. s. d.	Arrérages dus le 30 Septembre 1837. Cens et Rentes. £. s. d.	Arrérages dus le 30 Septembre 1837. Lods et Ventes. £. s. d.
38	21 Juillet 1717	Pierre Mongrain -	François Lahaye - -	12	3 M^{t} $\frac{3}{4}$	- - -				
39	- - -	- - -	,, ,, - -	160	- -	- 6 5				
40	20 Nov. 1775	Joseph Moreau - -	,, ,, - -	24	- -	- - 1	- - -	- - -	- 11 6	
41	,, ,,	,, ,, - -	,, ,, - -	40	- -	- - 1				
42	- - -	- - -	Louis Lehoullier - -	237	1 $\frac{1}{4}$ B.	- 4 6	- -	- -	2 - -	
43	- - -	- - -	Pierre Milette - -	100	- -	- 2 4$\frac{1}{2}$	- -	11 2 -	- 7 6	10 8 4
44	- - -	- - -	Pierre Ant. Laurrièr -	22	- -	- 1 1	- -	- -	- 4 -	7 3 9
45	- - -	- - -	,, ,, - -	120	- -	- 5 3	- -	- -	1 10 6	
46	- - -	- - -	François Lehoullier -	120	$\frac{1}{4}$	- 2 -$\frac{1}{3}$	- -	- -	- 17 3	
47	- - -	- - -	Joseph Carignaut - -	165	$\frac{3}{4}$	- 3 1$\frac{1}{3}$	1 6 3	- -	2 12 6	
48	- - -	- - -	François Trottier - -	177	$\frac{1}{4}$	- 3 5$\frac{1}{2}$	- -	- -	1 3 3	
49	- - -	- - -	François Claude Trottier	180	$\frac{3}{4}$	- 5 2	- 2 -	- -	1 18 6	
50	- - -	- - -	François Carignaut -	18	$\frac{1}{4}$					
51	- - -	- - -	Charles Leveiller - -	50	- -	- 1 4$\frac{1}{3}$	- -	- -	- 6 6	
52	- - -	- - -	Joseph Duval - -	225	- -	- 9 8$\frac{1}{3}$	- -	- -	1 9 1$\frac{1}{2}$	
53	- - -	- - -	Joseph Biron - -	125	- -	- 3 4$\frac{1}{3}$				
54	- - -	- - -	Jean B. Biron - -	30	- -	- - 9$\frac{1}{2}$	- -	- -	- 4 9	
55	- - -	- - -	François Despins - -	50	- -	- - 11	- 1 10	- -	- 5 6	
56	- - -	- - -	Claude Lahaye - -	90	$\frac{1}{2}$	- 1 -$\frac{1}{3}$				
57	20 Nov. 1775	Joseph Moreau - -	,, ,, - -	50	- -	- - -$\frac{1}{3}$				
58	- - -	- - -	Casimir Adam - -	70	- -	- 1 7$\frac{1}{2}$	- 9 9	- -	- 19 6	
59	- - -	- - -	Jean Caya - - -	80	$\frac{1}{2}$	- - 3$\frac{1}{2}$				
60	- - -	- - -	,, ,, - - -	50	- -	- 1 9				
61	- - -	- - -	Godfroid Durand - -	90	$\frac{1}{4}$	- 1 5	- -	- -	- -	8 6 8
62	- - -	- - -	Joseph Labissonnière -	120	$\frac{3}{4}$	- 1 3$\frac{1}{2}$				
63	- - -	- - -	,, ,, - -	40	- -	- 1 11				
64	- - -	- - -	,, ,, - -	60	$\frac{1}{4}$	- - 2$\frac{1}{3}$	- -	5 4 4	- -	5 4 4
65	- - -	- - -	Frs. Moreau et Cohéritiers	160	1	- 3 4$\frac{1}{2}$				
66	- - -	- - -	,, ,, -	10	$\frac{1}{2}$ M^{t}	- - 1				
67	20 Nov. 1775	Joseph Moreau - -	,, ,, -	142	- -	- - 1				
68	- - -	- - -	Antoine Labissonnière -	160	1 B	- 1 3				
69	- - -	- - -	,, ,, - -	20	- -	- - 10	- -	- -	- 18 9	
70	- - -	- - -	Antoine Lanoutte - -	180	- -	- 5 1				
71	- - -	- - -	,, ,, - -	50	- -	- 2 3$\frac{1}{2}$	- -	- -	1 4 1	
72	20 Nov. 1775	Joseph Moreau - -	,, ,, - -	142	- -	- - 1				
73	- - -	- - -	,, ,, - -	15	- -	- 4 7				
74	- - -	- - -	George Marchant - -	80	$\frac{1}{3}$	- 1 6	- -	- -	- 4 7	
75	- - -	- - -	Cuthbert Marchant -	80	$\frac{1}{2}$	- 1 4	- -	- -	- 2 2	
76	- - -	- - -	Hilaire Marchant - -	50	$\frac{1}{4}$	- - 6				
77	- - -	- - -	François Brunelle - -	80	- -	- 1 4				
78	- - -	- - -	Joseph Brunelle - -	80	- -	- 1 4				
79	- - -	- - -	Pierre Brunelle - -	26	- -	- - 5				
80	- - -	- - -	Louis Brunelle - -	65	$\frac{1}{2}$	- - 7				
81	- - -	- - -	Zephir Brunelle - -	65	$\frac{1}{2}$	- - 7				
82	- - -	- - -	Gregoire Le Blanc -	120	1	- 1 4$\frac{1}{2}$	- -	- -	- 13 3	6 13 3
83	- - -	- - -	Pierre Le Blanc - -	60	$\frac{1}{2}$ M^{t}	- -	- -	- -	- 15 -	
84	- - -	- - -	Veuve Nicholas Godin Felix - - -	30	- -	- - 11$\frac{1}{2}$	- -	- -	2 4 7	
85	- - -	- - -	Thomas Machildon -	40	$\frac{1}{4}$	- - 6	- 4 -	- -	- 8 -	8 17 9
86	- - -	- - -	François Brunelle - -	100	$\frac{3}{4}$	- - 10$\frac{1}{3}$				
87	- - -	- - -	François Marchant -	114	$\frac{1}{2}$	- 1 2$\frac{1}{3}$				
88	- - -	- - -	Alexis Marchant - -	78	$\frac{1}{3}$	- 2 1$\frac{1}{3}$				
89	- - -	- - -	,, ,, - -	60	$\frac{1}{2}$	- - 2$\frac{1}{2}$				
90	- - -	- - -	François Marchant -	100	$\frac{1}{3}$	- 2 9				
91	- - -	- - -	Clément Moreau - -	50	- -	- - 9	- -	- -	- -	4 3 4
92	- - -	- - -	Hyacinthe Brunelle -	80	- -	- 1 3				
93	- - -	- - -	Louis Marchant - -	130	- -	- 5 8$\frac{1}{2}$	- -	- -	- 5 8$\frac{1}{2}$	
94	20 Nov. 1775	Joseph Moreau - -	Joseph Pothier - -	116	- -	- - 1	- - 8	- -	- 1 2	
95	,, ,,	,, ,, - -	Vital Marchant - -	145	- -	- - 2	- 1 -	- -	- 2 -	
96	,, ,,	,, ,, - -	Vital Marchant, fils -	40	- -	- - -$\frac{1}{3}$				
97	,, ,,	,, ,, - -	Joseph Moreau - -	313	- -	- - 2$\frac{1}{3}$	- 1 3	- -	- 2 6	
98	,, ,,	,, ,, - -	Alexis Moreau - -	133	- -	- - 1$\frac{1}{3}$	- - 9	- -	- 1 6	
99	,, ,,	,, ,, - -	François Moreau - -	80	- -	- - 1$\frac{1}{3}$	- - -	- - -	- - 3	
100	,, ,,	,, ,, - -	Frederick Dufresne -	142	- -	- - 1$\frac{1}{3}$	- - 9	- -	- 1 6	
101	- - -	- - -	Pierre Belcour - -	55	- -	- 1 9	- 10 3	9 16 8	1 - 6	15 - -
102	- - -	- - -	Louis Belcour - -	164	$\frac{1}{2}$	- 2 2	- -	- -	- 16 8	
103	- - -	- - -	Alexis Gendron - -	54	- -	- - 1$\frac{1}{2}$	- - 9	- -	- 1 6	
104	- - -	- - -	Joseph Gendron - -	24	- -	- 2 6	3 16 8	- -	4 - 5	
105	- - -	- - -	Zephir Marchant - -	8	- -	- - 11$\frac{1}{2}$	- -	- -	- -	3 15 -
106	- - -	- - -	Pierre Grandmont -	6	- -	- - 3	- - 6	- -	- 1 6	
107	- - -	- - -	Jean Turcotte - -	20	- -	- - 6	- 3 -	- -	- 6 -	
108	- - -	- - -	Hyacinthe Marchant -	5	- -	- - 1	- - 6	- -	- 1 -	
109	- - -	- - -	J. E. Lanouette - -	5	- -	- - 2$\frac{1}{3}$	- 1 3	- -	- 2 6	
110	- - -	- - -	Joseph Turcotte - -	12	- -	- - 5$\frac{1}{3}$	- 2 9	- -	- 5 6	
111	- - -	- - -	Alexis Morinville - -	5	- -	- - 2$\frac{1}{3}$	- 1 3	- -	- 2 6	
112	- - -	- - -	Modeste Dubord - -	3	- -	- - 1$\frac{1}{3}$	- - 9	- -	- 1 6	
113	- - -	- - -	Jean B. Toutant - -	67	$\frac{1}{2}$ M^{t}	- - 2$\frac{1}{2}$	- -	- -	- 11 3	
114	- - -	- - -	Alexis Turcotte - -	3	- -	- - 2$\frac{1}{3}$	- 2 1	- -	- 3 2	
115	14 Juillet 1716	P. Mongrain - -	Jean Quépy - - -	70	- -	- 3 1$\frac{1}{2}$	5 10 1$\frac{1}{2}$	- -	5 8 5$\frac{1}{2}$	
116	22 Avril 1816	Jean Quépy - -	,, ,, - - -	72	- -	- 3 5				
117	- - -	- - -	Jean B. Brunelle - -	28	- -	- 1 8	- -	- -	- 11 6	
118	- - -	- - -	,, ,, - -	80	- -	- 2 2				
119	- - -	- - -	François Machildon -	86	- -	- 4 9	4 3 -	- -	6 8 6	
120	3 Mai 1674	François Frigou -	Joseph Lacourcière -	76	- -	- 4 7$\frac{1}{2}$	- -	9 11 8	- 9 -	8 7 8
121	4 Mai 1667	Jean Lemoine - -	,, ,, - -	50	- -	- 1 9				
122	3 Mai 1674	François Frigou -	François Lacourcière -	60	- -	- 4 3	- -	- -	1 1 9	
123	- - -	- - -	Amable Lacourcière -	92	- -	- 8 5$\frac{1}{2}$				
124	15 Nov. 1813	Joseph St. Cyr - -	,, ,, - -	60	- -	- 3 9$\frac{1}{2}$				

(C. 7.)—Liste des Censitaires de la Seigneurie de Batiscan—Anciennes Concessions—*continued.*

No.	Date du Premier Titre.	Nom du Premier Concessionaire.	Nom de celui qui Possède actuellement.	Arpents en Superficie.	Rente Annuelle. Bled Boisseaux.	Rente Annuelle. Argent.	Arrérages dus le 30 Septembre 1831. Cens et Rentes.	Arrérages dus le 30 Septembre 1831. Lods et Ventes.	Arrérages dus le 30 Septembre 1837. Cens et Rentes.	Arrérages dus le 30 Septembre 1837. Lods et Ventes.
						£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
125	3 Mai 1674	François Frigou	Modeste Lacourcière	80		– 5 –	– –	– –	1 5 –	
126	– – –	– – –	Louis Guillet	200		– 9 2				
127	– – –	– – –	,, ,,	20		– – 10				
128	– – –	– – –	Joseph St. Mars	70		– 3 4	– –	– –	– 10 –	
129	4 Mai 1667	Jean Lemoine	Pierre Proteau	50		– 1 9	1 5 –	– –	1 15 –	
130	– – –	– – –	Xavier Guillet	90		– 3 4	– 3 4	– –	1 – –	
131	– – –	– – –	François Massicotte	100		– 3 11	1 3 6	10 3 –	1 4 –	1 15 –
132	– – –	– – –	Alexis Leduc	100		– 4 5	1 6 6	4 3 4	2 13 –	4 3 4
133	– – –	– – –	Joseph Chateauneuf	42		– 1 5	– –	– –	– 2 5	
134	– – –	– – –	Charles Chateauneuf	42		– 1 5	– 4 3	– –	– 12 9	
135	– – –	– – –	Jean B. Chateauneuf	86		– 2 10	– –	– –	– 3 10	
136	– – –	– – –	Cifroid Machildon	92		– 4 10½				
137	– – –	– – –	,, ,,	5		– – 10	– –	– –	1 3 4½	– 12 6
138	– – –	– – –	,, ,,	40		– 1 9				
139	14 Nov. 1798	Augustin Frigou	,, ,,	8		– – 4				
140	– – –	– – –	Cedril Machildon	70		– 2 10½	– –	– –	– 8 7½	1 11 3
141	– – –	– – –	Jean B. St. Arnaud	180		– 4 10	– 18 1	– –	1 – –	
142	– – –	– – –	Godfroid L'Heureu	85		– 2 5½	– 5 –	– –	– 8 3	
143	– – –	– – –	Louis Gendron	37		– – 9				
144	– – –	– – –	Alexis Tessier, fils	75		– 3 5	– –	– –	– 13 10	
145	– – –	– – –	Joseph Tessier	75		– 3 5	– –	– –	– 17 1	
146	– – –	– – –	Joseph Lacourcière	60		– 3 2	– –	– –	1 16 4	8 13 8
147	– – –	– – –	Valère L'Heureu	61		– 2 3½	– –	38 3 –	– 11 –	35 10 –
148	– – –	– – –	Antoine Trottier	61		– 2 4	– –	– –	– 12 8	
149	– – –	– – –	Joseph Tessier	115		– 3 9	– 3 7	– –	4 9 6	
150	17 Nov. 1795	Joseph Gouin	Guillaume Belly	80		– 3 5				
151	– – –	– – –	Joseph Devos	45		– 2 6	– –	– –	– 15 –	
152	– – –	– – –	Amable Bigué Nobert	80						
153	– – –	– – –	,, ,,	20		– – 4				
154	– – –	– – –	François Nobert	2		– – 1	– – 6	– –	– 1 –	
155	– – –	– – –	Augustin Hamelin	8		– – 1½				
156	– – –	– – –	Antoine Machildon	140		– 5 7½				
157	– – –	– – –	Joseph Fugère	105		– 3 10	– –	17 4 2	– –	17 4 2
158	– – –	– – –	François Fugère	200		– 5 8	– –	– –	1 5 –	
159	– – –	– – –	Veuve Jacques Massicotte	110		– 5 –	– –	– –	1 5 –	
160	– – –	– – –	Jean B. Massicotte	120		– 4 2	4 7 1	– –	5 12 1	
161	– – –	– – –	Paul St. Arnaud	84		– – 11	1 – –	– –	1 – –	17 12 6
162	– – –	– – –	Louis Michel St. Arnaud	95		– 3 3				
163	– – –	– – –	Michel St. Arnaud	95		– 3 3				
164	– – –	– – –	Joseph Brousseau	59		– 1 –½	– 2 1	– –	– 8 4	– 13 4
165	– – –	– – –	Jacques Massicotte	63		– 4 1				
166	30 Avril 1818	Jacques Massicotte	,, ,,	75		– 5 8½	– –	– –	1 1 3	
167	– – –	– – –	Habert Massicotte	120		– 2 5	– –	– –	1 7 6	
168	– – –	– – –	Alexis Massicotte	44		– 1 8½	1 10 10	– –	2 2 1	
169	30 Avril 1818	Alexis Massicotte	Augustin Massicotte	45		– 3 10½	2 4 4	– –	3 8 1	
170	– – –	– – –	Augustin Massicotte	135		– 1 3	– 7 6	– –	– 15 –	
171	– – –	– – –	François Massicotte	200		– 2 2½				
172	– – –	– – –	,, ,,	60		– 1 8				
173	– – –	– – –	François Massicotte, fils	40		– – 6½				
174	– – –	– – –	Abraham Massicotte	140		– 1 9½				
175	– – –	– – –	,, ,,	75		– 5 1½	5 13 8	– –	7 9 5	
176	– – –	– – –	,, ,,	25		– 1 8				
177	– – –	– – –	Veuve Frs. St. Arnaud	60		– 1 9	10 6 –	– –	12 8 –	
178	– – –	– – –	,, ,,	40		– 6 11				
179	– – –	– – –	Jean Massicotte	50		– 2 –	– –	– –	– 2 –	
180	– – –	– – –	Pierre Massicotte	50		– 2 1	– 15 5	– –	1 7 10	
181	– – –	– – –	Edourd Tiffau	60		– 2 7½	– 15 9	– –	1 11 6	
182	– – –	– – –	Joseph Bourbeau	105		– 6 5	– 4 2	– –	1 18 6	
183	– – –	– – –	Joseph Dussureault	67		– 2 7½				
184	– – –	– – –	Joseph Tourignaut	45		– 2 6	– 15 –	22 6 –	1 10 –	22 6
185	– – –	– – –	D. Marguerite St. Arnaud	63		– 2 9				
186	– – –	– – –	Charles Langevin	186		– 3 6½				
187	– – –	– – –	François Langevin	70		– 1 8				
188	– – –	– – –	André Sandel	42		– 2 4				
189	– – –	– – –	,, ,,	47		– 1 8				
190	– – –	– – –	,, ,,	20		– 1 2				
191	– – –	– – –	David Trudel	104		– 1 9				
192	14 Nov. 1796	Louis St. Arnaud	,, ,,	67		– 4 1				
193	10 Avril 1721	Jean Veillet	Ignace Veillet	73		– 1 3				
194	4 Mars 1817	Ignace Veillet	,, ,,	35		– 2 2½	– –	– –	1 1 2	
195	– – –	– – –	,, ,,	48		– 1 10				
196	10 Avril 1721	Jean Veillet	Heritier Louis Veillet	52		– – 10	– –	– –	– 15 9	
197	– – –	– – –	,, ,,	25		– 1 10				
198	4 Nov. 1763	Fabrique St. Geneviève	Fabrique St. Geneviève	66		– 1 3	– 7 9	– –	– 15 6	
199	– – –	– – –	François Germain	105		– 3 7				
200	– – –	– – –	,, ,,	62		– 4 3				
201	– – –	– – –	,, ,,	30		– 2 9				
202	– – –	– – –	Raphael Baribault	50		– 2 11	– –	– –	– 12 6	
203	– – –	– – –	Louis Baribault	42		– 2 2				
204	– – –	– – –	,, ,,	32		– – 11	1 4 2	– –	3 5 3	1 10 –
205	– – –	– – –	Laurent St. Arnaud	84		– 2 11				
206	– – –	– – –	,, ,,	84		– 2 11				
207	– – –	– – –	,, ,,	30		– – 7				
208	– – –	– – –	Jean Brouillet	30		– – 11	– 15 7	1 1 8	1 1 1	1 1 8
209	– – –	– – –	V. J. B. Trudel	94		– 3 6	– –	– –	– 10 6	
210	23 Fevr. 1732	Jean B. Lefebvre	Olivier Trudel, ecuyer	84		– 3 5				
211	26 Fevr. 1812	Olivier Trudel	,, ,,	62		– 5 9				

(*continued.*)

(C. 7.)—Liste des Censitaires de la Seigneurie de Batiscan—Anciennes Concessions—*continued.*

No.	Date du Premier Titre.	Nom du Premier Concessionnaire.	Nom de celui qui Possede actuellement.	Arpents en Superficie.	Rente Annuelle. Bled Boisseaux.	Rente Annuelle. Argent.	Arrérages dus le 30 Septembre 1831. Cens et Rentes.	Arrérages dus le 30 Septembre 1831. Lods et Ventes.	Arrérages dus le 30 Septembre 1837. Cens et Rentes.	Arrérages dus le 30 Septembre 1837. Lods et Ventes.
						£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
212	22 Mars 1793	Jean Srepagnez	Olivier Tindal, ecuyer	50		– 1 6				
213	– – –	– – – –	,, ,, – –	50		– 2 3				
214	23 Fevr. 1793	Jean Lefebvre	Pierre Lefebvre	80		– 3 3½	– 18 3	13 14 4	1 6 6	13 14 4
215	– – –	– – – –	Jean B. Lizé	80		– 3 –½				
216	– – –	– – – –	Madame Guilmet	75		– 4 5				
217	– – –	– – – –	Madame Guilmet	32		– 1 5				
218	– – –	– – – –	Pierre Périgny	75		– 4 7	1 7 6	10 – 9	2 15 –	10 – 9
219	– – –	– – – –	Heritiers, Simon Nayatte	75		– 2 6	1 7 6	– –	2 15 –	
220	– – –	– – – –	Louis Magny	75		– 2 9	– –	– –	1 11 6	
221	– – –	Antoine Mongraine	,, ,, – –	45		– 4 2				
222	– – –	,, ,,	Louis Magny, fils	45		– 4 2	– –	– –	– 8 4	
223	– – –	– – – –	François Tindel	105		– 7 –	– –	– –	2 19 –	
224	– – –	– – – –	,, ,, – –	20		– 1 6				
225	20 Fevr. 1799	Hyacinthe Nobert	,, ,, – –	90		– 6 3				
226	– – –	– – – –	Paschal Lizé	80		– 6 8½	2 16 9	14 1 6	5 13 6	14 1 6
227	– – –	– – – –	,, ,, – –	50		– 2 4				
228	– – –	– – – –	Pierre Lacourcière	105		– 2 7½	– –	– –	1 11 8	
229	– – –	– – – –	Antoine Brouillet	95		– 8 9	– –	3 3 3	– 14 2	3 3 3
230	14 Nov. 1814	Antoine Brouillet	,, ,, – –	68		– 5 7				
231	– – –	– – – –	Joseph Massicotte	60		– 2 3½	– 13 9	4 12 5	1 7 6	4 12 5
232	– – –	– – – –	Louis Massicotte	21		– – 10½	– 15 9	– –	1 1 –	
233	– – –	– – – –	François Massicotte	60		– 2 5	– –	– –	– 2 5	
234	– – –	– – – –	Damase Carpentier	79		– 5 –½	1 5 4	– –	2 15 7	
235	– – –	– – – –	Louis Baribault	31		– 1 2				
236	4 Fevr. 1754	Jean Lafond	Laurent Quépy	200		– 12 3½	2 18 6	– –	6 8 6	
237	14 Juillet 1716	P. Mongrain	,, ,, – –	42		– 1 10½				
238	20 Juillet 1762	Didace Lefebvre	Joseph Lefebvre	84		– 5 10	– –	– –	1 9 2	
239	– – –	– – – –	Joseph Trudel	77		– 5 4				
240	– – –	– – – –	,, ,, – –	20		– 1 8				
241	7 Sept. 1817	Ignace Prenonveau	Pierre and Frs. Jacob	80		– 6 6	– 7 6	– –	1 10 –	
242	– – –	– – – –	François Jacob	80		– 5 –	– –	– –	– 5 –	
243	11 Jan. 1799	Alexis Reau	Joseph St. Arnaud	84		– 5 4				
244	– – –	– – – –	Jsseph St. Arnaud	63		– 1 8				
245	23 Sept. 1763	Jean B. Rivard	Jean B. Veillet	84		– 6 9				
246	– – –	– – – –	,, ,, – –	50		– 3 4				
247	14 Oct. 1762	Nicholas Bolus	Laurent Jacob	84		– 6 8				
248	– – –	– – – –	,, ,, – –	75		– 5 10				
249	21 Fevr. 1794	Joseph Jacob	Henritiers, Jos. Jacob	42		– 3 2½	– –	– –	– 12 10	
250	7 Sept. 1817	Ignace Prenonveau	Pierre Guilmet	30		– 2 11	– –	– –	– 2 11	
251	21 Fevr. 1794	Joseph Jacob	Olivier Frigou	50		– 3 7½	– 10 10½	6 – –	1 12 7½	6 – –
252	– – –	– – – –	Charles Massicotte	92		– 6 9	– –	– –	1 13 9	
253	28 Fevr. 1800	David Trudel	Augustine Vezina	57		– 5 7	– –	– –	1 13 6	
254	23 Sept. 1763	– – – –	Denis Prenonveau	93		– 6 –	2 16 3	– –	4 12 3	
255	– – –	– – – –	Edouard St. Mars	66		– 3 3	– –	– –	– 6 6	2 10 –
256	– – –	– – – –	Louis Marchant	66		– 3 3				
257	– – –	– – – –	,, ,, – –	48		– 2 7	– –	– –	– –	8 6 8
258	– – –	– – – –	Joseph Prenonveau	160		– 10 –				
259	– – –	– – – –	,, ,, – –	45		– 4 2	– –	– –	– 15 –	
260	– – –	– – – –	,, ,, – –	16		– 1 1½				
261	– – –	– – – –	Augustin Frigou	72		– 4 7	– –	– –	1 18 6	
262	– – –	– – – –	,, ,, – –	33		– 1 10				
263	– – –	– – – –	Abraham Frigou	72		– 4 7	– –	– –	3 17 6	
264	– – –	– – – –	,, ,, – –	114		– 8 4				
265	– – –	– – – –	Joseph Desaunier	42		– 3 3				
266	– – –	– – – –	,, ,, – –	32		– 2 2½				
267	– – –	– – – –	François Gerbeau	74		– 7 9	– –	– –	2 6 8	
268	– – –	– – – –	Antoine Desaunier	38		– 3 4	– 10 –	– –	1 10 –	
269	– – –	– – – –	Pierre Rivard, fils	42		– 3 –	– –	– –	– 6 –	
270	– – –	– – – –	Pierre Rivard, père	74		– 5 3				
271	– – –	– – – –	,, ,, – –	42		– 3 –				
272	– – –	– – – –	,, ,, – –	30		– 3 2½				
273	– – –	– – – –	Heritiers, Antoine Frigou	126		– 10 –	– –	– –	2 10 –	
274	23 Oct. 1763	Charles Flageole	Jean B. Houde	76		– 4 9½	– 4 9	– –	1 13 9	
275	,, ,,	,, ,, – –	Augustin Houde	76		– 4 9½	6 10 –	– –	7 9 –	
276	– – –	– – – –	Ambroise Hénault	76		– 4 8	5 – 11	– –	6 9 –	
277	13 Nov. 1798	Louis Henault	,, ,, – –	90		– 5 9½	1 13 9	– –	3 7 6	
278	3 Juin 1758	Antoine Rivard	Veuve Augt. Grantrille	76		– 4 2	– –	– –	1 5 –	
279	– – –	– – – –	François Lesieur	84		– 6 8	– –	– –	– 13 4	
280	13 Nov. 1798	Antoine Desaurier	,, ,, – –	68		– 3 –	– –	– –	– 6 –	
281	– – –	– – – –	,, ,, – –	108		– 10 –	– –	– –	1 – 6	
282	3 Juin 1758	Antoine Rivard	,, ,, – –	76		– 4 10	– –	– –	– 9 8	
283	2 Août 1743	Jean Lacombe	Louis Rivard	76		– 6 3				
284	– – –	– – – –	Jean B. Massicotte	30		– 2 3	– –	– –	– 13 6	1 1 8
285	– – –	– – – –	Jean B. Massicotte, père	25		– 2 1	– –	– –	– 6 3	
286	– – –	– – – –	Louis Massicotte	107		– 8 10				
287	– – –	– – – –	Dieudonné Prénonveau	72		– 6 –	– –	– –	5 6 –	1 15 –
288	– – –	– – – –	Michel Massicotte	46		– 3 9	1 2 6	– –	2 5 –	
289	– – –	– – – –	Laurent Francœur	46		– 2 10	– –	– –	– 8 9	– 12 6
290	– – –	– – – –	Xavier Baribault	46		– 3 10	1 3 –	7 12 6	2 6 –	7 12 6
291	20 Jan. 1754	Jean B. Trottier	Pierre Trottier	70		– 4 8				
292	,, ,,	,, ,, – –	Abraham Trottier	85		– 6 –				
293	– – –	– – – –	Pierre Cloutier	140		– 10 –				
294	– – –	– – – –	Abraham Jacob	77		– 4 9	1 6 10	– –	2 13 8	
295	– – –	– – – –	Jean Jacob, fils	77		– 5 5				
296	– – –	– – – –	Jean Lacourcière	62		– 6 10				
297	– – –	– – – –	Jean B. Lefebvre	62		– 4 –½				
298	– – –	– – – –	Hypolite Lefebvre	62		– 4 1				
299	– – –	– – – –	Joseph Massicotte	107		– 5 6				

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						£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
300	- - -	- - - -	Louis Lefebvre, fils -	62	- -	- 3 9½				
301	- - -	- - - -	Jerome Depuis - -	60	- -	- 4 2	- -	- -	1 2 6	
302	- - -	- - - -	François Nobert - -	62	- -	- 4 9½	3 2 -	- -	4 10 -	
303	- - -	- - - -	Hyacinthe Nobert -	62	- -	- 4 9½				
304	17 Nov. 1794	Antoine Frigou -	Olivier Frigou - -	62	- -	- 3 10				
305	- - -	- - - -	Joseph Massicotte -	42	- -	- 3 -				
306	- - -	- - - -	„ „ - -	98	- -	- 9 11				
307	- - -	- - - -	Damase Cadotte - -	81	- -	- 4 -	- -	- -	1 4 -	1 15 -
308	- - -	- - - -	Joseph Trottier - -	142	- -	- 5 10½	- -	- -	- 17 7½	
309	- - -	- - - -	Jean B. Trottier - -	104	- -	- 5 10				
310	- - -	- - - -	Godfroid Langevin -	72	- -	- 7 -½	- 14 -	8 13 4	2 16 -	6 13 4
311	- - -	- - - -	Benoni Gervais - -	57	- -	- 5 2	1 16 3	- -	3 7 6	
312	- - -	- - - -	Belarmin Gervais -	40	- -	- 2 8	- -	- -	- 13 4	3 13 6
313	- - -	- - - -	Veuve Jos. Shereux -	60	- -	- 3 11	- 7 7	- -	1 3 6	
314	21 Jan. 1814	Joseph Mongrain -	Casimir Baribault -	45	- -	- 4 2	- -	- -	1 - -	6 5 -
315	- - -	- - - -	Olivier Massicotte -	67	- -	- 3 3	- -	2 8 2	1 - -	2 8 2
316	- - -	- - - -	Joachim Quépy - -	42	- -	- 3 5	2 13 9	15 16 6	5 7 6	15 - 6
317	20 Mai 1816	Joachim Quépy -	„ „ - -	96	- -	- 6 4½				
318	- - -	- - - -	Joseph Damien - -	83	- -	- 6 9	- -	- -	2 - 6	
319	- - -	- - - -	Veuve Frs. Gervais -	113	- -	- 7 2	2 10 6	- -	4 13 -	
320	19 Nov. 1756	René Machildon -	Michel Quépy - -	84	- -	- 2 9½	2 3 6	- -	6 4 9	
321	26 Dec. 1816	Michel Quépy - -	„ „ - -	116	- -	- 10 9				
322	- - -	- - - -	Hilaire Massicotte -	86	- -	- 5 9	3 1 6	- -	3 16 6	8 6 8
323	- - -	- - - -	„ „ - -	60	- -	- 3 2	- -	- -	1 16 6	10 14 2
324	24 Nov. 1710	Jean Papillon - -	Eustache Nobert -	120	- -	- 6 10				
325	- - -	- - - -	Frs. Dussureault -	42	- -	- 1 4	- 8 -	- -	- 16 -	
326	- - -	- - - -	Joseph Massicotte -	42	- -	- 1 7½	- -	- -	- -	7 12 -
327	- - -	- - - -	„ „ - -	80	- -	- 5 1				
328	- - -	- - - -	Joseph Massicotte, fils	42	- -	- 1 7½	- -	- -	- 12 9	
329	- - -	- - - -	Ambroise Tiffan -	84	- -	- 5 6	- -	- -	- 5 6	
330	- - -	- - - -	Frs. Dussureault -	92	- -	- 3 8	- 17 6	- -	2 - -	
331	- - -	- - - -	Modeste Dubord -	73	- -	- 1 10½	- -	- -	2 13 4	
332	- - -	- - - -	Belarmin Massicotte	82	- -	- 5 10	- -	- -	- 17 1	2 3 6
333	- - -	- - - -	Jean B. St. Arnaud	82	- -	- 5 5	- -	- -	- 17 1	3 2 6
334	- - -	- - - -	François St. Arnaud	32	- -	- 1 5	1 10 9	- -	2 8 1	
335	- - -	- - - -	François Normandin	21	- -	- 1 3	1 12 2	- -	2 7 2	
336	- - -	- - - -	J. B. C. St. Arnaud	126	- -	- 4 6½				
337	- - -	- - - -	Angustin Massicotte	46	- -	- 2 -	- -	- -	- 2 6	
338	- - -	- - - -	Michel Veillet - -	47	- -	- 1 8	- 15 -	- -	1 5 -	
339	- - -	- - - -	Alexis Tiffan - -	42	- -	- 1 6	- -	- -	- 6 -	
340	- - -	- - - -	David L'Heureux - -	62	- -	- 3 2	- 3 2	- -	1 1 4	
341	- - -	- - - -	Joseph L'Heureux -	62	- -	- 3 2	- -	- -	- 18 10	
342	- - -	- - - -	Prisque Trépagnez, fils	86	- -	- 4 10	- -	- -	1 3 4	
343	- - -	- - - -	Joseph Veillet - -	62	- -	- 2 6	1 - -	- -	1 15 -	
344	- - -	- - - -	„ „ - - -	60	- -	- 2 8	- -	- -	- 2 8	5 16
345	- - -	- - - -	Dominique Normandin	25	- -	- - 11				
346	- - -	- - - -	Veuve Alexis Duval -	31	- -	- 1 -	- -	- -	- 3 -	
347	- - -	- - - -	Jean B. Normandin -	56	- -	- 2 6	- 7 6	2 11 8	1 2 6	2 11 8
348	- - -	- - - -	Modeste Massicotte -	74	- -	- 3 1½	- -	3 15 -	- 15 -	3 15 -
349	- - -	- - - -	Augustin Cadotte -	74	- -	- 5 5	2 14 -	- -	4 - 6	
350	- - -	- - - -	Joseph Cadotte - -	32	- -	- - 11	- 15 7	- -	1 3 10	
351	- - -	- - - -	Heritiers, Jos. Cadotte -	42	- -	- 1 10½	1 12 4	- -	2 3 7	
352	- - -	- - - -	Louis Massicotte - -	52	- -	- - 10½	- 2 6	- -	- 7 9	
353	- - -	- - - -	Pierre Gauthier - -	42	- -	- - 10	- 5 -	1 17 6	- 10 -	1 17 6
354	- - -	- - - -	Jean B. Gauthier - -	63	- -	- 1 4½	- -	- -	- 8 3	
355	- - -	- - - -	J. B. Gauthier, fils -	42	- -	- - 11	- -	- -	- 5 -	
356	- - -	- - - -	Louis Prénonveau -	170	- -	- 3 2	- 12 8	- -	1 6 4	
357	- - -	- - - -	Louis Prénonveau, fils -	26	- -	- - 10	- 9 2	- -	- 14 8	
358	- - -	- - - -	Calix Prénonveau - -	50	- -	- 1 2	- 1 2	- -	- 8 2	
359	12 Nov. 1798	Prisque Trepagnez -	Hilaire Trépagnez - -	80	- -	- 5 7	- -	- -	- 5 7	
360	- - -	- - - -	Jean B. Cadotte - -	95	- -	- 3 1½	- 10 -	- -	1 - -	
361	- - -	- - - -	Prisque Trépagnez, père	277	- -	- 9 2				
362	- - -	- - - -	Alexis Adam - -	63	- -	- 2 9				
363	8 Dec. 1745	Jean Cossette - -	Nicholas Quépy - -	84	- -	- 3 -	2 6 3	- -	3 4 3	
364	- - -	- - - -	Louis Massicotte - -	44	- -	- 2 6	- -	- -	- 10 -	
365	24 Jan. 1754	Jean Baril - -	Raphael Veillet - -	110	- -	- 4 7	- -	- -	- 13 9	4 3 4
366	- - -	- - - -	Valere Coté - - -	44	- -	- 2 6	- -	- -	- 10 -	
367	- - -	- - - -	Pierre Veillet - -	84	- -	- 5 4	7 13 -	- -	10 18 -	
368	- - -	- - - -	„ „ - - -	93	- -	- 3 7½				
369	14 Jan. 1744	—— Lacombe -	Joseph Nayotte - -	90	- -	- 4 -½				
370	30 Juin 1798	Joseph Nayotte, père -	„ „ - - -	94	- -	- 6 4½				
371	7 Jan. 1759	Jean Baril - -	Veuve Jean Broiullet -	63	- -	- 3 9	1 16 -	- -	2 17 6	
372	- - -	- - - -	Laurent Gervais - -	120	- -	- 3 4				
373	13 Nov. 1798	Jean Laveau - -	„ „ - -	90	- -	- 5 7½	3 - -	- -	5 15 -	
374	- - -	- - - -	François Gervais - -	60	- -	- 1 11	1 10 -	- -	1 11 3	
375	12 Nov. 1711	Gabriel Lefebvre -	Edouard Trudel - -	100	- -	- 5 5				
376	14 Nov. 1797	Gabriel Trudel - -	„ „ - -	20	- -	- 1 6				
377	6 Sept. 1817	Joseph Baril - -	„ „ - -	90	- -	- 7 6				
378	- - -	- - - -	Pierre Gervais - -	72	- -	- 2 -½				
379	21 Nov. 1794	Joseph Simon Nayotte	„ „ - -	70	- -	- 5 7				
380	21 Juillet 1717	Pierre Lafond Mongrain	„ „ - -	16	2½ M[t]					
381	- - -	- - - -	François Broussard -	60	- -	- 2 1	- -	- -	- 15 -	
382	13 Nov. 1798	François Cossette -	„ „ - -	31	- -	- 1 4				
383	- - -	- - - -	François Massicotte -	30	- -	- 1 10	- -	- -	- 10 5	
384	15 Mars 1774	Pierre Vivette - -	Jean B. Adam - -	80	- -	- 6 6	- -	- -	2 2 6	
385	13 Nov. 1798	Jean B. Adam - -	„ „ - - -	120	- -	4 9				

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						£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
386	- - -	- - - -	Michel Rousseau - -	96	- -	- 5 7½	3 10 -	- -	5 3 9	
387	- - -	- - - -	François Baril - -	219	- -	- 12 7	- 6 5	- -	3 6 1	
388	- - -	- - - -	Veuve F. Veillet - -	104	- -	- 5 7				
389	- - -	- - - -	F. Xavier Gervais -	62	- -	- 5 -	- 5 -	- -	1 5 1	- 13 1
390	- - -	- - - -	Veuve Thibault - -	42	- -	- 3 4	- 3 4	- -	1 3 4	
391	- - -	- - - -	Charles Rousseau - -	20	- -	- 1 6	1 8 4	- -	1 17 1	
392	- - -	- - - -	Cornette Massicotte -	20	- -	- 1 10	- 12 6	- -	1 - -	1 - 10
393	- - -	- - - -	François Braussard, fils -	31	- -	- 1 4	- 8 -	- 7 -	- 16 1	- 7 -
394	- - -	- - - -	Jean Rousseau - -	20	- -	- - 10	- -	- -	- 1 3	
395	- - -	- - - -	Jean Prenonveau -	16	- -	- 1 6	- -	-	- 7 6	
396	- - -	- - - -	François Rousseau -	25	- -	- 2 3½	- -	- -	- 11 3	
397	- - -	- - - -	François Baril - -	16	- -	- 1 6				
398	- - -	- - - -	M. C. St. Arnault -	15	- -	- 1 -	- 6 -	- 11 9	- 12 -	- 11 9
399	- - -	- - - -	Etienne Deschants -	52	- -	- 3 2	1 14 4	- -	2 14 10	
400	- - -	- - - -	Gabriel Mathon - -	92	- -	- 3 10	- -	- -	- 11 6	
401	- - -	- - - -	Taissaint Deschants -	47	- -	- 4 3	- -	- -	- 12 7	
402	- - -	- - - -	François Massicotte -	62	- -	- 5 8½	4 7 6	- -	6 1 9	
403	- - -	- - - -	Louis Massicotte - -	46	- -	- 4 2	3 6 9	- -	4 11 8	
404	- - -	- - - -	Joseph Lahaye, père -	100	- -	- 5 5				
405	- - -	- - - -	Joseph Lahaye, fils -	65	- -	- 3 3	- 19 8	- -	1 19 4	
406	- - -	- - - -	Pierre Cossette - -	63	½ M^t	- - -½	1 2 11	- -	1 17 11	
407	- - -	- - - -	Pierre Cossette, fils -	42	⅜ M^t	- -	1 6 3	- -	1 17 6	
408	- - -	- - - -	François Cossette -	60	½ M^t	- -	1 5 6	- -	2 - 6	
409	- - -	- - - -	François Normandin -	75	⅝	- - -½	1 2 6	- -	1 12 6	
410	- - -	- - - -	Marcel St. Arnaud -	33	- -	- 1 3				
411	- - -	- - - -	Pierre St. Arnaud -	60	- -	- 1 9	- -	- -	- 5 8	
412	- - -	- - - -	François Normandin -	114	¾ M^t	- 1 4½	2 8 9	- -	3 11 3	
413	- - -	- - - -	„ „ - -	40	- -	- 1 8	- -	- 3 4	- -	- 18 9
414	- - -	- - - -	Barthelemy Nobert -	125	1 M^t	- -	- -	- -	- 5 -	
415	- - -	- - - -	Edouard Nobert - -	94	¼ M^t	- 3 1	- -	- -	- 5 -	
416	14 Fevr. 1769	Antoine Despins -	Louis Despins - -	84	2 B	- - 1	- -	- -	- 10 6	
417	- - -	- - - -	Antoine Despins - -	63	½ M^t	- -	- -	- -	- 10 -	
418	- - -	- - - -	François Despins - -	40	¼	- -	- 18 9	- -	1 10 -	
419	- - -	- - - -	Pierre Normandin -	63	½	- -	1 6 8	- -	2 1 8	
420	- - -	- - - -	Joseph Normandin -	52	½	- - 8	2 - 5	- -	3 9 8	
421	- - -	- - - -	Louis Normandin - -	70	½	- 2 -	- 15 -	- -	3 1 6	
422	- - -	- - - -	Joseph Normandin -	42	½	- -	1 12 6	- -	2 7 6	
423	- - -	- - - -	François Normandin -	15	½	- -	- -	- -	- 5 -	- 10 -
424	- - -	- - - -	Louis Dufresne - -	33	⅛	- 1 11	- 3 10	- -	- 18 4	
425	- - -	- - - -	Belonnie Grandmaison -	62	- -	- 2 9	- 16 10	- -	1 11 8	
426	- - -	- - - -	Joseph St. Cyre - -	25	¼	- -	- 3 9	- -	- 7 6	2 12 6
427	- -	- - - -	Athanare Normandin -	62	¼	- 1 10	- -	- -	2 - -	
428	14 Août. 1795	Sieur Moreau - -	Louis Déry - - -	62	¼	- 1 10	- -	- -	3 - -	
429	„ „	„ „ - -	Louis Normandin - -	20	¼	- -	- -	- -	1 2 6	1 - 10
430	8 Juillet 1718	Joseph Toutant -	Pierre Toutant - -	168	⅛	- - 1	- -	- -	3 4 4	
431	- - -	- - - -	„ „ - -	78	1 M^t	- -	1 13 4	- -	3 1 4	
432	- - -	- - - -	Pierre Rean - -	61	½	- 1 8	2 - -	- -	- 5 -	
433	- - -	- - - -	Toussaint Toutant -	84	½ M^t	- -	- -	- -	- 5 -	
434	21 Nov. 1711	Joseph Rean - -	Heritiers, J. Marchant -	126	½	- - 5	- -	- -	2 12 9	
435	„ „	„ „ - -	François Dontiguy -	84	½	- - 3½	- 11 2	- -	1 7 11	
436	- - -	- - - -	Laurent Normandin -	42	½	- - 1	- -	- -	- 15 6	- 13 9
437	- - -	- - - -	Michel Massicotte - -	100	- -	- 5 7	- -	- -	- 7 4	4 3 4
438	- - -	- - - -	Alexandre Boisvert -	60	- -	- 3 9				
439	11 Nov. 1767	Alexis Nayotte - -	Pierre Lafontaine - -	53	- -	- 3 8				
440	8 Août. 1763	Tiffau - -	„ „ - -	38	- -	- 2 -				
441	11 Nov. 1767	Alexis Nayotte - -	Joseph Trottier - -	60	- -	- 4 2				
442	17 Oct. 1740	Gervais Veillet - -	„ „ - -	120	- -	- 8 9	- -	- -	1 1 3	
443	18 Juin 1748	B. Guillet - -	Rigobert Charait - -	60	- -	- 4 -	1 4 -	- -	2 8 -	
444	- - -	- - - -	„ „ - -	90	- -	- 6 -½	1 16 -	- -	3 12 -	
445	- - -	- - - -	Louis Vallé - -	60	- -	- 5 1	- -	- -	- 5 1	
446	- - -	- - - -	Louis Lafontaine - -	115	- -	- 7 6	2 5 -	- -	4 10 -	
447	- - -	- - - -	Jean Trepagnez - -	45	- -	- 2 4½	- -	- -	- 4 9	2 1 8
448	- - -	- - - -	„ „ - -	50	- -	- 3 4				
449	16 Juin 1726	Joseph Tiffau - -	Veuve Ignace Jorimean -	90	- -	- 3 10½	1 11 -	- -	2 2 -	
450	- - -	- - - -	Pierre Trepagnez - -	184	- -	- 11 3½	- -	- -	2 17 6	
451	- - -	- - - -	Edouard Hale, ecuyer -	60	- -	- 4 1				
452	- - -	- - - -	Michel Bordeleau - -	144	- -	- 9 6	1 15 -	- -	6 1 7	
453	- - -	- - - -	Louis Proteau - -	144	- -	- 9 1	12 - -	- -	14 14 3	
454	- - -	- - - -	Jean B. Tiffau - -	60	- -	- 3 9½	4 5 -	- -	6 10 6	
455	- - -	- - - -	Antoine Trottier - -	120	- -	- 8 -½	1 4 6	- -	4 17 6	
456	- - -	- - - -	„ „ - -	46	- -	- 1 9				
457	- - -	- - - -	Pierre Trepagnez, ecuyer	162	- -	- 10 10½	5 19 3	- -	9 4 6	
458	- - -	- - - -	Ignace Thinierge - -	160	- -	- 12 6	6 2 6	- -	9 19 -	
459	8 Oct. 1743	François Nayotte -	François Nayotte - -	168	- -	- 9 9	3 17 5	- -	5 16 -	
460	- - -	- - - -	Alexis Burnette - -	60	- -	- 3 7½	- -	- -	- -	6 5 -
461	- - -	- - - -	F. Timon Nayotte -	60	- -	- 4 1	3 5 -	- -	4 10 -	
462	- - -	- - - -	Amable Lafontaine -	60	- -	- 4 1	- -	- -	2 - -	
463	- - -	- - - -	Joseph Lafontaine - -	60	- -	- 4 1	- -	- -	1 1 2	
464	3 Dec. 1800	Jean B. Grandmaison	Stanislas Lafontaine -	20	- -	- 1 3				
465	19 Jan. 1784	François Nayotte -	Pierre Brouillet - -	120	- -	- 8 6	3 17 -	- -	6 - -	
466	29 Nov. 1774	François Nayotte -	Jean B. Bordeleau -	120	- -	- 7 7½	4 3 4	- -	4 10 10	
467	3 Nov. 1791	Leonard Nayotte -	Leonard Nayotte - -	120	- -	- 7 7	5 13 -	- -	7 18 5	
468	12 Nov. 1795	Alexis Nayotte - -	Jean B. Tiffau - -	60	- -	- 3 7	2 19 5	- -	4 2 5	
469	12 Nov. 1795	Augustin Tiffau -	Veuve Augustin Tiffau -	74	- -	- 5 3	- 17 -	- -	2 8 6	
470	12 Nov. 1795	Joseph Tiffau - -	Joseph Tiffau - -	72	- -	- 5 3	3 2 3	- -	2 9 4	

(C. 7.)—Liste des Censitaires de la Seigneurie de Batiscan—Anciennes Concessions—*continued.*

No.	Date du Premier Titre.	Nom des Premier Concessionnaire.	Nom de celui qui Possède actuellement.	Arpents in Superficie.	Rente Annuelle. Bled Boisseaux.	Rente Annuelle. Argent.	Arrèrages dus le 30 Septembre 1831. Cens et Rentes.	Arrèrages dus le 30 Septembre 1831. Lods et Ventes.	Arrèrages dus le 30 Septembre 1837. Cens et Rentes.	Arrèrages dus le 30 Septembre 1837. Lods et Ventes.
						£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
471	12 Nov. 1795	Joseph Bordeleau -	Pierre Gervais - -	48	- -	- 1 9½	1 1 9	- -	1 12 6	
472	12 Juin 1825	Michel Tournelle -	Veuve Michel Tournelle -	21	- -	- 1 10⅓	1 4 2	- -	2 5 4½	
473	„ „	„ „ - -	Antoine Tournelle -	21	- -	- 1 10⅓	- -	- -	- 9 9	
474	- - -	- - - -	W. Simpson Henderson -	69	- -	- 4 6	- -	- -	- -	10 8 4
475	- - -	- - - -	Jean Lafontaine - -	60	- -	- 3 10	3 7 3	- -	3 15 3	
476	- - -	- - - -	Antoine Lafontaine -	60	- -	- 4 2	2 14 7	- -	3 6 5	
477	- - -	- - - -	Jean B. Baribault -	28	- -	- 2 5	- -	- -	- 14 6	
478	- - -	- - - -	Leonard Baribault -	90	- -	- 8 4	1 17 6	- -	4 9 7	
479	14 Nov. 1814	Louis Gendron - -	Jean B. Veillet - -	60	- -	- 5 6	5 13 4	- -	6 10 -	
480	21 Nov. 1794	François Villemure -	Barthelemy Nayotte -	90	- -	- 6 4½	1 10 6	- -	2 3 6	
481	- - -	- - - -	Louis Brouillet - -	60	- -	- 3 4	2 3 4	- -	3 3 4	
482	- - -	- - - -	Laurent Lefebvre - -	50	- -	- 3 4	2 4 2	- -	2 4 2	
483	20 Fev. 1790	Antoine Desannier -	Jean Grantille - -	120	- -	- 8 1½	4 6 2	- -	6 15 3	
484	21 Nov. 1794	Jacques Tournelle -	Charles Tournelle -	120	- -	- 7 8	8 5 -	- -	7 7 9	
485	„ „	Jacques Tournelle -	Louis Tournelle - -	60	- -	- 3 10	1 13 10	- -	2 16 8	
486	21 Nov. 1794	Jacques Tournelle -	Geneviève Tournelle -	60	- -	- 3 9½	- -	- -	1 2 9	
487	- - -	- - - -	Archange Gervais -	60	- -	- 3 9½	- -	- -	- 15 6	
488	- - -	- - - -	Joseph Broiullet - -	60	- -	- 3 9½	2 18 9	- -	4 1 6	
489	- - -	- - - -	Louis Veillet - -	80	- -	- 4 2½	- -	- -	1 5 3	
490	17 Nov. 1766	Charles Veillet - -	Charles Veillet - -	80	- -	- 5 2	5 11 -	- -	7 6 3	
491	- - -	- - - -	Pierre Veillet - -	20	- -	- - 9	- -	- -	- 1 6	- 12 6
492	- - -	- - - -	Jean B. Nayotte - -	120	- -	- 5 2	2 14 2	- -	3 15 -	
493	23 Juillet 1757	Jean B. Tiffau - -	Marcel Nayotte - -	56	- -	- 3 -½	- -	- -	- 6 -	
494	„ „	„ „ - -	Clément Caya - -	84	- -	- 6 8	- -	- -	2 15 10	
495	15 Nov. 1799	Pierre Villeneuve -	André Trudel - -	120	- -	- 7 7½	- -	- -	- 7 7½	
496	19 Juin 1786	Fabrique S. Stanislas	Fabrique S. Stanislas -	120	- -	- - 1				
497	- - -	- - - -	Cifroid Lafontaine -	60	- -	- 3 9	5 16 3	- -	6 18 9	
498	- - -	- - - -	Pierre Veillet - -	120	- -	- 8 1				
499	10 Oct. 1744	Joseph Loranger -	Charles Marchant -	120	- -	- 8 1	- -	- -	- -	6 - -
500	- - -	- - - -	V. et heritiers P. Mongrain	150	- -	- 9 9	- -	- -	- 9 9	
501	- - -	- - - -	Pierre Mongrain - -	60	- -	- 4 -	- -	- -	- 12 1	
502	- - -	- - - -	J. B. Veillet - -	170	- -	- 11 1⅓				
503	29 Juillet 1816	Antoine Baribault -	George Trepagnez -	102	- -	- 6 3½	- -	- -	- 8 -	
504	23 Oct. 1805	Veuve B. Godin -	Antoine Houle - -	60	- -	- 3 10	6 15 -	- -	7 17 6	
505	- - -	- - - -	Jean Trottier - -	76	- -	- 5 8⅓	3 12 6	- -	4 5 -	
506	- - -	- - - -	Pierre Trottier - -	76	- -	- 5 8⅓	3 12 6	- -	4 5 -	
507	- - -	- - - -	Edouard Gervais - -	120	- -	- 8 5	2 1 8	- -	4 12 2	
508	- - -	- - - -	Joseph Trepagnez -	120	- -	- 8 5	4 13 6	- -	6 - 6	
509	- - -	- - - -	„ „ - -	12	- -	- - 10				
510	9 Nov. 1764	Augustin Tiffau -	Pierre Tiffau - -	120	- -	- 6 3½	8 17 6	- -	10 3 8	
511	26 Mars 1793	Veuve Michel Bordeleau	Michel Bordeleau, fils -	66	- -	- 5 7	- 5 1	- -	1 8 6	
512	- - -	- - - -	Valance St. Arnaud -	60	- -	- 4 2	2 16 3	1 - 10	2 16 3	1 - 10
513	- - -	- - - -	Joseph Poligrain - -	40	- -	- 2 11	1 17 6	- -	- 6 3	
514	21 Juillet 1825	Joseph Mongrain -	Romain Mongrain -	90	- -	- 8 4	- -	- -	- 16 8	
515	„ „	Joseph Mongrain -	Louis Mongrain - -	90	- -	- 8 4				
516	29 Juillet 1816	Antoine Baribault -	Gabriel Gervais - -	45	- -	- 4 2	2 15 -	2 10 -	3 5 -	2 10 -
517	21 Jan. 1815	Joseph Mongrain -	Bellarnim Dussureault -	60	- -	- 7 1	1 8 4	2 15 -	3 10 10	2 15 -
518	6 Dec. 1825	Antoine Mongrain -	Antoine Mongrain -	90	- -	- 8 4	- 16 8	- -	2 16 8	
519	- - -	- - - -	Augustin Dussureault -	90	- -	- 8 4	2 10 -	- -	4 15 -	
520	- - -	- - - -	Celestin Ricard - -	60	- -	- 4 8⅓	3 13 -	- -	5 1 3	
521	13 Nov. 1798	Charles Hénault -	Geneviève Henault -	90	- -	- 5 7⅓	5 16 -	- -	7 4 9	
522	„ „	Louis Hénault - -	Louis Henault - -	90	- -	- 5 7⅓	3 13 -	- -	2 6 9	
523	12 Nov. 1798	Prisque Trepagnez -	Louis Cossette - -	180	- -	- 12 2½	11 3 4	- -	15 15 4	
524	- - -	- - - -	Dominique Cossette -	52	- -	- 3 3½	- -	- -	1 1 4	- 5 2
525	- - -	- - - -	Louis Cossette, fils -	45	- -	- 2 10	1 - -	- -	1 - 2	
526	12 Nov. 1799	Nicholas Quépy -	Jerémie Cossette - -	60	- -	- 3 10				
527	15 Nov. 1796	Nicholas Quépy -	Hyacinth Cossette -	75	- -	- 4 9	2 - 7	- -	1 19 2	
528	7 Jan. 1812	Jean B. Gauthier -	François Gervais - -	75	- -	- 5 7½	11 5 -	- -	8 19 8	
529	- - -	- - - -	„ „ - -	33	- -	- 2 1	- -	- -	- 12 2	2 1 8
530	3 Fev. 1826	Pierre Rean - -	Louis St. Arnaud - -	90	- -	- 8 4	2 10 -	1 9 -	2 10 -	1 9 -
531	15 Dec. 1825	Antoine Lafontaine -	Jean Trepagnez - -	60	- -	- 5 7	- -	- -	1 17 6	2 15 -
532	20 Fev. 1799	Nicholas Quépy -	Dassese Cossette - -	30	- -	- 1 8	2 3 9	- -	2 13 9	
533	15 Nov. 1796	Nicholas Quépy -	Alexis Bonenfaut - -	60	- -	- 3 9	2 8 9	- -	3 11 3	
534	- - -	- - - -	Joseph Dussurault -	60	- -	- 5 7	1 5 -	3 5 10	2 18 6	4 6 8
535	- - -	- - - -	François Trepagnez -	55	- -	- 4 4	- 16 -	- -	2 2 -	
536	- - -	- - - -	Pierre Trepagnez - -	60	- -	- 5 7⅓	- -	- -	1 6 -	
537	- - -	- - - -	Valère Veillet - -	40	- -	- 2 9½	- 16 9	1 15 5	1 3 -	1 15 5
538	20 Nov. 1794	Antoine Caya - -	François Gauthier -	75	- -	- 4 9	2 3 6	- -	3 12 1	
539	26 Nov. 1793	Michel Déry - -	Ignace Déry - -	120	- -	- 7 7	12 1 8	- -	15 6 1	
540	3 Juillet 1816	Michel Déry - -	„ „ - -	80	- -	- 7 7				
541	„ „	„ „ - -	„ „ - -	2	- -	- - 10				
542	- - -	- - - -	Louis Déry - - -	4	- -	- - 2				
543	- - -	- - - -	Michel Tiffaut - -	90	- -	- 5 8	2 10 -	- -	4 3 9	- 16 8
544	- - -	- - - -	M. Tiffault, fils Joseph -	60	- -	- 3 8	3 9 3	- -	4 2 6	3 2 6
545	- - -	- - - -	Romain Lafontaine -	60	- -	- 5 6	1 2 2	- -	1 3 3	
546	- - -	- - - -	Xavier Roberge - -	60	- -	- 2 9	- -	- -	- 5 6	1 - 6
547	- - -	- - - -	Jéremie Veillet - -	45	- -	- 4 2	1 9 2	- -	2 14 2	1 14 6
548	- - -	- - - -	François Lafleche - -	30	- -	- 1 10⅓				
549	22 Mars 1795	Amable Marchant -	Marcel Nayotte - -	72	- -	- 5 9	11 6 -	- -	2 6 -	
550	3 Dec. 1800	Jean B. Grandmaison -	Marcel Dussureault -	40	- -	- 3 10	10 - 5	- -	11 5 -	3 2 6
551	- - -	- - - -	Alexandre Boisvert, fils -	60	- -	- 3 9				
552	- - -	- - - -	Joseph Tiffau - -	90	- -	- 5 6	- -	- -	11 - -	5 - -
553	- - -	- - - -	Amable Bordeleau -	72	- -	- 4 9				
554	- - -	- - - -	Ignace Prénonveau -	63	- -	- 4 4½	8 1 -	- -	8 7 6	
555	17 Juin 1748	B. Guillet - -	Augt. Dussureault, fils -	60	-	- 4 -	1 4 -	- -	2 8 4	4 3 4

(*continued.*)

(C. 7.)—Liste de Censitaires de la Seigneurie de Batiscan—Anciennes Concessions—*continued.*

No.	Date du Premier Titre.	Nom du Premier Concessionnaire.	Nom de celui qui Possède actuellement.	Arpents en Superficie.	Rente Annuelle. Bled Boisseaux.	Rente Annuelle. Argent.	Arrérages dus le 30 Septembre 1831. Cens et Rentes.	Arrérages dus le 30 Septembre 1831. Lods et Ventes.	Arrérages dus le 30 Septembre 1837. Cens et Rentes.	Arrérages dus le 30 Septembre 1837. Lods et Ventes.
						£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
556	17 Juin 1748	B. Guillet - -	Augustin Vezina - -	64	- -	- 5 11	3 5 5	- -	- 5 5	3 16 3
557	- - -	- - - -	Olivier Tourignaut -	60	- -	- 5 7	- 6 -	- -	1 17 -	
558	- - -	- - - -	Jean B. Darveau - -	40	- -	- 2 8	1 - -	- -	1 - -	3 10 -
559	- - -	- - - -	Jean B. Tiffau - -	60	- -	- 5 6	- -	- -	3 17 6	
560	- - -	- - - -	Amable Nayotte - -	30	- -	- 2 2½	3 8 3	2 6 1	4 15 9	2 6 1
561	- - -	- - - -	Jean Thivierge - -	60	- -	- 4 5	- 13 -	- -	2 - -	
562	- - -	- - - -	Frs. S. Amaud - -	42	- -	- 3 4	- -	- -	- 10 -	
563	- - -	- - - -	Frs. Vermette - -	45	- -	- 4 2	- -	- -	1 5 -	4 8 4
564	- - -	- - - -	Joaïe Brouillet - -	40	- -	- 2 5	- -	- -	- 1 2	
565	- - -	- - - -	Valère Nayotte - -	45	- -	- 2 10	- -	- -	- 12 6	- 16 8
566	- - -	- - - -	Etienne Valleraut -	30	- -	- 2 6	- -	- -	2 5 -	
567	- - -	- - - -	Jean B. S. Jean - -	30	- -	- - 7½	- -	- -	- 3 6	1 - 10
568	- - -	- - - -	William Henderson -	40	½	- -				
569	- - -	- - - -	„ „ - -	10	⅛	- -				
570	- - -	- - - -	„ „ - -	60	- -	- 4 5				
571	- - -	- - - -	„ „ - -	6	- -	- - 3	- -	- -	3 2 6	27 6 -
572	- - -	- - - -	„ „ - -	40	- -	- 3 3				
573	- - -	- - - -	„ „ - -	3	- -	- - 1½				
574	25 Oct. 1805	Veuve Jean B. Godin -	Alexis Ricard - -	60	- -	- 3 9½	- -	- -	15 2	
575	- -	- - - -	Louis Boisvert - -	60	- -	- 3 9	- -	- -	3 3 8	
576	- -	- - - -	Guy Henderson - -	10	- -	- 1 -	- -	- -	- 1 -	2 10 -
577	- - -	- - - -	Joseph Hamelin - -	2	- -	- - 1	- -	- -	- -	- 16 8
578	- - -	- - - -	Hyacinthe Biron - -	1	- -	- - -½	- -	- -	- -	1 5 -
579	- - -	- - - -	Abraham S. Mars - -	10	- -	- 1 9	- 8 9	- -	- 17 6	1 7 6
580	- - -	- - - -	Cuthbert Lizé - -	1	- -	- - -	- -	- -	- -	2 1 8
581	- - -	- - - -	Augustin Gingras - -	1	- -	- - -½	- -	- -	- -	2 1 8
				465	41,0,78	29 M^{t} ⅝ 107 1 7	456 19 4	240 - 10	813 4 11½	519 8 5
		Omitted,								
		Amount of Judgment against -	Antoine Trottier - - - - - -				6 17 8	- -	6 17 8	
		„ „ „ -	Louis Lafoutaine - - - - - -				4 4 10	- -	4 4 10	
							468 1 10	- -	824 7 5½	

Jesuits' Office, 26 Sept. 1838.
A true Copy.
(signed) *J. Stewart*, Com.

Certifié vraie.
Batiscan, 17 September 1838. (signé) *L. Guillet*, N. P.
Agent, B. J.

Suite de la Liste des Censitaires de la Seigneurie de *Batiscan.*—Nouvelles Concessions.

No.	Date du Premier Titre.	Nom du Premier Concessionnaire.	Nom de celui qui Possède actuellement.	Arpents en Superficie.	Rente Annuelle.	Arrérages le 30 Septembre 1831. Cens et Rentes.	Arrérages le 30 Septembre 1831. Lods et Ventes.	Arrérages le 30 Septembre 1837. Cens et Rentes.	Arrérages le 30 Septembre 1837. Lods et Ventes.
					£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1	23 Juin 1825	Leonard Gauthier - -	Pierre Grandmont - -	60	- 5 6½	1 7 11	- -	3 1 2	
2	„ „	„ „ - -	Gaspart Grandmont -	60	- 5 6½	- -	- -	- 16 7½	
3	23 Fev 1826	Edouard Trottier - -	„ „ - -	60	- 5 6½	- -	- -	- 16 7½	
4	3 Juillet 1826	Joachim Dussureault -	Urbain W. Baily - -	40	- 3 8½	- 10 2	- -	- 14 10	- 8 4
5	11 Mai 1825	Veuve Jacques Massicotte	Pierre Perron - -	95	- 8 8½	2 12 3	- 3 4	5 4 6	- 3 4
6	21 Août 1827	Joseph Fugère - -	Joseph Fugère - -	100	- 9 3	- -	- -	- 18 6	
7	13 Mai 1825	L. Michel S. Arnaud -	Louis Michel S. Arnaud -	47	- 4 8				
8	„ „	„ „ - -	Michel S. Arnaud - -	47	- 4 8	- -	- -	- 4 8	
9	13 Mai 1825	Jacques Massicotte -	Jacques Massicotte -	93	- 8 6½	- -	- -	- 8 6	
10	16 Oct. 1826	Louis Baribault - -	Joseph Dussureault -	22	- 1 10				
11	24 Oct. 1835	Xavier Trudel - -	Xavier Trudel - -	90	- 8 4				
12	11 Jan. 1837	Ignace Veillet - -	Narcisse Veillet - -	50	- 4 2	- -	- -	1 5 -	- 5 -
13	6 Juillet 1825	François Germain - -	François Germain - -	100	- 6 11				
14	23 Fev. 1826	„ „ - -	„ „ - -	20	- - 11				
15	11 Mai 1825	Raphael Baribault -	Antoine Desannier -	80	- 6 6	1 19 -	- -	3 13 -	1 5 -
16	6 Juin 1825	Louis Baribault - -	Louis Baribault - -	50	- 4 4	1 6 -	- -	2 12 -	
17	12 Sep. 1824	Pierre Trepagnez, ecr. -	„ „ - -	50	- 3 6	- 17 3	1 10 -	1 18 -	1 10 -
18	24 Jan. 1832	Laurent St. Arnaud -	Laurent St. Arnaud -	32	- 2 5				
19	24 Oct. 1835	Oliviere Trudel - -	Oliviere Trudel - -	90	- 8 4				
20	„ „	„ „ - -	„ „ - -	90	- 8 4				
21	18 Août 1826	Joseph Lefebvre - -	Pierre Lefebvre - -	50	- 4 2	- -	- -	1 - 10	
22	17 Jan. 1826	Antoine Giroux - -	Madame Guiluret -	100	- 8 4				
23	11 Mai 1825	Raphael Baribault -	Jean Perigny - -	71	- 6 9	1 13 9	1 17 6	2 14 3	1 17 6
24	23 Fev. 1836	Louis Magny - -	Louis Magny - -	50	- 4 2	- -	- -	1 - 10	
25	17 Avril 1826	Joseph Lapointe - -	Jean B. Lapointe - -	100	- 8 4	2 10 -	- 10 -	4 10 -	- 10 -
26	12 Juin 1830	François Trudel - -	François Trudel - -	48	- 4 5	- -	- -	- 17 6	
27	22 Avril 1834	Pierre Lacourcière -	Pierre Lacourcière -	42	- 3 10⅓	- -	- -	- 7 9	
28	17 Mai 1825	Antoine Brouillet - -	Antoine Brouillet - -	61	- 5 6½	- -	- -	- 5 6½	
29	20 Mai 1828	„ „ - -	„ „ - -	87	- 8 -	- -	- -	- 8 -	
30	20 Fev. 1829	François Massicotte -	François Massicotte -	34	- 3 3	- -	- -	- 3 3	
31	14 Jan. 1826	Damase Carpentier -	Damase Carpentier -	100	- 8 4	- -	- -	2 10 -	
32	16 Sep. 1826	Louis Baribault - -	Louis Baribault - -	20	- 1 4	- -	- -	- 4 -	
33	16 Oct. 1826	Louis Baribault - -	Charles Fisette - -	10	- 11 -	- -	- -	- 3 5	- 3 4

Suite de la Liste des Censitaires de la Seigneurie de Batiscan—Nouvelles Concessions—*continued.*

No.	Date du Premier Titre.	Nom du Premier Concessionnaire	Nom de celui qui possède actuellement.	Arpents en Seperficie.	Rente Annuelle.	Arrérages le 30 Septembre 1831.		Arrérages le 30 Septembre 1837.	
						Cens et Rentes.	Lods et Ventes.	Cens et Rentes.	Lods et Ventes.
					£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
34	22 Dec. 1836	Charles Fiset - -	Charles Fisette - -	100	– 9 3				
35	20 Nov. 1829	Joseph Trudel - -	Joseph Trudel - -	25	– 2 1				
36	24 Oct. 1835	Joseph Trudel - -	Joseph Trudel - -	90	– 8 4				
37	13 Sep. 1826	Joseph St. Arnaud -	Joseph S. Arnaud -	100	– 8 4	– 4 7	- -	2 14 7	
38	11 Avril 1825	Hyacinthe St. Cyre -	Jean B. Veillet - -	50	– 3 6				
39	12 Sep. 1834	Michel Bordeleau - -	Pierre Guilmet - -	75	– 5 5	- -	- -	- -	3 11 8
40	13 Nov. 1826	Charles Massicotte -	Charles Massicotte -	90	– 8 4	- -	- -	2 1 8	
41	4 Dec. 1833	Denis Prénonveau - -	Denis Prénonveau -	75	– 6 3	- -	- -	– 18 9	
42	24 Nov. 1831	Xavier Prénonveau -	Xavier Prénonveau -	75	– 6 3	- -	- -	1 11 3	
43	13 Mai 1825	Belarmin Massicotte -	„ „ - -	48	– 3 11	1 17 4	- -	3 – 6	– 2 1
44	7 Juin 1825	Joseph Dussuveault -	„ „ - -	78	– 7 2½	- -	- -	– 14 10	2 1 8
45	12 Mai 1825	Casimir Baribault - -	Abraham Frigou - -	67	– 5 6½	- -	- -	1 13 3	
46	26 Nov. 1831	François Gerbeau - -	François Gerbeau -	75	– 6 3	-	- -	1 12 6	
47	22 Juillet 1835	Oliver Larue - -	Pierre Rivard - -	75	– 6 3				
48	7 Fev. 1832	Pierre Rivard - -	„ „ - -	100	– 8 4				
49	11 Jan. 1827	Laurent Houde - -	Laurent Houde, fils -	100	– 8 4	– 8 4	- -	2 18 4	
50	25 Oct. 1826	Ambroise Hénault -	Ambroise Hénault -	75	– 6 3	1 17 6	- -	3 15 –	
51	22 Juillet 1825	Olivier Larue - -	François Lesieur - -	125	– 10 5	- -	- -	1 – 10	
52	17 Sep. 1824	Narcisse Vallée - -	Louis Massicotte - -	50	– 3 6				
53	14 Jan. 1833	Laurent Francœur -	Laurent Francœur -	30	– 2 9	- -	- -	– 11 –	
54	20 Nov. 1829	Pierre Trottier - -	Pierre Trottier - -	18	– 1 8				
55	20 Nov. 1829	Abraham Trottier - -	Abraham Trottier - -	18	– 1 8				
56	20 Nov. 1829	Pierre Cloutier - -	Pierre Cloutier - -	18	– 1 8				
57	10 Fev. 1830	Jean Jacob, fils - -	Jean Jacob, fils - -	14	– 1 3				
58	20 Nov. 1829	Jean Lacourciére - -	Jean Lacourciére - -	25	– 2 3				
59	20 Nov. 1829	Jean B. Lefebvre - -	B. Lefebvre - - -	18	– 1 8				
60	19 Nov. 1829	Hypolite Lefebvre - -	Hypolite Lefebvre - -	18	– 1 8				
61	19 Nov. 1829	Joseph Massicotte - -	Joseph Massicotte - -	18	– 1 8				
62	13 Sep. 1826	Pierre Jacob - -	Abraham Morice - -	50	– 4 2				
63	20 Nov. 1829	Louis Lefebvre - -	Louis Lefebvre - -	16	– 1 6				
64	5 Mars 1828	Vatére Lheureux - -	„ „ - -	60	– 5 6				
65	12 Jan. 1827	Louis Lefebvre - -	„ „ - -	92	– 8 6				
66	20 Nov. 1829	Jérome Dupins - -	Jérome Dupins - -	16	– 1 6	- -	- -	– 8 –	
67	4 Fev. 1831	François Nobert - -	François Nobert - -	28	– 2 7	- -	- -	– 15 6	
68	20 Nov. 1827	Joseph Trottier - -	Joseph Trottier - -	16	– 1 6	- -	- -	– 4 6	
69	6 Mars 1826	Joseph Massicotte - -	Olivier Frigou - -	92	– 7 10½	2 7 3	– 3 9	4 14 6	– 3 9
70	6 Juin 1825	Louis Baribault - -	Pierre S. Arnaud - -	75	– 6 6	1 – –	- -	1 19 –	
71	17 Mars 1825	François Périgny - -	François Périgny - -	120	– 10 10	1 12 6	- -	4 17 6	
72	6 Mai 1828	Jean B. Darveau - -	Belarmin Gervais - -	50	– 4 7½	– 9 3	- -	1 17 –	
73	16 Dec. 1825	Antoine Mongrain -	Olivier Massicotte -	50	– 8 4	- -	- -	1 5 –	
74	13 Mai 1825	Louis S. Arnaud - -	Charles Massicotte, fils -	47	– 4 10	1 9 –	– 4 9	2 18 –	– 4 9
75	13 Mai 1825	Louis S. Arnaud - -	Louis Lesieur - -	47	– 4 10	1 9 –	– 3 9	2 18 –	– 3 9
76	1 Juillet 1825	Jerome Lheureux - -	Jerome Lheureux - -	92	– 8 2	– 16 4	- -	3 5 4	
77	21 Dec. 1825	Wm. Simpson Henderson	„ „ - -	100	- -	– 9 3			
78	13 Mai 1825	Augustin Massicotte -	Augustin Massicotte	93	– 7 10	2 7 –	- -	4 14 –	
79	13 Mai 1825	Jacques Massicotte -	Antoine Lacourcière -	47	– 4 3	1 5 6	– 5 –	2 11 –	– 5 –
80	19 Nov. 1836	Moyse Lheureux - -	Moyse Lheureux - -	80	– 7 5				
81	6 Juin 1825	Joseph Bourbeau - -	Joseph S. Mars, fils -	79	– 7 2½	- -	- -	1 1 7½	
82	16 Dec. 1825	Antoine Mongrain -	Hilaire Massicotte - -	50	– 2 1	- -	- -	– 6 3	– 10 6
83	6 Juin 1825	Eustache Nobert - -	Eustache Nobert - -	85	– 8 2½				
84	16 Juillet 1825	François Dussureault -	François Dussureault -	60	– 5 6	1 7 6	- -	3 – 6	
85	6 Juin 1825	Joseph Massicotte - -	Joseph Massicotte - -	84	– 7 9	- -	- -	2 6 6	
86	10 Juin 1825	Antoine Marchant -	Modeste Duberd - -	75	– 6 10	1 – 6	- -	2 1 –	
87	10 Sep. 1825	J. B. Claude S. Arnaud -	Jean B. S. Arnaud -	80	– 7 4½				
88	22 Juillet 1825	Joseph Cadotte - -	Heritiers, Jos. Cadotte -	72	– 6 8½	2 – 3	- -	2 – 6	
89	29 Dec. 1827	Louis Nayotte - -	Laurent Cadotte - -	112	– 9 3½	2 15 9	- -	5 11 6	– 10 6
90	13 Jan. 1826	Louis Massicotte - -	Louis Massicotte - -	80	– 7 1	- -	- -	1 1 3	
91	23 Jan. 1826	Pierre Gauthier - -	Pierre Gauthier - -	64	– 6 –	1 16 –	- -	3 12 –	
92	30 Mars 1828	Jean B. Gauthier - -	Jean B. Gauthier - -	100	– 9 4	- -	- -	– 18 8	
93	19 Juillet 1825	Jean B. Gauthier, fils -	Jean B. Gauthier, fils -	68	– 6 3	- -	- -	1 11 3	
94	6 Oct. 1826	„ „ - -	„ „ - -	100	– 9 3	1 7 9	- -	2 15 6	
95	12 Sep. 1824	Prisque Trépagnez -	Prisque Trépagnez -	80	– 4 8	1 4 –	- -	– 9 4	
96	12 Sep. 1824	Prisque Trépagnez -	Pierre Trépagnez - -	60	– 4 2		- -	– 11 6	
97	19 Nov. 1829	Raphael Veillet - -	Raphael Veillet - -	92	– 8 10	- -	- -	1 6 6	
98	13 Nov. 1826	Magloire Brouillet -	Magloire Brouillet -	75	– 6 3	– 18 9	- -	2 16 3	
99	3 Mars 1830	Laurent Gervais - -	Laurent Gervais - -	63	– 5 9½	-	- -	1 9 –	
100	1 Juin 1835	Pierre Gervais - -	Pierre Gervais - -	45	– 5 6				
101	1 Juin 1835	Xavier Gervais - -	Xavier Gervais - -	37	– 3 6				
102	25 Jan. 1836	Joseph Simon Nayotte -	Joseph Simon Nayotte -	38	– 3 6				
103	„ „	Charles Rousseau - -	Charles Rousseau - -	20	– 1 10				
104	28 Dec. 1836	„ „ - -	„ „						
105	22 Sep. 1837	Jean Prénonveau - -	Jean Prénonveau - -	38	– 3 1½				
106	19 Nov. 1829	François Rousseau -	François Rousseau -	95	– 8 10	- -	- -	2 4 2	
107	30 Oct. 1830	Etienne Deschants -	Etienne Deschants -	84	– 7 9	- -	- -	2 6 6	
108	29 Oct. 1830	Toussaint Deschants -	Toussaint Deschants -	20	– 1 10	- -	- -	– 5 6	
109	22 Sep. 1837	Gabriel Mathon, fils -	Gabriel Mathon, fils -	37	– 3 1½				
110	30 Oct. 1830	François Massicotte -	François Massicotte -	14	– 1 3½	- -	- -	– 7 6	
111	„ „	Louis Massicotte - -	Louis Massicotte - -	16	– 1 5	- -	- -	– 8 6	
112	3 Juillet 1826	Joachim Dussureault -	Dassire Cossette, fils -	60	– 5 6½	– 16 8	- -	2 10 –	
113	13 Sep. 1826	François Dussureault -	François Dussureault -	100	– 9 3	1 17 –	- -	4 12 2	
114	29 Sep. 1835	Pierre Cossette - -	Pierre Cossette - -	25	– 2 3	- -	- -	– 2 3	
115	21 Juillet 1825	Louis Despins - -	Louis Despins - -	30	– 2 9	- -	- -	– 8 3	
116	8 Juin 1825	Antoine Despins - -	Antoine Despins - -	15	– 1 4½	– 8 3	- -	– 8 3	
117	2 Nov. 1830	Laurent Normandin -	Laurent Normandin -	30	– 2 9	- -	- -	– 16 9	
118	5 Dec. 1833	Michel Massicotte -	Michel Massicotte - -	42	– 3 10½	- -	- -	– 15 6	
119	12 Dec. 1836	Moïze Lizé - - -	Michel Massicotte - -	33	– 3 1				
120	26 Août 1828	Alexandre Boisvert -	Alexandre Boisvert -	75	– 6 3				
121	„ „	„ „ - -	„ „ - -	75	– 6 3				
122	19 Août 1825	Jean B. Califour - -	„ „ - -	50	– 4 7½				

(*continued.*)

(C. 7.)—Suite de la Liste des Censitaires de la Seigneurie de Batiscan—Nouvelles Concessions—*continued.*

No.	Date du Premier Titre.	Nom du Premier Concessionnaire.	Nom du celui qui Possède actuellement.	Arpents en Superficie.	Rente Annuelle.	Arrérages le 30 Septembre 1831. Cens et Rentes.	Arrérages le 30 Septembre 1831. Lods et Ventes.	Arrérages le 30 Septembre 1837. Cens et Rentes.	Arrérages le 30 Septembre 1837. Lods et Ventes.
					£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
123	2 Dec. 1830	Gaspard Douth	Alexandre Boisvert	75	– 6 3				
124	18 Nov. 1830	François Douth	,, ,,	75	– 6 3				
125	16 Dec. 1830	Elzear Méthot	,, ,,	75	– 6 3				
126	6 Oct. 1826	Pierre Lafontaine	,, ,,	80	– 7 6	– –	– –	– 16 –	
127	31 Juillet 1825	Ignace Thivierge	,, ,,	80	– 7 4	– –	– –	– 17 –	
128	29 Oct. 1830	Pierre Trépagnez	Pierre Trépagnez	100	– 9 3	– –	– –	2 6 3	
129	12 Sept. 1826	Marcel Nayotte	Joseph Tiffau	40	– 3 9	– 7 6	– –	1 6 3	
130	12 Sept. 1824	Amable Bordeleau	Louis Lapointe	75	– 5 9½	– –	– –	– 11 6	
131	19 Dec. 1834	Louis Proteau	Louis Proteau	90	– 8 4	– –	– –	– 16 8	
132	8 Nov. 1831	Jean Trepagnez	Antoine Trottier	40	– 3 9	– 18 6	– –	2 – 9	
133	7 Août 1828	Jerome Lheureux	Ignace Thivierge	30	– 3 6	– –	– –	– 17 6	
134	14 Jan. 1833	Ignace Thivierge	,, ,,	50	– 4 7½	– –	– –	– 19 4	
135	19 Mai 1828	Jerome Lheureux	Joseph Lafontaine	75	– 5 6	– 11 –	– 3 4	2 4 –	– 3 4
136	21 Fev. 1824	Joseph Lafontaine	Joseph Lafontaine	40	– 3 9	– –	– –	– 7 4	
137	18 Mars 1826	Stanislas Lafontaine	Stanislas Lafontaine	100	– 9 3				
138	20 Juillet 1825	Pierre Veillet	,, ,,	40	– 3 7½				
139	21 Fev. 1834	Isaïe Brouillet	Isaïe Brouillet	50	– 3 7½	– –	– –	– 7 3	
140	18 Mars 1826	Pierre Brouillet	P. Brouillet Lavigneur	50	– 4 2	1	– –	2 10 –	8 12 6
141	20 Mai 1828	Pierre Pelot Brouillet	Pierre Pelot Brouillet	71	– 7 6	– –	– –	2 5 –	
142	14 Mai 1825	Pierre Brouillet, père	Pierre Brouillet, fils	50	– 4 7½	– –	– –	1 7 9	
143	17 Mai 1834	Pierre Brouillet, fils	,, ,,	40	– 3 8	– –	– –	– 7 4	
144	5 Mars 1828	Jean B. Bordeleau	Jean B. Boadeleau	50	– 4 2	– –	– –	– 4 2	
145	13 Juin 1828	,, ,,	,, ,,	100	– 9 3	– –	– –	– 9 3	
146	25 Dec. 1825	Leonard Baribault	Joseph Tiffau	42	– 3 8½	– –	– –	1 2 3	– 8 –
147	2 Nov. 1830	Louis Machildon	Pierre Gervais	98	– 9 1	– –	– –	– 18 2	– 18 4
148	11 Jan. 1826	Jean B. Bordeleau	W. Simpson Henderson	50	– 4 2	– –	– –	– 4 2	1 13 4
149	,, ,,	,, ,,	Alexis Carpentier	50	– 4 2	– –	– –	1 6 –	– 11 3
150	23 Mars 1831	Jean B. Baribault	Jean B. Baribault	25	– 2 3				
151	15 Dec. 1825	Leonard Baribault	Leonard Baribault	60	– 5 6	– 16 6	– –	2 9 6	
152	14 Jan. 1833	Jean B. Veiller	Jean B. Veiller	90	– 8 4	– –	– –	1 13 4	
153	14 Mai 1825	Barthelemy Nayotte	Barthelemy Nayotte	50	– 4 4½	– –	– –	– 8 9	
154	14 Jan. 1833	,, ,,	,, ,,	90	– 8 4	– –	– –	– 16 8	
155	17 Dec. 1827	François Landrie	Laurent Lefebvre	50	– 4 7½	– 18 6	– 3 4	2 6 3	– 3 4
156	7 Juillet 1826	Charles Tournelle	Charles Tournelle	50	– 4 7½	1 7 6	– –	2 15 –	
157	26 Nov. 1831	François Gauthier	,, ,,	90	– 8 4	– –	– –	2 1 8	
158	,, ,,	,, ,,	,, ,,	90	– 8 4	– –	– –	2 1 8	
159	26 Nov. 1831	Valere Nayotte	Charles Tournelle	45	– 4 2	– –	– –	– 8 4	
160	18 Nov. 1836	François Gauthier	,, ,,	30	– 2 9	– –	– –	– 2 9	
161	11 Jan. 1827	Stanislas Nayotte	Stanislas Noyotte	80	– 7 5	1 2 3	– –	3 6 9	
162	28 Mai 1825	Marcel Nayotte	Marcel Nayotte	50	– 4 7½	– –	– –	– 4 7½	
163	5 Dec. 1831	,, ,,	,, ,,	90	– 8 4	– –	– –	– 8 4	
164	22 Dec. 1835	,, ,,	,, ,,	100	– 9 3	– –	– –	– 9 3	
165	5 Oct. 1826	Noel Lafontaine	André Trudel	50	– 4 7½	– –	– –	– 4 7½	
166	25 Août 1834	Cifroid Lafontaine	Cifroid Lafontaine	180	– 16 8	– –	– –	2 10 –	
167	20 Juillet 1825	Pierre Veillet	Pierre Veillet	50	– 4 2				
168	,, ,,	,, ,,	Joseph Matte	50	– 4 7½	– –	– –	1 7 9	
169	16 Mai 1825	Marcel Nayotte	Charles Marchant	80	– 7 4½				
170	16 Oct. 1826	Pierre Osselin	Jean B. Veillet	50	– 7 4½				
171	12 Sept. 1824	Prisque Trépagnez	George Trépagnez	60	– 4 2	– –	– –	– 4 2	
172	31 Dec. 1830	Pierre Trottier	Pierre Trottier	100	– 8 4	– –	– –	2 1 8	
173	16 Dec. 1835	Antoine Mongrain	Edouard Gervais	21	– 1 11	– –	– –	– 11 6	– 4 2
174	5 Avril 1828	Edouard Gervais	,, ,,	32	– 3 –	– –	– –	– 18 –	
175	1 Juin 1825	Joseph Trépagnez	Joseph Trépagnez	50	– 3 10	1 3 –	– –	2 6 –	
176	13 Mars 1826	Pierre Tiffau	Pierre Tiffau	100	– 8 4	2 10 –	– –	– 5 –	
177	,, ,,	,, ,,	Abraham Tournelle	50	– 3 9	1 2 6	– –	2 5 –	1 – –
178	28 Nov. 1831	Etienne Valleraut	Uldoric Brunelle	50	– 4 2	– –	– –	1 – 10	– 3 4
179	29 Avril 1831	Marcel Dussureault	Marcel Dussureault	20	– 1 9	– –	– –	– 8 9	
180	28 Mai 1825	Michel Tiffau	Joseph Mongrain	50	– 4 2	1 5 –	– –	2 10 –	
181	1 Juin 1825	Joseph Trépagnez	Romain Mongrain	50	– 3 10	–	– –	– 7 8	
182	16 Dec. 1825	Antoine Mongrain	Louis Mongrain	50	– 3 7				
183	28 Mars 1836	Louis Mongrain	,, ,,	90	– 8 4				
184	1 Dec. 1829	Abraham Houde	,, ,,	32	– 3 –				
185	21 Août 1827	Joseph Tugère	,, ,,	52	– 4 7½				
186	23 Juillet 1825	Louis Gervais	Louis Gervais	75	– 6 11	– 11 4	– –	2 13 –	
187	26 Juin 1826	Michel Tiffau	Veuve P. Mongrain	50	– 4 7½	– 18 6	– –	2 6 3	5 17 6
188	19 Août 1825	Jean B. Chalifour	Antoine Mongrain	50	– 4 7½	– 19 1½	– –	2 6 10½	– 15 –
189	21 Juillet 1825	Augustin Dussureault	Augustin Dussureault	83	– 3 –	– 18 –	– –	1 16 –	
190	15 Dec. 1825	Louis Hérraut	Louis Herault	66	– 6 1	1 16 6	– –	1 16 6	
191	1 Août 1827	Jean B. Lehouillier	,, ,,	90	– 8 4	2 1 8	– –	4 3 4	1 5 –
192	12 Sept. 1824	Augustin Cossette	Augustin Cossette	50	– 4 7½	1 6 6	– –	2 13 –	
193	25 Jan. 1826	Louis Cossette	Louis Cossette	100	– 9 3	2 7 3	– –	4 14 6	
194	21 Mars 1826	Louis Cossette, fils	,, ,,	40	– 3 8½				
195	2 Nov. 1830	Louis Cossette, fils	Louis Cossette, fils	100	– 9 3	– –	– –	2 15 6	
196	5 Mars 1828	Augustin Dussureault	Jérémie Cossette	100	– 9 3	– 18 6	– –	3 14 –	
197	12 Sept. 1824	François Gervais	François Gervais	80	– 7 1	2 2 6	– –	4 5 –	
198	6 Oct. 1826	Dassise Cossette	Dassise Cossette	200	– 16 8	3 6 8	– –	8 6 8	
199	7 Août 1827	Jerome Lheureux	Valère Veillet	30	– 3 6	– 3 6	– –	1 1 –	
200	13 Nov. 1835	Louis S. Arnaud	Louis S. Arnaud	100	– 8 4	– –	– –	– 8 4	
201	19 Dec. 1835	Valère Veillet	Valère Veillet	100	– 9 3	– –	– –	– 9 3	
202	15 Juin 1826	Vital Lambert	Charles Hayotte	60	– 5 6½	– 11 –	– –	2 2 8	
203	18 Nov. 1836	Charles Hayotte	,, ,,	92	– 8 6	– –	– –	– 7 5	
204	7 Juillet 1826	Charles Tournelle	François Gauthier	40	– 3 8½	– –	– –	– 7 5	
205	16 Mai 1825	Louis Déry	Louis Déry	40	– 3 9	– 12 6	– –	– 12 6	
206	16 Mai 1825	Joseph Tessier	Joseph Tessier	60	– 4 11	1 – –	– –	1 17 6	
207	27 Mai 1825	Pierre Déry	Pierre Déry	50	– 4 7½	1 3 1½	– –	– 13 10½	
208	14 Mai 1825	Paul Brouillet	Paul Brouillet	50	– 4 7½	1 2 9	– –	1 – –	
209	27 Mai 1825	Louis Machildon	Louis Machildon	50	– 4 7½	1 7 9	– –	2 15 6	
210	12 Fev. 1833	,, ,,	,, ,,	80	– 7 4½	– –	– –	1 2 1½	
211	5 Sept. 1825	Jean Grantrelle	Jean Grantrelle	25	– 2 4	– 14 –	– –	1 8 –	

(C. 7.)—Suite de la Liste des Censitaires de la Seigneurie de Batiscan—Nouvelles Concessions—*continued.*

No.	Date du Premier Titre.	Nom du Premier Concessionnaire.	Nom du celui qui Possède actuellement.	Arpents in Superficie.	Rente Annuelle.	Arrérages le 30 Septembre 1831. Cens et Rentes.	Arrérages le 30 Septembre 1831. Lods et Ventes.	Arrérages le 30 Septembre 1837. Cens et Rentes.	Arrérages le 30 Septembre 1837. Cens et Ventes.
					£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
212	17 Mai 1834	Jean Grantrelle	Jean Grantrelle	40	– 3 8⅓	– –	– –	– 7 5	
213	14 Mai 1825	Dominique Tiffau	Dominique Tiffau	50	– 4 7½				
214	28 Mai 1825	Joseph Déry	Joseph Déry	50	– 4 7½	– 9 3	– –	1 16 6	
215	27 Mai 1825	Ignace Déry	Ignace Déry	80	– 4 7½	– 18 6	– –	2 6 3	
216	27 Mai 1825	Jean Déry	Jean Déry	100	– 9 3	2 15 6	– –	3 12 9	
217	28 Mai 1825	Joseph Trépagnez	Joseph Trépagnez	50	– 4 7½	1 5 –	– –	– 18 3	
218	15 Jan. 1829	Dominique Tiffau	„ „	50	– 4 7½	– 4 7½	– 2 6	– 18 3	– 2 6
219	23 Fev. 1826	François Gauthier	François Gauthier	75	– 16 9	– –	– –	2 10 3	
220	18 Nov. 1836	Leonard Gauthier	„ „	84	– 7 9½				
221	23 Fev. 1826	François Gauthier	Cyprien Gauthier	40	– 3 8	– 11 –	– –	1 13 –	
222	26 Juin 1826	Thomas Angé	Thomas Angé	50	– 4 7½	– 18 6	– –	2 6 3	
223	8 Juillet 1828	Thomas Angé	Joseph Romprez	50	– 4 7½	– 9 3	– 17 4	1 17 –	– 17 4
224	11 Jan. 1827	Michel Déry	Michel Déry, fils	80	– 7 4½	1 2 –	–	3 6 2	
225	22 Mars 1827	Victor Machildon	Victor Machildon	50	– 4 7½	1 3 1½	– –	2 10 10½	
226	8 Mai 1833	„ „	„ „	80	– 7 5	– –	– –	1 2 3	
227	11 Jan. 1826	Jean B. Bordeleau	Firmin Bordeleau	50	– 4 7½	– 18 6	– –	1 13 3	
228	20 Mai 1828	Firmin Bordeleau	Firmin Bordeleau	60	– 5 8	– 11 4	– –	2 5 4	
229	30 Sep. 1826	François Desamier	Victor Grandmont	100	– 8 4	– –	– –	1 2 4	
230	11 Jan. 1826	Jean B. Bordeleau	Calix Bordeleau	50	– 4 7½	– –	– –	1 – 3	
231	8 Mai 1826	Joseph Hamel, ecr.	Joseph Hamel, ecr.	200	– 18 6	3 14 6	– –	1 17 10	
232	19 Mai 1828	„ „	„ „	260	1 4 2	2 8 4	– –	2 8 4	
233	8 Nov. 1831	Jean Trépagnez	Pierre Asselin	50	– 4 7½	– –	– –	1 7 9	
234	16 Oct. 1826	Pierre Asselin	Antoine Deschenaux	50	– 4 7½	– –	– –	1 7 9	– 10 5
235	27 Jan. 1838	Antoine Deschenaux	Antoine Deschenaux	80	– 7 5				
236	15 Juin 1826	Vital Lambert	Vital Lambert	40	– 3 8½	– 10 1½	– –	1 12 4½	
237	13 Sept. 1836	Romain Lafontaine	Romain Lafontaine	100	– 9 3	1 7 9	– –	– 17 9	
238	„ „	„ „	Jean Lafontaine	100	– 9 3	1 7 9	– –	2 15 6	
239	14 Jan. 1833	Laurent Flageole	Xavier Roberge	90	– 8 4	– –	– –	1 5 –	1 1 –
240	5 Oct. 1826	Noel Lafontaine	Hypolite Lapointe	50	– 4 7½	– 4 7½	– –	1 12 4	2 – –
241	18 Dec. 1835	Hypolite Lapointte	„ „	100	– 9 3	– –	– –	– 9 3	
242	27 Mai 1825	Michel Tiffau	François Hayotte	50	– 4 7½	– –	– –	1 7 9	
243	7 Dec. 1837	François Lafleche	François Lafleche	90	– 8 4				
244	23 Juillet 1838	„ „	„ „	100	– 9 3				
245	15 Fev. 1828	Pierre et Jean Trottier	Messrs. Price & Co.	90	– 8 4				
246	15 Nov. 1830	François Vermette	„ „	225	– 18 9				
247	28 Jan. 1837	Messrs. Price & Co.	„ „	200	– 18 6				
248	8 Juin 1825	Moyse Lafontaine	„ „	60	– 5 6	– 16 6	– –	2 9 6	
249	19 Août 1825	Jean Gregoire	Jean B. Tiffau	50	– 4 7½	1 17 9	– –	2 15 6	
250	8 Nov. 1831	Jean Trépagnez	Jean Veillet	40	– 3 8	– –	– –	– 18 4	– 3 4
251	26 Juin 1834	Edouard Trottier	Edouard Trottier	90	– 8 4	– –	– –	– 16 8	
252	16 Mai 1825	Marcel Hayotte	Marcel Léonard Hayotte	20	– 1 10½	– 11 3	– –	1 2 6	
253	15 Avril 1836	Edouard Gervais	Edouard Gervais	90	– 8 4	– –	– –	– 8 4	
254	28 Mai 1825	Pierre Veillet	Jerémie Trottier	50	– 4 7½	– –	– –	– 18 6	– 12 6
255	„ „	„ „	Edouard Leblanc	50	– 4 7½	– –	– –	1 3 1½	
256	21 Mars 1826	Paul Brouillet	Calix Tourignaut	60	– 5 6½				
257	21 Août 1834	Calix Tourignaut	„ „	20	– 1 9				
258	13 Dec. 1835	Bonaventure Flageole	Bonaventure Flageole	90	– 8 4	– –	– –	– 8 4	
259	11 Jan. 1826	Louis Lapointe	Albert Bandouin	50	– 4 7½	– –	– –	– 13 9	
260	28 Nov. 1831	Pierre Trépagnez	Pierre Trépagnez	100	– 9 3	– –	– –	2 6 3	
261	7 Fev. 1832	Xavier Plante	Xavier Plante	75	– 8 4	– –	– –	2 1 8	
262	2 Nov. 1830	Michel Bordeleau	„ „	50	– 4 2	– –	– –	– 8 4	– 4 2
263	28 Mai 1825	Michel Tiffau	Augustin Tiffau	50	– 4 2	1 – 10	– –	2 5 10	
264	11 Jan. 1827	Stanislas Hayotte	François Giguère	50	– 4 7½	– 13 10½	– –	2 1 7½	2 5 6
265	23 Fev. 1826	Joseph Marchant	Louis Bandry	50	– 4 2	– –	– –	– 12 6	
266	„ „	„ „	Magloire Flageole	50	– 4 2	1 – 10	– –	2 1 10	
267	17 Jan. 1826	Antoine Giraux	Caum Veillet	50	– 4 2	– 8 4	– –	1 13 4	
268	7 Mai 1832	Caum Veillet	„ „	40	– 3 6				
269	13 Sept. 1826	Pierre Jacob	„ „	50	– 4 2				
270	13 Sept. 1826	Jean B. Tiffau	Jean B. Tiffau	100	– 8 4	2 10 –	– –	5 – –	
271	14 Jan. 1833	Laurent Francœur	„ „	60	– 5 6¼				
272	12 Sept. 1824	Narcisse Bordeleau	Narcisse Bordeleau	75	– 5 5				
273	16 Dec. 1825	Antoine Mongrain	Charles Diame	50	– 4 2				
274	2 Nov. 1830	Michel Bordeleau	„ „	50	– 4 2	– –	– –	– 12 6	
275	12 Sept. 1824	Ignace Prénonveau	Ignace Prénonveau	100	– 9 3	2 15 6	– –	5 11 –	
276	19 Août 1833	„ „	„ „	100	– 9 3	– –	– –	1 7 9	
277	23 Oct. 1835	„ „	„ „	100	– 9 3	– –	– –	– 9 3	
278	26 Nov. 1831	Augustin Dussureault	Augustin Dussureault	75	– 6 3	– –	– –	1 11 3	
279	11 Jan. 1827	Ignace Veillet	„ „	50	– 4 2	– –	– –	1 – 10	– 2 6
280	11 Jan. 1827	Augustin Vezina	Augustin Vezina	100	– 8 4	– –	– –	2 10 –	
281	11 Jan. 1827	Antoine Vezina	Augustin Vezina	100	– 8 4	1 5 –	– –	– 15 –	
282	„ „	Jean Vezina	Jean Vezina	100	– 8 4				
283	12 Sept. 1824	Pierre Trépagnez	Hemmelaut Langis	50	– 4 2	– –	– –	1 5 –	
284	23 Jan. 1835	Dennis Mongrain	Denis Mongrain	55	– 6 11	– –	– –	– 6 11	
285	13 Mars 1826	Pierre Tiffau	„ „	70	– 3 9		– –	1 2 6	
286	5 Oct. 1827	Jean Hayotte	Pierre Groleau	50	– 4 2	– –	– –	1 5 –	– 12 6
287	5 Oct. 1827	Hyacinthe Hayotte	Olivier Ferron	50	– 4 2	– 16 8	– –	2 1 8	
288	„ „	„ „	Hubert Dussureault	50	– 4 2	– 16 8	– –	1 1 8	2 14 6
289	6 Juin 1825	Joseph Bourbeau	Joseph Haude	80	– 7 2½	– 14 7	– –	2 17 6	
290	5 Oct 1827	Jean Hayotte	Laurent Flageole	20	– 2 3	– –	– –	– 2 3	
291	5 Mars 1828	Jean B. Dubuc	Jean B. Dubuc	72	– 6 6	– 13 –	– –	2 12 –	
292	„ „	Messire F. G. R. Laurenger, prêtre	Messire F. G. R. Laurenger, prêtre	66	– 6 2	– 12 4	– –	2 9 4	
293	6 Mai 1828	Jean B. Darveau	Jean B. Darveau	50	– 4 7½	– 9 3	– –	1 17 –	
294	19 Mai 1828	Jean B. Tiffau	Jean B. Tiffau	38	– 3 6	– 7 –	– –	1 8 –	
295	„ „	„ „	Hubert Tiffau	38	– 3 6	– 7 –	– –	1 8 –	– 2 6
296	20 Mai 1828	Michel Tiffau	Pierre Gervais	90	– 8 4	– 16 8	– –	3 6 8	– 2 6
297	15 Avril 1836	Pierre Gervais	„ „	90	– 8 4	– –	– –	– 8 4	
298	24 Juillet 1828	Calix Tourignaut	Jean B. Hayotte	66	– 6 1	– 12 2	– –	2 8 8	– 2 6
299	26 Juillet 1828	Jean B. Cossette	Pierre Goulette	50	– 4 7½	– 4 7½	– –	– 16 9	
300	14 Jan 1833	Pierre Goulette	Pierre Goulette	45	– 4 2	– –	– –	– 12 6	
301	13 Mai 1825	Jacques Massicotte	Jean B. Grandmaison	48	– 4 4	1 6 –	– –	2 12 –	

(*continued.*)

(C. 7.)—Suite de la Liste des Censitaires de la Seigneurie de Batiscan—Nouvelles Concessions—*continued.*

No.	Date du Premier Titre.	Nom du Premier Concessionnaire.	Nom de celui qui Possède actuellement.	Arpents in Superficie.	Rente Annuelle.	Arrèrages le 30 Septembre 1831. Cens et Rentes.	Arrèrages le 30 Septembre 1831. Lods et Ventes.	Arrèrages le 30 Septembre 1837. Cens et Rentes.	Arrèrages le 30 Septembre 1837. Lods et Ventes.
					£. s. d.	£. s. d.	£. s. d	£. s. d.	£. s. d.
302	11 Avril 1825	Hyacinthe St. Cyre -	Belonnie Milette - -	50	- 3 6	- -	- -	1 1 -	
303	26 Août 1828	Alexandre Boisvert -	Gaspard Dauth - -	100	- 8 4				
304	20 Dec. 1830	Laurent Dussureault -	Laurent Dussureault -	45	- 4 2	- -	- -	1 - 10	
305	26 Nov. 1831	Joseph Dussureault -	„ „ - -	75	- 6 3	- -	- -	1 11 3	
306	5 Avril 1837	Laurent Dussureault -	„ „ - -	75	- 6 3				
307	20 Dec. 1830	Joseph Dussureault -	Joseph Dussureault -	45	- 4 2	- -	- -	1 5 -	
308	3 Dec. 1836	„ „ - -	„ „ - -	75	- 6 3				
309	18 Nov. 1830	Elzear Methot - -	Elzear Méthot - -	100	- 8 4				
310	16 Dec. 1830	François Dauth - -	„ „ - -	100	- 8 4				
311	13 Mars 1826	Pierre Tiffau - - -	Pierre Machildon - -	50	- 6 9	- 18 9	- -	2 1 3	1 7 9
312	13 Fev. 1826	François Magny - -	Alexis Soulard - -	50	- 4 2	- -	- -	1 5 -	1 - 10
313	„ „	„ „ - -	Jean Roux - - -	50	- 4 2	- -	- -	- 16 8	1 - 10
314	8 Juin 1825	Moïse Lafontaine - -	Flavien Trottier - -	40	- 3 8½	- -	- -	- 12 -	1 - 10
315	16 Nov. 1831	Enoe Prince - -	Enoe Prince - -	90	- 8 4	- -	- -	2 1 8	
316	3 Sept. 1833	Enoe Prince - -	Jean B. Tiffau - -	90	- 8 4	- -	- -	1 5 -	- 10 6
317	16 Nov. 1831	Richard Hacket - -	Heritier, R. Hackett -	180	- 16 8	- -	- -	4 3 4	
318	26 Nov. 1831	Valere Hayotte - -	Valere Hayotte - -	50	- 4 2	- -	- -	1 - 10	
319	18 Nov. 1836	Jean Gauthier - -	Jean Gauthier - -	88	- 9 -				
320	26 Nov. 1831	David Nobert - -	Marcel Lizé - - -	75	- 6 3	- -	- -	1 11 3	- 5 -
321	3 Dec. 1836	Marcel Lizé - - -	„ „ - -	100	- 9 3				
322	28 Nov. 1831	Etienne Valleraut - -	Etienne Valleraut - -	50	- 4 2	- -	- -	1 - 10	
323	7 Fev. 1832	Damase Carpentier -	Damase Carpentier -	45	- 4 2	- -	- -	1 - 10	
324	15 Juin 1829	Dominique Tiffau - -	François Perrin - -	50	- 4 7½	- -	- -	- 4 7½	
325	16 Dec. 1825	Antoine Mongrain - -	Leandre Mongrain -	15	- 1 2	- -	- -	- 5 10	
326	13 Août 1832	Jean Claude - - -	Jean Claude - -	75	- 6 3	- -	- -	- 18 9	
327	13 Nov. 1835	„ „ - -	„ „ - -	75	- 6 3	- -	- -	- 6 3	
328	13 Mai 1825	Olivier Massicotte -	Alexis Langevin - -	118	- 9 10	2 - -	- -	4 9 2	- 13 4
329	17 Nov. 1832	William Henderson -	William Henderson -	90	- 8 4	- -	- -	1 5 -	
330	13 Oct. 1830	Louis Baribault - -	„ „ - -	36	- 5 -	- -	- -	1 - -	
331	11 Mai 1833	François Germain - -	Thelesphore Le Mai -	100	- 8 4	- -	- -	1 13 4	2 1 8
332	28 Mai 1825	Joseph Tiffau - -	Pierre Roux - - -	50	- 4 2	- 16 8	- -	1 10 -	2 1 8
333	„ „	„ „ - -	Pierre Pepin - -	50	- 4 2	- 16 8	- -	1 5 -	2 1 8
334	8 Juillet 1828	Thomas Angé - -	Hilare Lafontaine - -	50	- 4 7½	- 13 10½	- -	2 1 7½	1 2 9
335	26 Juillet 1828	Jean B. Cossette - -	Louis Goulet - -	50	- 4 7½	- -	- -	- 4 7½	
336	9 Avril 1836	Louis Goulet - -	„ „ - -	35	- 3 3				
337	14 Jan. 1833	Pierre Goulet - -	Clement Goulet - -	60	- 5 6½	- -	- -	- 16 6	
338	23 Fev. 1826	Louis Magny - -	Laurent Lacroix - -	50	- 4 2	- -	- -	- 16 8	1 14 6
339	15 Dec. 1836	Jean Coté - - -	Jean Coté - - -	100	- 9 3				
340	11 Mai 1825	Casimir Baribault - -	Michel Jacob - -	50	- 2 9	- -	- -	- 11 -	1 - 9
341	28 Dec. 1835	Hélie Prénonveau - -	Hélie Prénonveau - -	75	- 6 3	- -	- -	- 6 3	
342	20 Jan. 1835	Godfroid Dussureault -	Godfroid Dussureault -	75	- 7 -	- -	- -	- 7 -	
343	12 Dec. 1836	Moise Lizé - - -	„ „ - -	33	- 3 1	- -	- -	- -	- 8 4
344	12 Sept. 1826	Marcel Hayotte - -	Joseph Trudel - -	30	- 2 9	- -	- -	- 8 3	1 2 11
345	„ „	„ „ - -	„ „ - -	30	- 2 9	- -	- -	- -	- 6 10
346	26 Jan. 1826	Louis Lapointe - -	Messire Sirois, prétre -	50	- 4 7½	- -	- -	- 18 6	
347	18 Dec. 1835	Hilaire Massicotte -	Abraham Weid - -	100	- 9 3	- -	- -	- 9 3	
348	17 Jan. 1826	Antoine Giroux - -	Narcisse Vallé - -	50	- 4 7½	- 9 3	- -	1 17 -	1 15 -
349	21 Août 1827	Joseph Fugère - -	François Piché - -	50	- 4 7½	- -	- -	- 4 7½	
350	18 Nov. 1836	Pierre Gauthier - -	Pierre Gauthier - -	92	- 8 6				
351	19 Nov. 1836	Noel Lafontaine - -	Noel Lafontaine - -	80	- 7 5				
352	24 Nov. 1836	Joseph Lafontaine - -	Joseph Lafontaine - -	80	- 7 5				
353	5 Dec. 1836	Jean Cossette - -	Jean Cossette - -	92	- 8 6				
354	19 Nov. 1836	François Landrie - -	François Landrie - -	80	- 7 5				
355	3 Fev. 1838	„ „ - -	„ „ - -	90	- 8 4				
356	13 Dec. 1836	Solime Lizé - - -	Solime Lizé - - -	100	- 9 3				
357	12 Dec. 1836	Moïse Lizé - - -	Joseph Brouillet - -	33	- 3 1	- -	- -	- -	- 8 4
358	19 Dec. 1836	Joseph Lizé - - -	Joseph Lizé - - -	80	- 7 2				
359	10 Jan. 1832	Pierre Cloutier - -	Joseph Lizé, fils - -	100	- 8 4	- -	- -	- -	- 10 10
360	13 Dec. 1836	Joseph Hyron - -	Joseph Hyron - -	200	- 18 6				
361	„ „	Mathurin Baribault -	Methurin Baribault -	100	- 9 3				
362	„ „	Joseph Romprez - -	Joseph Romprez - -	100	- 9 3				
363	25 Fev. 1837	Pierre Beaudet - -	Pierre Beaudet - -	75	- 6 3				
364	„ „	Pierre Beaudet, fils -	Pierre Beaudet, fils -	75	- 6 3				
365	14 Mars 1837	Joseph St. Amaud -	Joseph St. Amaud -	75	- 6 3				
366	10 Mars 1837	Dominique Lebœuf -	Dominique Lebœuf -	75	- 6 3				
367	30 Mars 1837	Jean B. Broussard -	Jean B. Broussard -	75	- 6 3				
368	30 Mars 1837	Cyril Broussard - -	Cyril Broussard - -	75					
369	„ „	David Lapointe - -	David Lapointe - -	75	- 6 3				
370	„ „	François Lapointe - -	François Lapointe - -	75	- 6 3				
371	17 Août 1837	Louis Dorion - -	Louis Donon - -	100	- 9 3				
372	„ „	„ „ - -	„ „ - -	100	- 9 3				
373	8 Sept. 1837	Benjamin Jacques - -	Benjamin Jacques - -	75	- 6 3				
374	19 Sept. 1837	Joseph Trépagnez - -	François Grandmaison -	37	- 3 3	- -	- -	- -	- 7 -
375	„ „	„ „ - -	Alexis Linater - -	38	- 3 3	- -	- -	- -	- 5 10
376	Dec. 1834	Joseph Mongrain - -	„ „ - -	75	- 6 3	- -	- -	- 12 6	
377	8 Sept. 1837	Michel Trépagnez - -	„ „ - -	75	- 6 3				
378	31 Dec. 1834	Joseph Lapointe - -	„ „ - -	75	- 6 3	- -	- -	- 12 6	
379	6 Juin 1825	Michel Bordeleau - -	Michel Bordeleau - -	50	- 3 8				
380	„ „	„ „ - -	Hubert Bordeleau - -	50	- 3 8				
381	30 Oct. 1833	Henry Johnson - -	Henry Johnson - -	180	- 8 4	- -	- -	2 10 -	
382	30 Oct. 1833	Jerôme L'Heureux -	W. Simpson Henderson -	90	- 8 4	- -	- -	1 5 -	- 18 4
383	30 Oct. 1833	Louis Massicotte - -	„ „ - -	90	- 8 4	- -	- -	1 5 -	1 5 -
384	30 Oct. 1833	„ „ - -	„ „ - -	90	- 8 4	- -	- -	1 5 -	1 9 2
385	30 Oct. 1833	Jerôme L'Heureux -	William Henderson -	90	- 8 4	- -	- -	1 5 -	- 18 9
386	30 Oct. 1833	Henry Johnson - -	John Somerville - -	80	- 16 8	- -	- -	2 10 -	5 - -
387	12 Sept. 1824	Augustin Cossette - -	Augustin Cossete - -	100	- 7 -½	2 2 -	- -	4 4 -	
			778						
		Montant Total - - - -		25,3,61	105 17 -	132 12 8½	6 4 7	435 16 4½	78 3 5

Jesuits' Office, 26 September 1838.
A true Copy.
(signed) *J. Stewart*, Com.

Certifié veritable.

Batiscan, 17 Septembre 1838.
(signé) *L. Guillet*, N. P.
Agt. B, J.

(C. 8.)— List of Censitaires, &c. in the Seignoiry of *Cap La Magdeleine.*

Old Concessions.

No.	Date of Original Grant.	Name of Original Concedee.	Name of Present Holder.	Arpents in Superficies.	Annual Rent.			Arrears at 30 September 1831.				Arrears at 30 September 1837.			
								Cens et Rentes.			Lods et Ventes.	Cens et Rentes.			Lods et Ventes.
					Boisseaux.	Chapons.	Argent.	Boisseaux.	Chapons.	Argent.		Boisseaux.	Chapons.	Argent.	
							s. d.			£. *s. d.*	£. *s. d.*			£. *s. d.*	£. *s. d.*
1	6 Mars 1775	J. B. Tonpin	F. X. Tonpin	120	2 – ¼	4 ½ –	– ½	6 – ¾	13 ½ –	– – 1½	– – –	22 ½ –	45 – –	– – 5	
	„ „	– le même	Pierre Tonpin	160											
	„ „	– le même	Veuve M. Jourdain	80											
2	7 Mars 1775	Ant. C. Bellerive	Jos. Rocheleau	80	– ½ –	1 – –	– ½	11 – –	22 – –	– – 11	– – –	14 ½ –	29 – –	– 1 2½	
3	„ „	– le même	Veuve P. Lottinville	120	– – ¾	1 ½ –	– ½	6 – –	12 – –	– – 4	– – –	11 – ¼	22 ½ –	– 1 11	
4	„ „	Jean Provaucher	J. C. Bellerive	95	–6/10 – –	1 – ¼	– ½	5 4/10 – –	11 – ¼	– – 4½	14 7 3½	9 6/10 – –	20 – –	– – 8	
5	„ „	– le même	Jos. Provaucher	180	1 ⅛ – –	2 – ¼	– ½	12⅜ – –	24 – ¾	– – 5½	– – –	16 – –	40 ½ –	– – 9	
6	„ „	– le même	Frs. Pepin	86	– ½ –	1 – –	– ½	17 – –	41 – –	– 1 8½	– – –	20 ½ –	27 – –	– 1 1½	
7	8 „ „	Alex. B. Dorval	Jos. Hebert	83	– ½ –	1 – –	– ½	– – –	– – –	2 – –	– – –	1 ½ –	3 – –	– – 1½	
8	„ „	– le même	Jos. B. Dorval	40	– – ¼	– ½ –	– ½	2 – –	4 – –	– – 4	– – –	3 – ¾	7 ½ –	– – 7½	
9	„ „	– le même	Alexis Tonpin	80	– ½ –	1 – –	– ½	8 – ¼	17 – –	– – 8½	– – –	3 – –	13 – –	– 1 –	
10	„ „	Jos. Vivier	Jos. Vivier	80	– ½ –	1 – –	– ½	11⅛ – –	22 ½ –						
11	„ „	– le même	J. R. Massicotte	22	8 – –	– – ¼	– ½	2⅝ – –	16 – ¼	– 1 – ½	– – –	4 ½ –	8 – –	– 1 4	
12	„ „	J. B. L. Lacroix	P. L. Lacroix	80	– ½ –	1 – –	– ½	8 ½ –	17 – –	– – 6½	– – –	14 ½ –	29 – –	– 1 2½	
13	„ „	Jos. Vivier	Jos. Vivier	22	–⅛ – –	– – ¼	– –	2 – –	8 – –	– – –	– – –	3 – –	– ½ –		
14	„ „	J. M. Baumier	Frs. Pepin	100	–⅝ – –	1 – ¼	– ½	6⅞ – –	13 – ¾	– – 9	– – –	11 – ¼	8 ½ –	– – 9	
15	„ „	J. B. L. Lacroix	P. Monplaiar et J.B.L. Lacroix	110	–⅜ ½ –	1⅛ ½ –	– ½	13⅛ – –	16⅞ – –	– – 7½					
16	„ „	– le même	Alexis Tonpin	170	1⅛ – –	2 – –	– ½	9 – –	16 – –	– – 4	– – –	16⅞ – –	30 – –	– – 7½	
17	9 „ „	Frs. M. Baumier	Let. J. Courteau	168	1 – –	2 – –	– ½	– – –	– – –	– – –	– – –	2 – –	3 – –	– – 3½	14 – –
18	„ „	J. B. Martin	Jos. Girardeau	64	–⅜ – –	– – ¾	– ½	7 – ¾	12 – ¾	– – 8½	9 17 6½	8⅞ – –	18 – –	– 1 –	9 17 4½
19	10 „ „	– le même	Michel Martin	20	–⅛ – –	– – ¼	– ½	2⅛ – –	4 – ¼	– – 8½	– – –	3 – –	6 – –	– 1 –	
20	21 „ „	Jac. M. Baumier	J. M. Baumier, fils	80	– ½ –	1 – –	– ½	8 – –	16 – –	– – 8	– – –	11 ½ –	23 – –	– – 10½	
21	„ „	J. B. Martin	– le même	20	–⅛ – –	– – ¼	– ½	2⅛ – –	4 ½ –	– – 8½	– – –	3 – –	6 – –	– 1 –	
22	5 Avril 1775	– le même	P. Monplaisir	20	–⅛ – –	– – ¼	– ½	– – –	– – –	– – –	– – –	3 – ¼	6 ½ –	– 1 7	
23	2 Sept. 1775	Jos. Barette	Pascal Monplaisir	52	–⅜ – –	1 – –	– ½	3⅜ – –	10 – –	– – 5	4 13 9	6⅜ – –	17 – –	– – 8½	
24	„ „	– le même	Frs. C. Bellerive	80	– ½ –	– – ¾	– ½	17 – –	25 ½ –	– 1 5	7 10 –	20 ½ –	30 – ¾	– 1 8½	4 13 9
25	21 Mars 1775	Pierre Martin	Pierre Houle	84	– ½ –	1 – –	– ½	7 – –	12 – ¾	– – 5½	20 – –	10 ½ –	20 – –	– – 10	7 10 –
26	11 „ „	J. Lef. Lacroix	J. B. Lef. Lacroix	160	1 – –	2 – –	– ½	9 – –	18 – –	– – 4½	– – –	16 – –	32 – –	– – 8	20 – –
27	22 „ „	Fras. Thifault	Isaïc C. Bellerive et Herbert Brousseau	80	– ½ –	1 – –	– ½	3 ½ –	14 – –	– – 7	– – –	7 – –	14 – –	– – 7	11 16 –
28	11 „ „	M. L. Lacroix	M. L. Lacroix, fils	60	–⅜ – –	– – ¾	– ½	3⅜ – –	6 – ¾	– – 4½	– – –	6 – –	2 – –	– – 8	
29	„ „	– le même	M. Lef. Lacroix	120	– – ¾	1 ½ –	– ½	7 – –	13 ½ –	– – 4½	– – –	5 – –	8 – –	– – 8	
30	„ „	– le même	Clément St. Pierre	60	–⅜ – –	– – ¾	– ½	4 – –	8 – ¼	– – 5½	– – –	1 ½ –	2 ½ –	– – 9	
31	17 Nov. 1796	J. M. Baumier	Alexis M. Baumier	75	– – –	1⅛ – –	– ½	– – –	19⅛ – –	1 4 1	– – –	– – –	27 – –	1 14 –	
32	„ „	– le même	Frs. M. Baumier	100	– – –	2 ½ –	– ½	– – –	42½ ½ –	1 15 5	– – –	– – –	57 – –	2 7 6	
33	11 Mars 1775	M. L. Lacroix	Alex. F. Lacroix	60	–⅜ – –	– – ¾	– ½	4⅛ – –	8 – ¼	– – 5½	– – –	2 – ¾	13 ½ –	– – 9	
34	„ „	– le même	Ed. Lef. Lacroix	60	–⅜ – –	– – ¾	– ½	4⅛ – –	8 – ¼	– – 5½	– – –	6 – ¾	13 ½ –	– – 9	

(*continued.*)

(C. 8.)—List of Censitaires, &c. in the Seigniory of Cap La Magdeleine—Old Concessions—*continued.*

No.	Date of Original Grant.	Name of Original Concedee.	Name of Present Holder.	Arpents in Superficies.	Annual Rent.			Arrears at 30 September 1831.				Arrears at 30 September 1837.			
								Cens et Rentes.			Lods et Ventes.	Cens et Rentes.			Lods et Ventes.
					Boisseaux.	Chapons.	Argent.	Boisseaux.	Chapons.	Argent.		Boisseaux.	Chapons.	Argent.	
							s. d.			£. *s. d.*	£. *s. d.*			£. *s. d.*	£. *s. d.*
35	29 Avril 1775	Jos. Vilbon Lacroix -	Paul Petet - -	100	$\frac{3}{8}$ - -	1 - $\frac{1}{4}$	- - $\frac{1}{2}$	13 $\frac{1}{8}$ - -	28 - $\frac{3}{4}$	- - 11 $\frac{1}{2}$	- - -	15 $\frac{6}{8}$ - -	37 $\frac{1}{2}$ -	- 1 3	
36	,, ,,	- le même - -	Jos. V. Lacroix -	100	$\frac{3}{8}$ - -	1 - $\frac{1}{4}$	- - $\frac{1}{2}$	13 $\frac{1}{8}$ - -	28 - $\frac{3}{4}$	- - 11 $\frac{1}{2}$	- - -	15 $\frac{6}{8}$ - -	37 - -	- 1 3	
37	11 Mars 1775	Alex. B. Dorval -	Jos. B. Dorval - -	160	6 $\frac{1}{2}$ -	1 - -	- - -	84 $\frac{1}{2}$ -	13 - -	- - -	- - -	122 - -	20 - -	- - -	
38	16 ,, ,,	Jos. Rocheleau et J. B. Tonpin - -	Jos. Rocheleau - -	120	- - $\frac{3}{4}$	1 $\frac{1}{2}$ -	- - $\frac{1}{2}$	7 $\frac{1}{2}$ -	15 - -	- - 5	- - -	12 - $\frac{3}{4}$	25 $\frac{1}{2}$ -	- - 8 $\frac{1}{2}$	
39	14 ,, ,,	J. B. Tonpin - -	Isidore Brousseau -	120	- - $\frac{3}{4}$	1 $\frac{1}{2}$ -	- - $\frac{1}{2}$	5 - $\frac{1}{4}$	10 $\frac{1}{2}$ -	- - 3 $\frac{1}{2}$	- - -	10 $\frac{1}{2}$ -	18 - -	- - 7	
40	16 ,, ,,	Jos. Barette - -	Ant. Lemarié - -	80	- $\frac{1}{2}$ -	1 - -	- - $\frac{1}{4}$	17 - -	34 - -	- - 8 $\frac{1}{2}$	- - -	20 $\frac{1}{2}$ -	41 - -	- - 10 $\frac{1}{4}$	
40	,, ,,	- le même - -	Frs. Barette - -	80	- $\frac{1}{2}$ -	1 - -	- - $\frac{1}{4}$	17 - -	34 - -	- - 8 $\frac{1}{2}$	- - -	20 $\frac{1}{2}$ -	41 - -	- - 10 $\frac{1}{4}$	
41	9 Juillet 1749	Frs. Le Boulanger -	Frs. Lef. Lacroix -	80	- $\frac{1}{2}$ -	1 - -	- 1	14 - -	28 - -	- 2 4	- - -	17 $\frac{1}{2}$ -	35 - -	- 2 11	
42	,, ,,	- le même - -	Jos. Lef. Lacroix -	80	- $\frac{1}{2}$ -	1 - -	- 1	14 - -	28 - -	- 2 4	- - -	17 $\frac{1}{2}$ -	35 - -	- 2 11	
43	22 Nov. 1763	Jos. Rocheleau - -	Jos. Rocheleau - -	20	- - -	1 - -	- 10 $\frac{1}{2}$	- - -	10 - -	- 8 9	- - -	- - -	17 - -	- 14 10 $\frac{1}{2}$	
44	2 Dec. 1763	Jos. Anceneau - -	Jos. R. Laurenger -	80	- - -	2 - -	1 8 $\frac{1}{2}$	- - -	30 - -	1 5 7 $\frac{1}{2}$	- - -	- - -	44 - -	1 17 7	
45	Ici est un terrien de cinq arpens en superficie occupé par l'Eglise Paroissiale Presbytère, Cimetera, &c. ne payant aucune redevance Seigneuriale entré ici pour mémoire.														
46	Ici est le Moulin Banal, Chaussée et dépendances occupant un terrien de trente arpens et demie en superficie, ne payant aucune redevance et aussi entré ici pour mémoire.														
47	2 Dec. 1763	Jos. Arceneau - -	Jos. Lamothe - -	1 $\frac{1}{2}$	- - -	- - -	1 -	- - -	- - -	- 1 6	- - -	- - -	- - -	- 2 1	
48	,, ,,	Pierre Arceneau -	J. B. Ledue - -	63	- - -	2 - -	1 10	- - -	40 - -	1 17 6	- - -	- - -	54 - -	2 10 7 $\frac{1}{2}$	
49	11 Juillet 1794	Jos. Gignac - -	Jacques Vivier - -	5	- - -	- - -	- 2 $\frac{1}{2}$	- - -	- - -	- 3 4	- - -	- - -	- - -	- 4 9 $\frac{1}{2}$	
50	,, ,,	- le même - -	Alexis Latreille - -	13	- - -	$\frac{1}{3}$ - -	- 3 $\frac{1}{2}$	- - -	5 $\frac{3}{3}$ - -	- 4 8	- - -	- - -	8 - -	- 6 7 $\frac{1}{2}$	
51	,, ,,	- le même - -	William Marchand -	64	- - -	2 - -	1 5 $\frac{1}{4}$	- - -	19 $\frac{1}{6}$ - -	- 14 7	- - -	- - -	33 - -	1 4 9 $\frac{1}{2}$	
52	17 Mars 1763	Ant. C. Bellerive -	Fred. C. Bellerive -	144	1 - -	2 - -	1 -	20 - -	40 - -	- 1 8	- - -	27 - -	54 - -	2 3	
53	24 Fev. 1800	Pierre Arceneau -	J. B. Ledue - -	124	1 $\frac{1}{2}$ -	1 $\frac{1}{2}$ -	- - $\frac{1}{2}$	34 $\frac{1}{2}$ -	34 $\frac{1}{2}$ -	- - 8	- - -	34 $\frac{1}{2}$ -	34 $\frac{1}{2}$ -	- - 11 $\frac{1}{2}$	
54	,, ,,	- le même - -	Frs. Courteau - -	60	- $\frac{1}{2}$ -	$\frac{2}{3}$ - -	- - $\frac{1}{2}$	3 $\frac{1}{2}$ -	4 $\frac{3}{3}$ - -	- - 3 $\frac{1}{2}$	- - -	7 - -	93 - -	- - 7	
55	17 Mars 1763	Ant. C. Bellerive -	Frs. C. Bellerive -	54	- - $\frac{3}{4}$	1 $\frac{1}{2}$ -	- - $\frac{1}{2}$	18 - $\frac{3}{4}$	37 $\frac{1}{2}$ -	- 1 - $\frac{1}{3}$	- - -	24 - -	48 - -	- 1 4	
56	26 Nov. 1793	- le même - -	J. C. Bellerive - -	60	- - -	- - -	1 11	- - -	- - -	3 5 2	- - -	- - -	- - -	3 18 7	
57	,, ,,	- le même - -	Frs. Bellerive - -	34	- - -	- - -	1 2	- - -	- - -	- 9 4	- - -	- - -	- - -	- 17 6	
58	,, ,,	- le même - -	Isidore Brousseau -	40	- - -	- - -	1 3 $\frac{1}{2}$	- - -	- - -	- 9 - $\frac{1}{2}$	- - -	- - -	- - -	- 18 1	
59	,, ,,	- le même - -	Frs. Courteau - -	80	- - -	- - -	2 6 $\frac{1}{2}$	- - -	- - -	- 17 9 $\frac{1}{2}$	- - -	- - -	- - -	1 15 7	
60	,, ,,	- le même - -	Veuve J. C. Bellerive	80	- $\frac{1}{2}$ -	1 - -	- - $\frac{1}{2}$	10 - -	20 - -	- - 10	- - -	13 $\frac{1}{2}$ -	27 - -	- 1 1 $\frac{1}{2}$	
61	17 Mars 1763	- le même - -	Frs. C. Bellerive, fils.	92	$\frac{5}{8}$ - -	1 $\frac{1}{2}$ -	- - $\frac{1}{2}$	21 - $\frac{1}{4}$	42 $\frac{1}{2}$ -	- 1 5	- - -	25 $\frac{5}{8}$ - -	51 - $\frac{1}{4}$	- 1 8 $\frac{1}{2}$	
62	,, ,,	- le même - -	Jacques Greuier -	12	$\frac{1}{10}$ - -	- - -	- - $\frac{1}{2}$	3 $\frac{1}{2}$ -	8 - $\frac{3}{4}$	- 1 5	- - -	4 - $\frac{1}{4}$	10 $\frac{1}{2}$ -	- 1 8 $\frac{1}{2}$	
63	,, ,,	- le meme - -	Jos. B. Bellerive -	30	$\frac{1}{8}$ - -	$\frac{3}{8}$ - -	- - $\frac{1}{2}$	7 - -	12 $\frac{7}{8}$ - -	- 1 5	- - -	8 $\frac{2}{8}$ - -	15 $\frac{1}{2}$ -	- 1 8 $\frac{1}{2}$	
64	,, ,,	- le meme - -	J. B. Gauthier - -	40	- - $\frac{1}{4}$	- $\frac{1}{2}$ -	- - $\frac{1}{2}$	8 $\frac{1}{2}$ -	17 - -	- 1 5	- - -	10 - $\frac{1}{4}$	20 $\frac{1}{2}$ -	- 1 8 $\frac{1}{2}$	
65	19 Avril 1787	Gabriel Latreille -	Louis Latreille - -	80	- - -	- - -	5 - $\frac{1}{2}$	- - -	- - -	7 6 2 $\frac{1}{2}$	- - -	- - -	- - -	10 6 2 $\frac{1}{2}$	
66	,, ,,	- le même - -	Jos. Latreille - -	80	- - -	- - -	5 - $\frac{1}{2}$	- - -	- - -	7 6 2 $\frac{1}{2}$	- - -	10 - $\frac{1}{4}$	- - -	10 6 2 $\frac{1}{2}$	
67	9 Mars 1799	Jos. Rocheleau - -	George Rocheleau -	280	- - $\frac{3}{4}$	1 $\frac{1}{2}$ -	6 8 $\frac{1}{2}$	9 - -	18 - -	4 - 6	- - -	14 - $\frac{1}{4}$	28 $\frac{1}{2}$ -	6 7 5 $\frac{1}{2}$	
68	,, ,,	- le même - -	Edouard Normand -	4	- - -	- - -	- 3	- - -	- - -	- 8 6	- - -	- - -	- - -	- 10 3	
			TOTAL - -	5,621 $\frac{1}{2}$	- - -	- - -	42 6 $\frac{1}{4}$	- - -	- - -	35 13 7	56 8 7	- - -	- - -	48 12 9	67 17 1 $\frac{1}{2}$

(C. 8.)—List of Censitaires, &c. in the Seigniory of Cap La Magdeleine—Old Concessions—*continued.*

No.	Date of Original Grant.	Name of Original Concedee.	Name of Present Holder.	Arpents in Superficies.	Annual Rent.	Arrears at 30 September 1831. Cens et Rentes.	Arrears at 30 September 1831. Lods et Ventes.	Arrears at 30 September 1837. Cens et Rentes.	Arrears at 30 September 1837. Lods et Ventes.
					£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
69	9 Oct. 1765	Pierre Lef. Lacroix -	Marguerite L. Lacroix -	28	– 2 6½	3 13 8½	- -	4 11 6	
70	„ „	- le même - - -	J. B. Lef. Lacroix -	30	– 2 9	3 19 9	- -	4 19 –	
71	„ „	- le même - - -	Olivier Corbin - -	32	– 2 11½	4 5 9½	- -	5 6 6	
72	16 Mars 1763	Jean B. Corbin - -	H. T. Hughes, ecuyer -	16	– 1 6	2 3 6	- -	2 14 –	2 1 8
73	„ „	- le même - - -	Pierre Deveau - -	24	– 2 3	3 5 2	- -	4 1 –	4 3 4
74	„ „	- le même - - -	Joseph Corbin - -	4	– – 4½	– 10 10½	- -	– 13 6	
75	„ „	- le même - - -	Pierre Deveau - -	4	– – 4½	– 10 10½	- -	– 13 6	
76	„ „	- le même - - -	Thos. Pagé - -	40	– 3 8	5 6 4	- -	6 12 –	
			Sur La Riviere St. Maurice:						
1	2 Oct. 1824	L'Honble M. Bell - -	L'Honble M. Bell - -	3,360	13 17 2				
2	17 „ 1831	Henry M'Auley - -	Henry M'Aulay, ecuyer -	61½	– 5 8	- -	- -	1 8 4	
3	16 Nov. 1765	Pierre Chaurette - -	John Collins - -	40	– 3 6	2 13 2	- -	3 6 –	
4	„ „	- le même - - -	Joseph Marchard - -	84	– 7 6	1 2 6	- -	2 19 8	2 – –
5	5 Fev. 1783	Joseph Moussette - -	Henry M'Aulay, ecuyer -	60	– 5 6	- -	- -	1 2 –	
6	„ „	J. B. Drolette - -	Benjamin Collins - -	60	– 5 6	1 13 –	- -	3 6 –	4 3 4
7	„ „	Pierre Aubry - -	William Collins - -	100	– 9 2	1 7 6	- -	4 2 6	7 10 –
8	„ „	Joseph Michelin - -	John Collins - -	20	– 1 10	– 12 10	- -	1 3 10	
9	„ „	Pierre Michelin - -	Henry Collins - -	60	– 5 6	– 11 –	- -	2 4 –	
10	16 Jan. 1777	Joseph Stanfield - -	Heritiers, Kenyon - -	85	– 7 9½	20 12 9	- -	22 19 6	
11	8 Avril 1779	Philip Lloyd - -	James Walker - -	80	– 7 4	10 12 8	- -	12 16 8	
12	16 Fev. 1796	Thomas Coffin, ecuyer -	Patrick Young - -	240	– 9 8	- -	- -	– 19 4	
13	17 Jan. 1784	Alexander Young - -	Alexander Young - -	320	– 17 –½	- -	- -	1 14 1	
14	16 „ 1777	Joseph Stanfield - -	Patrick Young - -	240	– 9 8	- -	- -	– 19 4	
15	28 Août „	William Collins - -	William Collins, fils -	100	– 6 2	- -	- -	– 12 4	
16	„ „	John Michelson - -	John Michelson - -	40	– 3 8	– 14 8	- -	1 16 8	
17	„ „	- le même - - -	- le même - - -	60	– 5 6	1 2 –	- -	2 15 –	
18	„ „	Thomas Arnaud - -	Alexander Arnaud -	300	– 10 –	- -	- -	1 – –	
19	„ „	- le même - - -	- le même - - -	40	– 2 9½	- -	- -	– 5 7	
20	16 Mars 1754	Jean B. Lacroix - -	Thos. Coffin, ecuyer -	80	– 7 4	1 9 4	- -	3 13 4	
21	18 Oct. 1831	Antoine Jutras - -	Marie Anne Jutras -	41	– 3 9	- -	- -	– 18 9	
22	8 Avril 1779	Philip Lloyd - -	James Walker - -	60	– 5 6	5 10 –	- -	7 3 –	1 10 –
23	30 Jan. 1778	Leger Noel Vessière -	Frs. C. Bellerive - -	60	– 5 6	2 10 –	- -	4 3 –	
24	20 Juillet 1785	Jos. B. De Niverville -	Joseph Héroux - -	186	– 17 1	3 8 4	- -	8 10 10	1 17 6
25	„ „	Mr. Montizambert -	Heritiers, Montizambert -	80	– 7 4	10 12 8	- -	12 16 8	
26	24 Juin 1797	Ezekiel Hart - -	Ezekiel Hart - -	240	1 2 –	5 10 –	- -	12 2 –	
27	„ „	Louis Levasseur - -	Ezekiel Hart, ecuyer -	100	– 9 2	2 5 10	- -	5 – 10	
28	29 Nov. 1788	Augustin Martel - -	J. G. Ogden, ecuyer -	20	– 1 10	– 18 4	- -	1 9 4	– 15 –
29	„ „	- le même - - -	Etienne Tapin - -	30	– 2 9	1 7 6	- -	2 4 –	
30	„ „	- le même - - -	Joseph Montminil - -	60	– 5 6	2 4 –	- -	3 17 –	1 6 3
31	„ „	- le même - - -	Etienne Tapin - -	30	– 2 9	1 7 6	- -	2 4 –	1 5 –
32	16 Mars 1773	Jean B. Corbin - -	J. G. Ogden, ecuyer -	392	1 16 –	7 4 –	2 10 –	17 – –	12 10 –
33	21 Nov. 1797	Joseph Lef. Lacroix -	- le même - - -	60	– 2 11	3 7 1	– 5 –	4 4 7	– 5 –
34	10 Oct. 1799	Joseph Lef. Lacroix -	- le même - - -	120	– 3 10½	4 9 1½	1 – 10	5 12 4½	1 – 10
35	18 Juillet „	Alexis Lef. Lacroix -	- le même - - -	140	– 5 11½	6 18 1½	4 3 4	8 13 10½	4 3 4½
36	25 Jan. 1819	Antoine Jutras - -	- le même - - -	11	– 1 9	1 4 6	– 5 –	1 15 –	– 5 –
37	29 Nov. 1788	Augustin Martel - -	- le même - - -	20	– 1 8	1 18 4	– 5 –	2 6 4	– 5 –
38	21 „ 1797	J. B. Lef. Lacroix -	Ezekiel Hart, ecuyer -	44	– 1 8	1 18 4	– 10 –	2 6 4	– 10 –
39	„ „	Michel Lef. Lacroix -	Michel Lef. Lacroix -	200	– 8 4	9 11 8	- -	12 1 8	
40	„ „	Antoine Barrette - -	Joseph Vivier - -	60	– 2 10½	3 6 11½	– 15 –	4 3 4½	– 15 –
41	„ „	Ant. C. Bellerive - -	Etienne Duval - -	60	– 4 2	4 15 10	1 5 –	6 – 10	1 5 –
42	„ „	- le même - - -	Thomas Coffin, ecuyer -	60	– 4 2	4 15 10	– 15 –	6 – 10	– 15 –
43	„ „	Jos. Lef. Lacroix - -	Joseph Panneton - -	60	– 2 11	3 7 1	– 15 –	4 4 7	– 15 –
44	„ „	Joseph Gignac - -	James Bran - - -	80	– 3 10	2 6 8	– 12 6	3 9 8	– 12 6
45	10 „ 1821	Pierre Deveau - -	Pierre Deveau - -	120	1 6 8	12 – –	- -	20 – –	
			Village St. Malo:						
1	10 Juillet 1835	Pascal G. Monplaisir -	Pascal G. Monplaisir -	76½	– 7 –½	- -	- -	2 1 9	
2	„ „	Alexis Martin - -	Alexis Martin - -	66	– 6 1	- -	- -	1 16 6	
3	„ „	Joseph Lacourse - -	Joseph Lacourse - -	64	– 5 10½	- -	- -	1 15 2½	
4	9 „ „	Michel Dumas - -	Michel Dumas - -	64	– 5 10½	- -	- -	1 15 2½	
5	„ „	François X. Toupin -	François X. Toupin -	31	– 2 10½	- -	- -	– 17 3	
6	„ „	Veuve Jourdain - -	Veuve Jourdain - -	93	– 8 7	- -	- -	2 11 6	
7	„ „	Pierre Verrette - -	Pierre Verrette - -	47	– 4 4	- -	- -	1 6 –	
8	4 „ „	Michel Brière - -	Michel Brière - -	47	– 4 4	- -	- -	1 6 –	
9	9 „ „	Mathurin Brière - -	Mathurin Brière - -	37½	– 3 5	- -	- -	1 – 6	
10	20 „ „	François Lef. Lacroix -	François Lef. Lacroix -	25	– 2 3	- -	- -	– 13 6	
11	„ „	Edouard C. Bellerive -	Edouard C. Bellerive -	30	– 2 9	- -	- -	– 16 6	
11	„ „	Joseph C. Bellerive -	Joseph C. Bellerive -	60	– 5 6	- -	- -	1 13 –	
12	„ „	Michel Dumas - -	Michel Dumas - -	80	– 7 4	- -	- -	2 4 –	
13	„ „	Aug. Brown, veuve Pacaud	Aug. Brown, veuve Pacaud	47	– 4 4	- -	- -	1 6 –	
14	9 „ „	Michel Fissette - -	Michel Fisette - -	47	– 4 4	- -	- -	1 6 –	
15	„ „	Ed. Lef. Lacroix - -	Edouard Lef. Lacroix -	30	– 2 9	- -	- -	– 16 6	
16	„ „	Frs. Moreau et U. Duplessis - - -	Olivier Martin - -	61	– 5 7	- -	- -	1 13 6	1 3 4
17	„ „	Pierre et Jean Lottinville	Pierre et Jean Lottinville	106½	– 9 9½	- -	- -	2 18 9	
18	„ „	Joseph Chatebreau -	Joseph Chatebreau -	67½	– 6 2	- -	- -	1 17 –	
19	20 „ „	Jean B. Gariépie - -	Jean B. Gariépié - -	22½	– 2 1	- -	- -	– 12 6	
20	„ „	François Brière - -	François Brière - -	87	– 8 –	- -	- -	2 8 –	
21	„ „	Joseph Guilbault - -	Joseph Guilbault - -	42	– 3 10½	- -	- -	1 3 3	

(*continued.*)

(C. 8.)—List of Censitaires, &c. in the Seigniory of Cap La Magdeleine—Old Concessions—*continued.*

No.	Date or Original Grant.	Name of Original Concedee.	Name of Present Holder.	Arpents in Superficies.	Annual Rent.	Arrears at 30 September 1831. Cens et Rentes.	Arrears at 30 September 1831. Lods et Ventes.	Arrears 30 September 1837. Cens et Rentes.	Arrears 30 September 1837. Lods et Ventes.
					£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
22	20 Juillet 1835	Antoine Paulet, ecuyer	Antoine Paulet, ecuyer	42	– 3 10½	– –	– –	1 3 3	
23	„ „	Léandre Laurenger	Léandre Laurenger	26	– 2 4½	– –	– –	– 14 3	
24	9 „ „	Jean L. Lottinville	Jean L. Lottinville	51	– 4 8	– –	– –	1 8 –	
25	20 „ „	Joseph Lamothe	Joseph Lamothe	81¼	– 7 5½	– –	– –	2 4 9	
26	„ „	Louis Courteau	Louis Courteau	35	– 3 3	– –	– –	– 19 6	
27	„ „	Antoine Goudreault	Antoine Goudreault	40½	– 3 8½	– –	– –	1 2 3	
28	1 „ „	François Pepin	François Pepin	90	– 8 3	– –	– –	1 9 6	
29	„ „	Pascal Montplaisir	Pascal Montplaisir	40	– 3 8	– –	– –	1 2 –	
30	„ „	Alexis Toupin	Alexis Toupin	60	– 5 6	– –	– –	1 13 –	
31	„ „	Jos. B. Dorval	Jos. B. Dorval	20	– 1 10	– –	– –	– 11 –	
32	„ „	Jane Daly	Jane Daly	80	– 7 4	– –	– –	2 4 –	
33	„ „	Michel Martin	Michel Martin	83	– 7 4	– –	– –	2 4 –	
34	„ „	Pascal Montplaisir	Pascal Montplaisir	20	– 1 10	– –	– –	– 11 –	
35	„ „	Isidore C. Bellerive	Isidore C. Bellerive	80	– 7 4	– –	– –	2 4 –	
36	„ „	John Grant	John Grant	120	– 11 –	– –	– –	3 6 –	
37	„ „	Louis Olivier Coulombe	Louis Olivier Coulombe	100	– 9 2	– –	– –	2 15 –	
38	„ „	Charles Aubry	Charles Aubry	120	– 11 –	– –	– –	3 6 –	
39	„ „	D. Grant	Représentans, D. Grant	140	– 12 10	– –	– –	3 17 –	
			GRAND PRAIRIES:						
1	1 Mai 1832	François Pagé	François Pagé	120	– 11 –	– –	– –	2 4 –	
2	18 Oct. 1831	Claude Turcot	Claude Turcot	60	– 5 6	– –	– –	1 7 6	
3	„ „	Alexis Abraham	Alexis Abraham	60	– 5 6	– –	– –	1 7 6	
4	„ „	Hyacinthe Bellerose	Hyacinthe Bellerose	60	– 5 6	– –	– –	1 2 –	
5	„ „	Louis Olivier Coulombe	Philippe Panneton	120	– 11 –	– –	– –	2 4 –	1 13 4
6	„ „	Pierre Brulé	Pierre Brulé	60	– 5 6	– –	– –	1 7 6	
7	„ „	Louis Olivier Coulombe	Louis Olivier Coulombe	120	– 11 –	– –	– –	2 4 –	
8	„ „	David Grant	Représentans, D. Grant	240	1 2 –	– –	– –	4 8 –	
9	„ „	John Grant	Antoine Chrétien	240	1 2 –	– –	– –	1 2 –	4 3 4
10	„ „	Charles Aubry	Charles Aubry	120	– 11 –	– –	– –	2 15 –	
11	23 Avril 1833	Sutonius Dame	Sutonius Dame	120	– 11 –	– –	– –	1 3 –	
12	22 Juin 1837	Mathurin Brière	Mathurin Brière	60	– 5 6	– –	– –	– 5 6	
13	„ „	Michel Dumas	Michel Dumas	60	– 5 6	– –	– –	– 5 6	
14	„ „	Veuve W. Marchand	Veuve W. Marchand	120	– 11 –	– –	– –	– 5 6	
15	17 Oct. 1831	Louis Olivier Coulombe	Louis Olivier Coulombe	240	1 2 –	– –	– –	5 10 –	
16	„ „	Charles Aubry	Charles Aubry	120	– 11 –	– –	– –	2 15 –	
17	23 Juillet 1836	Joseph Sicard	Joseph Sicard	60	– 5 6	– –	– –	– 5 6	
18	„ „	Jean B. Gauthier	Louis Perrault	60	– 5 6	– –	– –	– 5 6	
			ST. MARTIN:						
1	22 Nov. 1797	Jacques C. Bellerive	Edouard Normand	62	– 5 8½	– –	– –	1 14 3	
2	„ „	– le même	Louis Lef. Lacroix	62	– 5 8½	– –	– –	1 14 3	
3	„ „	– le même	Michel Lef. Lacroix	46½	– 4 3	– –	– –	1 5 6	
4	„ „	Joseph Barette	Heritiers, Jos. La Barre	15½	– 1 5½	– –	– –	– 8 9	
5	„ „	– le même	Heritiers, L. Chs. Cressé	15½	– 1 5½	– –	– –	– 8 9	
6	„ „	– le même	Joseph Panneton	93	– 8 6½	– –	– –	2 11 3	
7	8 Mai 1832	Pierre Deveau	Pierre Deveau	93	– 8 6½	– –	– –	1 14 2	
8	17 Oct. 1831	Michel Boivin	Michel Boivin	93	– 8 6½	– –	– –	1 14 2	
9	15 Mars 1822	Pierre Deveau	Pierre Deveau	93	– 8 6½	– –	– –	2 11 3	
10	22 Jan. 1832	Louis et Jos. Duval	Louis et Jos. Duval	93	– 8 6½	– –	– –	1 14 2	
11	„ „	Ant. L. Lottinville	Ant. C. Lottinville	93	– 8 6½	– –	– –	1 14 2	
12	17 Oct. 1831	Charles Fortier	Hy. Frs. Hughes, ecuyer	93	– 8 6½	– –	– –	1 14 2	– 16 8
13	28 „ 1816	John Mitchelson	Heritiers, J. Mitchelson	100	1 2 3	– –	– –	3 6 9	
14	22 Nov. 1797	Jacques C. Bellerive	Olivier C. Bellerive	93	– 8 6½	– –	– –	1 14 2	
15	„ „	– le même	Edouard C. Bellerive	62	– 5 8½	– –	– –	1 14 3	
16	„ „	Michel Barrette	Antoine Jacques	50	– 4 7	– –	– –	– 18 4	
17	„ „	– le même	Isaïe M. Bannier	50	– 4 7	– –	– –	– 18 4	
18	17 Oct. 1831	P. Defossé et Ant. Z. Le Blanc	P. Defossé et Chs. Langevin, ecuyer	60	– 5 6	– –	– –	– 16 6	2 1 8
19	18 „ „	Joseph Sicard	W. W. Forrest, ecuyer	30	– 2 9	– –	– –	– 11 –	
20	„ „	– le même	François Courteau	30	– 2 9	– –	– –	– 11 –	
21	„ „	François Boulard	François Boulard	75	– 6 10½	– –	– –	1 14 4½	
22	„ „	Augustin Bourassa	Augustin Bourassa	37½	– 3 4¾	– –	– –	– 16 11¾	
23	17 Oct. „	Jean B. Dupont	Antoine Pothier	75	– 6 10½	– –	– –	1 14 4½	
24	12 Jan. 1832	Joseph M. Bannier	Veuve Pacaud et A. Bourque	75	– 6 10½	– –	– –	1 14 4½	
25	9 Oct. „	Antoine Houle	Alexandre Houle	75	– 6 10½	– –	– –	1 7 6	
26	„ „	Anastasie Benoit Abel	Ant. et Alex. Houle	50	– 4 7	– –	– –	– 18 4	3 2 6
27	„ „	– la même	Anastasie Benoit Abel	50	– 4 7	– –	– –	– 18 4	
28	„ „	René Jos. Kimber, ecuyer	René Jos. Kimber, ecuyer	350	1 12 1	– –	– –	8 – 5	2 1 8
29	18 „ 1831	P. Defossé et A. Z. Le Blanc, ecuyer	P. Defossé et Chs. Langevin	75	– 6 10½	– –	– –	1 7 6	
30	„ „	Jacques Bureau	Jacques Bureau	75	– 6 10½	– –	– –	1 7 6	
31	17 „ „	M. H. Bellerose	M. H. Bellerose	225	1 – 7½	– –	– –	5 3 1½	
32	„ „	Pierre Vezina	Pierre Vezina	225	1 – 7½	– –	– –	5 3 1½	
33	„ Sept. 1832	Isaïe Bernard	Isaïe Bernard	75	– 6 10½	– –	– –	1 – 7½	
34	29 „ „	Pierre Baudry	Joseph Gignac	75	– 6 10½	– –	– –	1 – 7½	– 10
35	„ „	Herbert Bernard	Chs. Bernard	75	– 6 10½	– –	– –	1 – 7½	1 5 –
36	17 „ „	Jean B. Brulé	Jean B. Brulé	150	– 13 9	– –	– –	2 1 3	
37	„ „	William Gibbon	Pierre Brulé	75	– 6 10½	– –	– –	1 7 6	
38	20 „ 1838	Messire B. Fortin	Messire B. Fortin	145	– 13 3½				

(C. 8.)—List of Censitaires, &c. in the Seigniory of Cap La Magdeleine—Old Concessions—*continued.*

No.	Date of Original Grant.	Name of Original Concedee.	Name of Present Holder.	Arpents in Superficies.	Annual Rent.	Arrears at 30 September 1831. Cens et Rentes.	Arrears at 30 September 1831. Lods et Ventes.	Arrears at 30 September 1837. Cens et Rentes.	Arrears at 30 September 1837. Lods et Ventes.
			CONCESSION ST. ALEXIS:		£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1	18 Oct. 1831	Pierre Laurenger - -	Pierre Laurenger - -	74	– 6 9½	- -	- -	1 – 4½	
2	„ „	François Laurenger -	François Laurenger -	60	– 5 6	- -	- -	– 16 6	
3	22 „ „	Dominique Roucher -	Représentans, Jos. Jones -	60	– 5 6	- -	- -	1 2 –	
4	„ „	- le même - - -	Chrisostome D. Labrèche	60	– 5 6	- -	- -	1 2 –	– 12 6
5	17 Sept. 1832	Pierre Brulé - -	Pierre Brulé - -	120	– 11 –	- -	- -	2 4 –	
6	17 Oct. 1831	Calixte Brulé - -	Calixte Brulé - -	60	– 5 6	- -	- -	1 2 –	
7	„ „	Pierre Brulé - -	Pierre Brulé - -	120	– 11 –	- -	- -	2 4 –	
8	„ „	Jean B. Crête - -	Jean B. Crête - -	60	– 5 6	- -	- -	1 2 –	3 2 6
9	„ „	Barthelemy Baudry -	George Hamal - -	60	– 5 6	- -	- -	1 2 –	2 1 8
10	„ „	Charles M. Pratte - -	Charles M. Pratte - -	60	– 5 6	- -	- -	1 2 –	
11	„ „	Pascal Monplaisir - -	Pascal Monplaisir - -	60	– 5 6	- -	- -	1 2 –	
12	18 „ „	Léandre C. Bellerive -	Moïse Chatebreau - -	60	– 5 6	- -	- -	– 11 –	– 15 –
13	12 Jan. 1832	Antoine Belcour - -	J. B. Toutant - -	60	– 5 6	- -	- -	– 11 –	– 12 6
14	17 Oct. 1831	Léandre C. Bellerive -	Jean B. Toutant - -	60	– 5 6	- -	- -	1 2 –	– 12 6
15	„ „	Joseph Grenier - -	Jean B. Duplessie - -	60	– 5 6	- -	- -	1 2 –	2 1 8
16	„ „	Ambroise Boulard - -	Pierre Bergerou - -	30	– 2 9	- -	- -	– 11 –	
17	„ „	- le même - - -	David Thérian - -	30	– 2 9	- -	- -	– 11 –	1 – 10
18	„ „	François Martin - -	François Martin - -	60	– 5 6	- -	- -	1 2 –	
19	„ „	Zacharie Cloutier - -	Zacharie Cloutier - -	60	– 5 6	- -	- -	1 – –	
20	„ „	Etienne Chantal - -	Louis Dubé - - -	40	– 3 8	- -	- -	– 14 8	4 12 1
21	„ „	- le même - -	Jean B. Baissette - -	40	– 3 8	- -	- -	– 14 8	2 15 6½
22	„ „	- le même - -	François Sicard - -	40	– 3 8	- -	- -	– 14 8	3 2 6
23	„ „	Alexis Latreille - -	Alexis Latreille - -	30	– 2 9	- -	- -	– 11 –	
24	„ „	- le même - - -	Augustin B. Carignant -	30	– 2 9	- -	- -	– 11 –	1 3 4
25	„ „	Augustin Laudry - -	André Seckman - -	30	– 2 9	- -	- -	– 11 –	1 1 3
26	„ „	Augustin Laudry - -	Etienne Lacourse - -	30	– 2 9	- -	- -	– 11 –	1 5 –
27	„ „	Antoine Corriveau -	Représentans, Jos. Pacaud	60	– 5 6	- -	- -	1 2 –	2 – –
28	„ „	Charles Corriveau - -	- les mêmes - -	60	– 5 6	- -	- -	1 2 –	2 5 –
29	„ „	Joseph Grenier - -	Medar Paquin - -	40	– 3 8	- -	- -	– 11 –	2 10 –
30	„ „	François Sicard - -	François Sicard - -	40	– 3 8	- -	- -	– 11 –	
31	18 „ „	J. B. L. Lottinville -	Louis Robert - -	40	– 3 8	- -	- -	– 11 –	– 16 8
32	17 „ „	Geneviève Gilbert -	Michel Robert - -	60	– 5 6	- -	- -	1 2 –	4 3 4
33	„ „	- la même - - -	Joseph P. Bureau - -	60	– 5 6	- -	- -	– 16 6	
34	„ „	Jos. Pierre Bineau - -	- le même - - -	60	– 5 6	- -	- -	– 16 6	
35	„ „	Joseph Lemerise - -	Pierre Arcau - -	10	– – 11				
36	„ „	- le même - - -	Maurice Ryan - -	15	– 1 4½	- -	- -	– 4 1½	– 10 –
37	„ „	- le même - - -	Jean B. Louval - -	35	– 3 2½	- -	- -	– 12 10	– 14 7
38	„ „	- le même - - -	Joseph Pothier - -	20	– 1 10	- -	- -	– 7 4	– 6 8
39	„ „	Xavier Ayotte - -	Joseph Lemerise - -	40	– 3 8	- -	- -	– 11 –	
40	„ „	Jos. Brock - - -	John Morrow - -	60	– 5 6	- -	- -	1 2 –	– 15 –
41	„ „	- le même - - -	Joseph Brock - -	60	– 5 6	- -	- -	1 2 –	
42	24 Août 1832	Abraham Burne - -	Pierre Deveau - -	60	– 5 6	- -	- -	– 16 6	– 5 –
43	1 Mars „	Pierre Deveau - -	- le même - - -	120	– 11 –	- -	- -	1 13 –	
44	24 Fev. „	Joseph Latreille - -	L. Rousseau et C. M. Pratte	60	– 5 6	- -	- -	– 16 6	1 10 –
45	1 Mars „	Joseph Rocheleau - -	Joseph Rocheleau - -	60	– 5 6	- -	- -	1 2 –	
46	17 Sept. „	Antoine Hamel, fils -	Ant. Hamel, fils - -	60	– 5 6	- -	- -	1 2 –	
47	10 „ „	Jean B. Marcheaterre -	Jean B. Marcheaterre -	60	– 5 6	- -	- -	– 16 6	
48	Sans Concession - -	Pierre Deveau - -	Pierre Deveau - -	60	– 5 6				
49	„ „	Pierre Deveau - -	Pierre Deveau - -	76	– 6 11½				
50	„ „	Thos. et Hubert Pagé -	Thos. et Hubert Pagé -	339½	1 11 11½				
51	17 Oct. 1831	Claude Pratte - -	Joseph Pratte - -	20	– 1 10	- -	- -	– 9 2	
52	18 „ „	Antoine Jutras - -	Marie A. Jutras - -	42½	– 3 11	- -	- -	– 15 8	
53	4 Mars 1818	Pierre Opprenan - -	Veuve P. Oppreman -	60	– 13 4	8 – –	- -	12 – –	
54	4 Fev. „	Joseph Pyterson - -	Gabriel Bandouin - -	60	– 13 4	8 – –	– 12 6	12 – –	– 12 6
55	10 Oct. 1832	Modeste Pratte, ecuyer -	François Fisette - -	79	– 7 3	- -	- -	1 9 –	1 10 –
56	Sans Concession - -	François Rousseau -	David Chisholme - -	30	– 2 9	- -	- -	– 11 –	– 15 –
			CONCESSION ST. JEAN:						
1	18 Août 1837	Edouard Normand -	Edouard Normand -	60	– 5 6	- -	- -	1 14 –	
2	7 Juin 1832	François Normandin -	François Rousseau -	123¾	– 11 4	- -	- -	3 6 –	
3	22 „ „	William Henderson -	William Henderson -	240	1 2 –	- -	- -	3 6 –	
4	„ „	François Henderson -	- le même - - -	240	1 2 –	- -	- -	3 6 –	
5	„ „	David Henderson - -	- le même - - -	240	1 2 –	- -	- -	1 13 –	
6	7 „ „	Godfroy Normandin -	- le même - - -	120	– 11 –	- -	- -	2 9 11¼	
8	„ „	Antoine Normandin -	François Rousseau - -	181½	– 16 7¾	- -	- -	3 8 2	
9	8 „ 1834	Pierre Desfossès, ecuyer -	Pierre Desfossès, ecuyer	372	1 14 1	- -	- -	1 2 –	
10	20 Dec. 1832	L. Dugas Labreche -	L. Dugas Labreche -	60	– 5 6	- -	- -	1 2 –	
11	„ „	N. Dugas Labrèche -	N. Dugas Labreche -	60	– 5 6	- -	- -	1 2 –	
12	„ „	Charles Dionne - -	Jos. Ducharme - -	120	– 11 –	- -	- -	1 13 –	
13	17 Oct. 1831	Antoine Desiloit - -	Ant. Desiloit - -	60	– 5 6	- -	- -	– 16 6	
14	8 Jan. 1833	Louis Dionne - -	François Paquin - -	129¾	– 12 –	- -	- -	1 16 –	
15	2 Fev. 1837	Augustin St. Ours Bechet	Aug. St. Ours Bechet -	120	– 11 –				
16	29 Avril 1833	Olivier Lor - - -	Pierre Pepin - -	114	– 10 6	- -	- -	1 1 –	– 9 2
17	„ „	- la même - - -	Olivier Lor - - -	108	– 10 –	- -	- -	1 – –	
18	8 Mai „	Jos. P. Bellefeuille -	Veuve Jos. P. Bellefeuille	150	– 13 9	- -	- -	2 1 3	
19	17 Juin 1832	Jos. Desiloit - -	Jos. Desiloit - -	144¾	– 13 2½				
20	24 Juillet „	Jos. Doucet - - -	Jos. Doucet - - -	143¼	– 13 1				
21	- - -	Ant. P. Bellefeuille -	Ant. P. Bellefeuille -	141	– 12 11½	- -	- -	1 5 11	
22	- - -	Emanuel Blondin - -	Emanuel Blondin - -	132	– 11 1½	- -	- -	1 2 3	
23	17 Oct. 1831	Olivier Martin - -	Charles Flamand - -	60	– 5 6	- -	- -	– 16 6	
24	12 Jan. 1832	François Duchesny -	François Duchesny -	50	– 4 7	- -	- -	– 13 9	4 3 4
25	„ „	- le même - - -	Pierre Doucet - -	50	– 4 7	- -	- -	– 9 2	2 1 8

(*continued.*)

(C. 8.)—List of Censitaires, &c. in the Seigniory of Cap La Magdeleine—Old Concessions—*continued.*

No.	Date of Original Grant.	Name of Original Concedee.	Name of Present Holder.	Arpents in Superficies.	Annual Rent.	Arrears at 30 September 1831. Cens et Rentes.	Arrears at 30 September 1831. Lods et Ventes.	Arrears at 30 September 1837. Cens et Rentes.	Arrears at 30 September 1837. Lods et Ventes.
					£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
26	15 Dec. 1831	Jean E. Dumoulin, ecuyer	J. E. Doumolin, ecuyer -	160	– 14 8				
27	17 Oct. 1831	Chrisostome D. Labreche	Jos. R. Dufresne - -	40	– 3 1	- -	- -	– 7 4	
28	„ „	François C. Dorvillier -	Frs. C. Dorvillier - -	60	– 5 6	- -	- -	– 11 –	
29	„ „	- le même - - -	François Houle - -	60	– 5 6				
30	„ „	Joseph St. Antoine -	Joseph St. Antoine -	60	– 5 6				
31	„ „	Ant. P. Bellefeuille -	François Houle - -	60	– 5 6				
32	„ „	- le même - - -	Ant. P. Bellefeuille -	60	– 5 6	- -	- -	– 11 –	
33	„ „	Jean Bellefeuille - -	Jean Bellefeuille - -	60	– 5 6	- -	- -	– 16 6	
34	„ „	Ant. Champoux - -	Rev. Messire Fostin -	60	– 5 6	- -	- -	– 11 –	4 3 4
35	„ „	Jean B. Houle - -	J. B. Houle - - -	120	– 11 –	- -	- -	1 2 –	
36	„ „	Jean Bellefeuille - -	Jean Bellefeuille - -	60	– 5 6	- -	- -	– 16 6	
37	„ „	Charles Corrivau - -	Louis Levasseur - -	60	– 5 6				
38	„ „	Antoine Desiloit - -	Ant. Desiloit - -	60	– 5 6	- -	- -	– 11 –	
39	„ „	Pierre Desiloit - -	Laurent Houle - -	60	– 5 6	- -	- -	– 11 –	
40	„ „	- le même - - -	Pierre Desiloit - -	60	– 5 6	- -	- -	– 11 –	
41	„ „	Joseph Doucet - -	Joseph Doucet - -	120	– 3 8				
42	„ „	David Doucet - -	David Doucet - -	60	– 4 7	- -	- -	– 16 6	
43	„ „	Olivier Doucet - -	Olivier Doucet - -	60	– 2 9	- -	- -	– 16 6	
44	„ „	Antoine Jalbert - -	Joseph Desiloit - -	60	– 5 6				
45	„ „	- le même - - -	Antoine Jalbert - -	60	– 16 6	- -	- -	– 16 6	
46	„ „	Gabriel Belau - -	Joseph Grenier - -	40	– 11 –	- -	- -	– 11 –	
47	„ „	- le même - - -	Antoine Sicard - -	50	– 11 –				
48	„ „	- le même - - -	Gabriel Bélau - -	30	– 11 –	- -	- -	– 8 3	
49	24 Août 1832	Prudent Gagnon - -	Prudent Gagnon - -	60	– 5 6	- -	- -	– 16 6	
50	„ „	Jean B. Gagnon - -	Jean B. Gagnon - -	180	– 16 6	- -	- -	– 16 6	
51	17 Oct. 1831	Louis Vallières - -	Louis Vallières - -	120	– 11 –	- -	- -	1 2 –	
52	„ „	Patrick M'Nally - -	Patrick M'Nally - -	120	– 11 –	- -	- -	– 11 –	
53	1 Mars 1832	Alexander Hill - -	Alexander Hill - -	120	– 11 –	- -	- -	1 13 –	
54	17 Oct. 1831	Barnard Doyle - -	Barnard Doyle - -	120	– 11 –	- -	- -	– 11 –	
55	„ „	Jean Augustin Dubé -	Augustin Theriere -	120	– 11 –	- -	- -	1 13 –	
56	22 Août 1838	Augustin Landry, fils -	Augustin Landry, fils -	60	– 5 6				
57	„ „	Maxime Landry - -	Maxime Landry - -	60	– 5 6				
58	21 Sept. 1836	Godefroy Lamothe -	Godefroy Lamothe -	120	– 11 –				
59	1 Oct. 1831	Pierre C. Richard - -	Pierre C. Richard - -	60	– 5 6				
60	20 Sept. „	Pierre N. Hebert - -	Pierre N. Hebert - -	120	– 11 –				
61	21 „ „	Abraham Hebert - -	Abraham Hebert - -	120	– 11 –				
62	27 „ „	Olivier Desiloit - -	Olivier Desiloit - -	60	– 5 6				
63	20 „ „	Jean B. Lamothe - -	Jean B. Lamothe - -	120	– 11 –				
64	13 Août 1838	Flavier Vadboucœur	Flavien Vadboucœur -	60	– 5 6				
65	„ „	Benjamin Vadboucœur -	Benjamin Vadboucœur -	60	– 5 6				
66	24 Juin 1837	Alexander Omand - -	Alexander Omand - -	180	– 16 6				
67	17 Oct. 1831	Charles Giroux - -	Antoine Lef. Lacroix -	33 3/4	– 3 –1/2	- -	- -	– 9 1 1/2	
68	„ „	- le même - - -	Joseph Laurenger - -	33 3/4	– 3 –1/2	- -	- -	– 9 1 1/2	
69	Sans acte -	- le même - - -	Joseph Guay - -	63	– 5 9 1/2	- -	- -	– 11 7	1 – –
70	17 Oct. 1831	Jean E. Dumoulin -	J. E. Dumoulin - -	190	– 17 5				
71	„ „	Chrisostome D. Labrèche	C. D. Labrèche - -	40	– 3 8	- -	- -	– 7 4	
72	„ „	Augustin Landry - -	John Forest - -	40	– 3 8	- -	- -	– 11 –	6 5 –
73	„ „	- le même - - -	Louis Lajoie - -	60	– 5 6	- -	- -	– 11 –	
74	„ „	Joseph S. Antoine - -	Medar Paquin - -	60	– 5 6	- -	- -	– 5 6	4 6 7 1/2
75	„ „	François Thibodeau -	François Thibodeau -	120	– 11 –	- -	- -	– 11 –	
76	24 Juillet 1832	Alexis Martin - -	Joseph Hebert - -	60	– 5 6				
77	„ „	- le même - - -	Pierre Houle - -	60	– 5 6				
78	17 Oct. 1831	Ant. Petit Bruneau -	Joseph Grenier - -	60	– 5 6	- -	- -	– 16 6	
79	18 „ „	Charles Corriveau - -	François Nault - -	60	– 5 6	- -	- -	– 11 –	1 10 –
80	17 „ „	Amable B. Lafrenière -	François Levasseur -	60	– 5 6				
81	„ „	- la méme - - -	Joseph Hebert - -	60	– 5 6				
82	5 Jan. 1833	Antoine Corriveau -	John Clark - - -	60	– 5 6	- -	- -	– 16 6	– 16 8
83	17 Oct. 1831	Augustin Desiloit - -	Augustin Desiloit - -	120	– 11 –				
84	„ „	Jacques Brissette - -	Jacques Brissette - -	30	– 2 9	- -	- -	– 8 3	
85	„ „	- le même - - -	Pierre Martin - -	30	– 2 9	- -	- -	– 8 3	
86	„ „	Louis Martin - -	Louis Martin - -	60	– 5 6	- -	- -	– 16 6	
87	„ „	Louis Dubé - - -	Jean B. Martin - -	60	– 5 6	- -	- -	– 16 6	
88	„ „	- le même - - -	Louis Dubé - - -	40	– 3 8	- -	- -	– 11 –	
89	„ „	- le même - - -	Pierre Dubé - -	40	– 3 8	- -	- -	– 11 –	
90	„ „	Louis Dubé, fils - -	Pierre Sicard - -	40	– 3 8	- -	- -	– 11 –	
91	„ „	Isaac Clément - -	Isaac Clement - -	60	– 5 6	- -	- -	– 16 6	
92	„ „	Claude Martin, fils -	Claude Martin - -	60	– 5 6	- -	- -	– 16 6	
93	„ „	- le même - - -	Joseph Meunier - -	60	– 5 6	- -	- -	– 11 –	
94	20 „ „	James Omand - -	Pierre Marchand - -	120	– 11 –				
			CONCESSION ST. MARGUERITE:						
1	11 Sept. 1833	Rev. James Moffatt -	Rev. James Moffatt -	150	– 13 9	- -	- -	1 7 6	
2	26 Oct. „	James Thompson - -	James Thompson - -	120	– 11 –	- -	- -	1 2 –	
3	10 Nov. „	Robert Kyle - -	Robert Kyle - -	120	– 11 –	- -	- -	1 2 –	
4	11 Jan. 1832	Edouard Barnard, ecuyer	Edouard Barnard - -	120	– 11 –	- -	- -	1 2 –	
5	12 „ „	P. B. Dumoulin, ecuyer -	L'Hon. Juge Vallières -	120	– 11 –	- -	- -	1 13 –	
6	17 „ „	Hugh Heney, ecuyer -	Hugh Heney, ecuyer -	120	– 11 –	- -	- -	1 13 –	
7	18 Oct. 1831	Zephirin Boudreault -	Zephirin Boudreault -	120	– 11 –	- -	- -	1 13 –	
8	„ „	Henry M'Auley. ecuyer -	Henry M'Auley, ecuyer -	123	– 11 –	- -	- -	1 13 –	
9	„ „	Edouard Grieve, ecuyer -	Edouard Grieve, ecuyer -	120	– 11 –	- -	- -	1 13 –	
10	17 „ „	D. Esther Nelson - -	D. Hypolite Guy - -	120	– 11 –	- -	- -	2 4 –	
11	„ „	L'Hon. Juge Vallières -	L'Hon. Juge Vallières -	120	– 11 –	- -	- -	2 4 –	
12	„ 1832	François Belouin - -	Jean Frs. Belouin - -	60	– 5 6	- -	- -	– 11 –	

(C. 8.)—List of Censitaires, &c. in the Seigniory of Cap La Magdeleine—Old Concessions—*continued.*

No.	Date of Original Grant.	Name of Original Concedee.	Name of Present Holder.	Arpents in Superficies.	Annual Rent.	Arrears at 30 September 1831. Cens et Rentes.	Arrears at 30 September 1831. Lods et Ventes.	Arrears at 30 September 1837. Cens et Rentes.	Arrears at 30 September 1837. Lods et Ventes.
					£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
13	10 Sept. 1832	François Robert - -	Jos. G. Gentisse - -	60	- 5 6	- -	- -	- 5 6	
14	11 Juin „	Dominique Rousseau -	Joseph Naud - -	120	- 11 -	- -	- -	1 2 -	
15	20 Juillet „	Jacques Bedard - -	Frs. Buteau, ecr. - -	60	- 5 6	- -	- -	- - -	1 5 -
16	„ „	Etienne Bedard - -	- le même - - -	60	- 5 6	- -	- -	- - -	1 5 -
17	„ „	François Bedard - -	- le même - - -	60	- 5 6	- -	- -	- - -	1 5 -
18	18 Oct. 1831	Jos. G. Labarre - -	Heritiers Labarre - -	60	- 5 6	- -	- -	- 11 -	
19	17 „ „	John Whiteford - -	Retrait pour la Commission	60	- 5 6	- -	- -	- 11 -	
20	„ „	- le même - - -	John Whiteford - -	60	- 5 6	- -	- -	- 11 -	
21	„ „	James Crawford - -	James Crawford - -	120	- 11 -	- -	- -	2 4 -	
22	„ „	Jean B. Décotean - -	François D. Dargie -	60	- 11 -	- -	- -	- 5 6	
23	„ „	Joseph Dargie - -	Joseph Dargie - -	60	- 11 -	- -	- -	- 16 6	
24	„ „	Thomas D. Dargee -	Thomas D. Dargie -	60	- 5 6	- -	- -	- 11 -	
25	„ „	Jean E. Dermoulin -	Pierre Levassent - -	60	- 5 6	- -	- -	- 11 -	
26	„ „	Hylaire Douillet - -	Jean B. Doucet - -	60	- 5 6	- -	- -	- 11 -	
27	2 Juillet 1832	Augustin Landrey -	Jean B. Martel - -	60	- 5 6	- -	- -	- 11 -	
28	10 Juin „	Joseph Rousseau - -	Antoine Bourgeois -	60	- 5 6	- -	- -	- 16 6	
29	17 Oct. 1831	François Thibodeau -	François Thibodeau -	60	- 5 6	- -	- -	- 5 6	
30	1 Mai 1832	François Routier - -	Jean B. Lanenville -	60	- 5 6	- -	- -	- 5 6	
31	18 Oct. 1831	Antoine Permentier -	Joseph Girouard - -	60	- 5 6	- -	- -	- 11 -	2 10 -
32	„ „	Augustin Davian - -	Thomas Pagé - -	60	- 5 6	- -	- -	- 11 -	
33	„ „	François Pagé - -	François Pagé - -	60	- 5 6	- -	- -	- 16 6	
34	„ „	Thomas Pagé - -	Augustin Cloutier - -	60	- 5 6	- -	- -	- 11 -	
35	1 Juin 1832	Augustin Cloutier - -	- le même - - -	60	- 5 6	- -	- -	- 11 -	
36	1 „ „	Duodormé Felix - -	Augustin Gaguon - -	60	- 5 6	- -	- -	- 5 6	
37	Sans Concession - -	Ephrem Elie - -	Ephrem Elie - -	120	- 11 -	- -	- -	1 2 -	
38	17 Oct. 1831	Jean Chs. Jalbert - -	Jean Chs. Jalbert - -	120	- 11 -	- -	- -	1 13 -	
39	11 Juin 1832	Pierre Cormier - -	Pierre Cormier - -	120	- 11 -	- -	- -	1 13 -	
40	18 Oct. 1831	Joseph Douillet - -	Pierre Deveau - -	120	- 11 -	- -	- -	1 2 -	1 10 -
41	1 Sept. 1833	Olivier Girardin - -	Olivier Girardin - -	60	- 5 6	- -	- -	- 11 -	
42	12 Juin 1832	Pierre Gagnon - -	Pierre Gagnon - -	60	- 5 6	- -	- -	- 11 -	
43	„ „	Denis Gagnon - -	Denis Gagnon - -	60	- 5 6	- -	- -	- 11 -	
44	9 Juillet 1833	Joseph Normaud - -	Joseph Normaud - -	60	- 5 6	- -	- -	- 11 -	
45	17 Oct. 1831	Augustin Paillé - -	Pierre Martin - -	60	- 5 6	- -	- -	- 11 -	
46	„ „	Denis G. Labarre -	Denis G. Labarre - -	180	- 16 6	- -	- -	- 16 6	
47	9 Juillet 1833	François Normaud -	François Normaud -	120	- 11 -	- -	- -	- 11 -	
48	6 Nov. „	Antoine Bourgeois -	Antoine Bourgeois -	120	- 11 -	- -	- -	- 11 -	
49	10 Oct. 1832	William Galbreath -	William Galbreath -	120	- 11 -	- -	- -	1 2 -	
50	17 „ 1831	Joseph D. Dargie - -	Chs. Lef. Lacroix - -	60	- 5 6	- -	- -	1 2 -	
51	„ „	Thomas Dargie - -	François Buisson - -	60	- 5 6	- -	- -	- 16 6	4 3 4
52	„ „	Pierre Dargie - -	Amable Hamelin - -	60	- 5 6	- -	- -	- 11 -	2 1 8
53	„ „	- le même - - -	Louis Arcand - -	60	- 5 6	- -	- -	- 16 6	1 10 -
54	„ „	François Grenier - -	François Grenier - -	60	- 5 6	- -	- -	1 2 -	
55	„ „	George Rocheleau -	Modesté Levasseur -	60	- 5 6				
56	1 Mai 1832	Godfroy Dastallaire -	Godfroy Dastallaire -	60	- 5 6	- -	- -	- 11 -	
57	17 Oct. 1831	Olivier Thibodeau -	Olivier Thibodeau -	60	- 5 6	- -	- -	- 5 6	
58	1 Mai 1832	François Routier - -	Hylarion Legendre -	60	- 5 6	- -	- -	- 16 6	2 10 -
59	18 Oct. 1831	Antoine Parmentier -	David Doucet - -	60	- 5 6	- -	- -	- 11 -	
60	17 „ „	Augustin Daviaux -	Thomas Pagé - -	60	- 5 6	- -	- -	- 16 6	
61	„ „	John Clark - - -	- le même - - -	60	- 5 6	- -	- -	- 16 6	
62	„ „	- le même - - -	Augustin Cloutier -	60	- 5 6	- -	- -	- 11 -	
63	1 Juin 1832	Augustin Cloutier - -	- le même - - -	60	- 5 6	- -	- -	- 11 -	
64	1 „ „	Duodonné Felix - -	Léandre Gagnon - -	60	- 5 6	- -	- -	- 5 6	
65	17 Oct. 1831	Jean B. Saucier - -	Jean B. Lottinville -	60	- 5 6	- -	- -	- 11 -	1 16 -
66	Sans Concession - -	Léon Doucet - -	Leon Doucet - -	60	- 5 6	- -	- -	- 11 -	
67	17 Oct. 1831	Jean B. Dupont - -	Denis G. Labarre - -	60	- 5 6	- -	- -	- 11 -	
68	„ „	Denis G. Labarre -	François Prunean - -	60	- 5 6	- -	- -	- 5 6	
69	1 Mai 1832	Jean Frs. Simonean -	Denis G. Labarre - -	120	- 11 -	- -	- -	- 11 -	
70	„ „	Michel Simonean - -	- le même - - -	60	- 5 6	- -	- -	- 5 6	
71	1 Mars „	Thos. et W. Burn -	Thos. et W. Burn -	180	- 16 6				
72	9 Juillet 1833	Frans. A. Noiseux -	John Pratt - - -	120	- 11 -	- -	- -	1 2 -	- 15 -
73	8 Nov. „	Michel Déry - -	Pierre Deveau - -	120	- 11 -	- -	- -	1 2 -	
74	11 Sept. 1832	Antoine Lafontaine -	- le même - - -	120	- 11 -	- -	- -	1 2 -	
75	1 Juin 1832	Louis T. Louval - -	Simon Demarais - -	40	- 3 8	- -	- -	- 11 -	- 10 -
76	„ „	- le même - - -	Joseph Lamothe - -	40	- 3 8	- -	- -	- 11 -	- 12 6
77	„ „	- le même - - -	Louis T. Louval - -	40	- 3 8	- -	- -	- 11 -	
78	17 Oct. 1831	Jacques Brissette - -	Jacques Brissette - -	60	- 5 6	- -	- -	- 16 6	
79	20 Sept. 1833	George Armstrong -	George Armstrong -	120	- 11 -	- -	- -	1 2 -	
80	20 Juillet 1837	Pierre Morreau - -	Pierre Morreau - -	120	- 11 -				
81	27 Sept. 1836	François Cormier - -	François Cormier - -	120	- 11 -				
82	22 „ „	Stanislas Ducharme -	Stanislas Ducharme -	120	- 11 -				
83	21 „ „	Pierre Richard - -	Pierre Richard - -	120	- 11 -				
84	„ „	Hubert Desiloit - -	Hubert Desiloit - -	60	- 5 6				
85	„ „	- le même - - -	Pierre Richard - -	60	- 5 6	- -	- -	- - -	- 10
86	24 „ „	Charles Héon - -	Charles Héon - -	120	- 11 -				
87	21 „ „	Joseph Lamothe - -	Joseph Lamothe - -	120	- 11 -				
88	„ „	Pierre G. Labarre -	Denis G. Labarre -	120	- 11 -				
89	26 „ „	Thos. Webster - -	Thomas Webster - -	120	- 11 -				
			Concession St. Felix:						
1	13 Août 1838	Antoine Buisson - -	François Buisson - -	60	- 5 6				
2	Sans Concession - -	Hubert Page - -	Hubert Pagé - -	120	- 11 -				
3	„ „	Jean B. Créte - -	Jean B. Créte - -	60	- 5 6				

(*continued.*)

(C. 8.)—List of Censitaires, &c. in the Seigniory of Cap La Magdeleine—Old Concessions—*continued.*

No.	Date of Original Grant.	Name of Original Concedee.	Name of Present Holder.	Arpents in Superficies.	Annual Rent.	Arrears at 30 September 1831. Cens et Rentes.	Arrears at 30 September 1831. Lods et Ventes.	Arrears at 30 September 1837. Cens et Rentes.	Arrears at 30 September 1837. Lods et Ventes.
					£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
4	12 Jan. 1832	Michel Robert - -	Hylaire Legendre - -	60	- 5 6	- -	- -	- 11 -	- 10 -
5	,, ,,	- le même - - -	Michel Robert - -	60	- 5 6	- -	- -	- 16 6	
6	Sans Concession - -	Jean B. Decoteau -	Jean B. Decoteau - -	60	- 5 6	- -	- -	- 5 6	
7	20 Dec, 1833	W. M. Deane - -	M. W. Deane - -	126	- 11 6½	- -	- -	1 3 1	
3	,, ,,	William Deane, fils -	William Deane, fils -	126	- 11 6½	- -	- -	1 3 1	
9	Sans Concession - -	David Deane - -	David Deane - -	126	- 11 6½	- -	- -	- 11 6½	
10	Sans Concession - -	Matilda Deane - -	Matilda Deane - -	126	- 11 6½	- -	- -	- 11 6½	
11	,, ,,	Jean Cardinal - -	Jean Cardinal - -	126	- 11 6½	- -	- -	- 11 6½	
12	19 Juin 1837	Hylarion Legendre -	Hylarion Legendre -	144	- 13 3				
13	Sans Concession - -	Jean L. Lottinville -	Jean B. Lottinville -	60	- 5 6				
14	,, ,,	Alexis Latreille - -	Alexis Latreille - -	60	- 6 -½	- -	- -	- 6 -½	
15	14 Dec. 1833	Louisa M. Byrne - -	Louisa M. Byrne - -	126	- 11 6½	- -	- -	1 14 7½	
16	17 Jan. 1834	F. V. B. Bowen, fils -	François Buteau, ecuyer -	126	- 11 6½				
17	,, ,,	D. C. L. C. Bowen -	- le même - - -	126	- 11 6½				
18	,, ,,	D. Ann C. Bowen -	- le même - - -	126	- 11 6½				
19	17 Jan. 1834	D. Lucie J. Bowen -	- le même - - -	120	- 11 -				
20	1 Juin 1832	Jacques Grenier - -	Heritiers Jacques Grenier	145	- 13 4	- -	- -	2 - -	
21	17 Jan. 1834	Isabella C. Bowen -	François Buteau - -	145	- 13 4				
22	8 ,, ,,	J. B. Brissette - -	- le même - - -	93	- 8 6				
23	20 Sept. 1833	Jean B. Joutant -	- le même - - -	186	- 17 -				
24	17 Jan. 1834	George F. Bowen, esq. -	- le même - - -	186	- 17 -				
25	,, ,,	Edward F. Bowen - -	- le même - - -	186	- 17 -				
26	,, ,,	L. Hon. Juge Bowen & uxor	- le même - - -	372	1 14 -				
27	,, ,,	D. Louisa A. Bowen -	- le même - - -	186	- 17 -				
28	17 Oct. 1831	Philip Lyster - -	Philip Lyster - -	186	- 17 -	- -	- -	4 5 -	
29	Sans Concession - -	John Hart - - -	John Hart - - -	153	- 14 -	- -	- -	- 14 -	
30	7 Juillet 1834	Charles Bernard - -	Charles Bernard - -	93	- 8 6	- -	- -	- 8 6	
31	,, ,,	- le même - - -	Pierre Baudry - -	93	- 8 6	- -	- -	- 8 6	- 13 4
32	19 Août ,,	Michael O'Donnell -	Michael O'Donnell -	153	- 14 -	- -	- -	- 14 -	
33	Sans Concession - -	Botholomew Hart - -	D. Therese Perrault -	120	- 11 -				
34	27 Août 1838	Edouard Boudreau -	Edouard Boudreau -	144	- 13 3				
35	13 Fev. 1837	Onézime Boudreau -	Onezime Boudreau -	144	- 13 3				
36	3 Juillet ,,	Felix Elie - - -	Felix Elie - - -	72	- 6 7½				
37	20 Mars 1833	Edouard Godin - -	Edouard Godin - -	72	- 6 7½	- -	- -	- 13 3	
38	,, ,,	Isidore Brousseau - -	Isidore Brousseau - -	72	- 6 7½	- -	- -	- 6 7½	
39	Sans Concession - -	- le même - - -	Pierre Robert - -	72	- 6 7½				
40	13 Fev. 1837	D. Therese Perrault -	D. Therese Perrault -	144	- 13 3				
41	12 Oct. 1833	John Cooper - -	John Cooper - -	144	- 13 3	- -	- -	1 6 6	
42	27 Sept. 1836	Pierre Robitaille - -	Pierre Robitaille - -	78	- 7 2				
43	20 ,, ,,	Olivier Pothier - -	Olivier Pothier - -	72	- 6 7½				
44	4 Oct. ,,	Pierre Cormier - -	Pierre Cormier - -	72	- 6 7½				
45	24 Sept. ,,	François Rousseau -	François Rousseau -	144	- 13 3				
46	1 Oct. ,,	Frans. A. Lafontaine -	Frans. A. Lafontaine -	81	- 7 5				
47	5 Sept. 1838	- le même - - -	- le meme - - -	72	- 6 7½				
48	19 Mai. ,,	Joseph Sheerin - -	Joseph Sheerin - -	150	- 13 8½				
			TOTAL - - -	40,558¾	185 2 4	178 15 1½	13 14 2	432 4 6½	136 14 -

(C. 9.)—STATEMENT of NEW CONCESSIONS in the Village of *La Prairie.*

No.	Date of Original Grant.	Name of Original Concedee.	Name of Present Holder.	Toises in Superficies.	Annual Rent.	Arrears at 30 September 1831. Cens et Rentes.	Arrears at 30 September 1831. Lods et Ventes.	Arrears at 30 September 1837. Cens et Rentes.	Arrears at 30 September 1837. Lods et Ventes.
					£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1	16 Août 1819	Charles Starnes - -	Charles Starnes - -	60	- 2 10	- -	- -	- 8 6	2 8 7
2	,, ,,	Raphael Brosseau - -	Louis R. Bauzette - -	97	- 3 9				
3	,, ,,	Josephte Denaut - -	Josephte Le Borgne -	117	- 4 2½				
4	,, ,,	John Ryan - - -	Lawrence Kidd - -	310	- 8 7				
5	,, ,,	Andrew Starnes - -	Andrew Starnes - -	70	- 3 -½	1 12 -	- -	2 10 5	
6	,, ,,	Joseph Goodsell - -	Moses Hart - - -	88	- 3 6	2 2 -	- -	3 3 -	2 5 6
7	8 Mars 1821	James Fife - - -	Joseph Johnston - -	230	- 6 9	- -	- -	2 7 3	
8	9 ,, ,,	Etienne Dumontel -	V. Eti. Dumontel -	211	- 6 4	- 12 8	- -	1 18 -	
9	,, ,,	Joseph Goodsell - -	James Scott - -	223	- 6 7	3 6 8	2 10 -	5 6 2	2 10 -
10	,, ,,	Charles Roland - -	Jean B. Lemieux - -	213	- 6 4½	3 3 9	- 15 1½	5 2 -	4 10 3½
11	,, ,,	Paul Martin - -	Simon Foisie - -	150	- 4 10				
12	,, ,,	Paul Barbeau - -	Hetitiers P. Barbeau -	150	- 4 10	- -	- -	1 9 -	
13	,, ,,	Geoffroie Mousette -	Heritiers B. J. Labrosse	150	- 4 10	1 18 8	- -	3 7 8	
14	,, ,,	Antoine Boucher - -	Gabriel Barrette - -	150	- 4 10	2 8 4	3 14 2	3 17 4	6 4 2
15	,, ,,	Hypolite Deneau - -	François Guérin - -	150	- 4 10	2 8 4	- 14 1½	3 17 4	- 14 1½
16	,, ,,	Amable Robert - -	Amable Robert - -	150	- 4 10	- -	- -	- 4 10	
17	,, ,,	Jean Bouneau - -	Louis Derners - -	150	- 4 10	- -	- -	- 4 10	
18	,, ,,	Alexis Dervan - -	Louis Derners - -	150	- 4 10	- -	- -	- 4 10	
19	,, ,,	Noël Charbonneau -	Noël Charbonneau -	150	- 4 10	2 8 4	- -	3 17 4	
20	,, ,,	Constant Bourassa -	Constant Bourassa -	150	- 4 10	2 8 4	- -	3 17 4	
21	,, ,,	Fabien Dupins - -	Fabien Dupens - -	150	- 4 10	2 8 4	- -	3 17 4	

(C. 9.)—Statement of New Concessions in the Village of La Prairie—*continued.*

No.	Date of Original Grant.	Name of Original Concedee.	Name of Present Holder.	Toises in Superficies.	Annual Rent.	Arrears at 30 September 1831. Cens et Rentes.	Arrears at 30 September 1831. Lods et Ventes.	Arrears at 30 September 1837. Cens et Rentes.	Arrears at 30 September 1837. Lods et Ventes.
					£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
22	9 Mars 1821	François Coulombe	François Coulombe	150	– 4 10	2 8 4	– –	3 17 4	
23	„ „	Simon Denant	V. André Démarteau	150	– 4 10	1 13 10	– –	3 2 10	
24	„ „	Basile Béchard	Basile Béchard	150	– 4 10	2 8 4	– –	3 17 4	
25	„ „	Catherine Béthourné	James Scott	150	– 4 10	1 9 –	– 16 8	2 18 –	– 16 8
26	„ „	Thomas Weywood	Pierre St. Marie	150	– 4 10	– 14 6	– –	2 3 6	
27	„ „	John Keast	John Keast	150	– 4 10	2 8 4	– –	3 17 4	
28	„ „	Jérôme Péladeau	Justinien Laurin	150	– 4 10				
29	„ „	Joseph Poutré	Justinien Laurin	150	– 4 10				
30	„ „	Guillaume Peladeau	Héritiers F. Plante	195	– 5 5	– –	– –	– 5 5	
31	„ „	Amable Provost	Héritiers F. Plante	202	– 6 ½	– –	– –	– 6 –½	
32	„ „	Louis Barbeau	Héritiers L. Barbeau	150	– 4 10	– –	– –	1 9 –	
33	„ „	Frederick Singer	Constant Dupuis	150	– 4 10	2 3 6	1 – 10	3 12 6	3 10 10
34	„ „	Joseph Ste. Marie	Jean B. Brencha	150	– 4 10	– –	– –	1 9 –	
35	„ „	Joseph Finsterralt	Hugh M'Farlane	150	– 4 10	– 13 6	– –	2 3 6	
36	„ „	Amable Bordeaux	Louis Demers	150	– 4 10	– –	– –	– 4 10	
37	„ „	John Kelly	Jacques Bissonette	150	– 4 10	1 4 2	2 1 8	2 13 2	4 11 8
38	„ „	François Barbeau	François Barbeau	150	– 4 10	2 8 4	– –	3 17 4	
39	„ „	Pierre Hébert	Louis Bissonette	150	– 4 10	2 8 4	– –	3 17 4	
40	„ „	Louis Plante	Casimir Durauseau	150	– 4 10	– –	– –	– 13 6	1 5 –
41	„ „	John Hoskins	Casimir Durauseau	150	– 4 10	– –	– –	– 13 6	1 5 –
42	„ „	James Douglass	J. B. Elie Dupré	150	– 4 10	– –	– –	1 4 2	
43	„ „	John Pearson	Louis Barbeau	150	– 4 10	2 8 4	– 4 2	3 17 4	– 4 2
44	„ „	John Bail	Louis Barbeau	150	– 4 10	2 8 4	– 2 6	3 17 4	– 2 6
45	„ „	Vital Bourassa	Jean B. Bourassa	150	– 4 10				
46	„ „	Pierre Menard	V. Alexis Moquin	150	– 4 10	– 9 8	– –	1 18 8	
47	„ „	Patrick M'Kermon	Antoine Desantels	150	– 4 10	2 8 4	3 – –	3 17 4	3 – –
48	„ „	Pierre Haille	Amable Hein	150	– 4 10	2 8 4	– –	3 17 4	
49	„ „	Robert M'Nabb	Amable Robert	150	– 4 10	2 8 4	– –	3 17 4	
50	„ „	Ephraim Goodsel	V. W. Durrett	150	– 4 10	2 8 4	– –	3 17 4	
51	„ „	John Goodsel	V. W. Durrett	150	– 4 10	2 8 4	– –	3 17 4	
52	„ „	John Ryan	W. Merry	150	– 4 10	2 8 4	– –	3 17 4	
53	„ „	Joseph Pilotte	Héritiers B. J. Labrosse	150	– 4 10	2 8 4	– 4 5	3 17 4	– 4 5
54	„ „	Vital Dupuis	Héritiers B J. Labrosse	150	– 4 10	2 8 4	– 5 6	3 17 4	– 5 6
55	„ „	Jean B. Surprenant	Héritiers B. J. Labrosse	150	– 4 10	2 8 4	– –	3 17 4	
56	„ „	Joseph Moussette	Héritiers B. J. Labrosse	150	– 4 10	2 8 4	– 4 5	3 17 4	1 4 5
57	„ „	Antoine Hébert	Toussaint Denant	150	– 4 10	2 8 4	1 3 4	3 17 4	1 3 4
58	„ „	Joseph Tremblay	Louis Bouthillier	150	– 4 10	2 8 4	– 16 4	3 17 4	1 6 4
59	„ „	Toussaint Duclos	Louis Bouthillier	150	– 4 10	2 8 4	– 16 4	3 17 4	1 6 4
60	„ „	Benjamin Holmes	Benjamin Holmes	150	– 4 10	2 8 4	– –	3 17 4	
61	„ „	François Gimond	Madame A. T. Alexander	150	– 4 10	2 8 4	– –	3 17 4	
62	„ „	Austin Leonard	Madame A. T. Alexander	150	– 4 10	2 8 4	– –	3 17 4	
63	„ „	Paschal Lussier	Paschal Lussier	150	– 4 10	2 8 4	– –	3 17 4	
64	„ „	Julien Dupuis	Michel Gagnon	150	– 4 10	2 8 4	– –	3 17 4	– 5 –
65	„ „	Nathaniel Willing	Nathaniel Willing	150	– 4 10	2 8 4	– –	3 17 4	
66	„ „	Jean B. Martin	Jacques Guérard	150	– 4 10				
67	„ „	Amable Barbeau	Pierre Barbeau	150	– 4 10	– –	– –	– 9 8	
68	„ „	Jean B. Barbeau	Jean B. Barbeau	150	– 4 10	– –	– –	– 4 10	
69	„ „	Antoine Moussette	Amable Robert	150	– 4 10	– –	– –	– 4 10	
70	„ „	Jean Bedard	Benoni Son	150	– 4 10				
71	„ „	Pierre Hébert	François Menard	150	– 4 10	– –	– –	– 13 6	– 4 4
72	„ „	Joseph Hébert	Pierre Menard	150	– 4 10				
73	„ „	Louis Brousseau	Edward Martin	150	– 4 10	– –	– –	– 4 10	
74	„ „	Paul Hérat	Louis Barbeau	150	– 4 10	2 8 4	– –	3 17 4	– 5 4
75	„ „	Jacques Guerard	Jean B. Bourassa	150	– 4 10				
76	„ „	André Lécuyer	André Lécuyer	150	– 4 10	– –	– –	– 13 6	
77	„ „	Laurent Lécuyer	Laurent Lécuyer	150	– 4 10	– –	– –	– 13 6	
78	„ „	François Goyette	François Goyette	150	– 4 10	2 8 4	– –	3 17 4	
79	„ „	Etienne Duguet	Etienne Duguet	150	– 4 10	– –	– –	1 2 2	
80	„ „	Pierre Raymond	Jacques Guérard	150	– 4 10				
81	„ „	Edward Holland	James Stott	150	– 4 10	– –	– –	1 2 2	1 – 5
82	„ „	Jean B. Normandin	Jean B. Normandin	150	– 4 10				
83	„ „	Jacques Guérin	W. Kerfat	150	– 4 10	– –	– –	– 13 6	
84	„ „	Hypolite Caillé	W. A. Alexander	150	– 4 10				
85	„ „	Jérémie Brosseau	Michel Gagnon	150	– 4 10	– –	– –	1 9 –	– 11 –
86	„ „	Joseph Moussette	Louis Jodouin	150	– 4 10				
87	„ „	Louis Bissonette	Justinean Laurin	150	– 4 10	– –	– –	– 4 10	
88	„ „	Jacques Desantels	J. M. A. Raymond	150	– 4 10	– –	– –	1 9 –	
89	„ „	Etienne Brosseau	J. M. A. Raymond	150	– 4 10	– –	– –	1 9 –	
90	„ „	William Dobbin	William Dobbin	150	– 4 10	– –	– –	1 9 –	
91	„ „	Etienne Brosseau	Richard Wheeler	150	– 4 10	– –	– –	1 4 2	
92	„ „	Jacques Turprenant	Joseph Normandin	150	– 4 10				
93	„ „	Antoine Bourdon	Jean B. Bourassa	150	– 4 10	– –	– –	1 4 2	
94	„ „	Etienne Bourdeau	Alonzo Hotchkiss	150	– 4 10	– –	– –	1 9 –	– 5 4
95	„ „	Jean B. Lemieux	J. B. E. Dupré	150	– 4 10	– –	– –	1 4 2	
96	„ „	Jean B. Meunier	Jean B. Erie Dupré	150	– 4 10	– –	– –	1 4 2	
97	„ „	François Surprenant	Joseph Noreau	150	– 4 10	– –	– –	1 9 –	– 4 4
98	„ „	William Anderson	Florence Barbeau	150	– 4 10	– –	– –	1 4 2	
99	„ „	Félicite Barbeau	Florence Barbeau	150	– 4 10	– –	– –	1 4 2	
100	„ „	Amable Leclerc	Alexis Moquin	150	– 4 10				
101	„ „	Louise Denant	Louis Demers	150	– 4 10	– –	– –	– 9 8	
102	„ „	François Denant	Raymond Foisie	150	– 4 10	– –	– –	1 9 –	– 4 4
103	„ „	John E. Mills	Antoine Normandin	150	– 4 10	– –	– –	– 4 10	
104	„ „	Cephas Mills	Antoine Normandin	150	– 4 10	– –	– –	– 4 10	
105	„ „	John W. Ostrout	Simon Foisie	150	– 4 10	– –	– –	1 9 –	
106	„ „	Alonzo Hotchkiss	Simon Fois	150	– 4 10	– –	– –	1 9 –	

(*continued.*)

(C. 9.)—Statement of New Concessions in the Village of La Prairie—*continued.*

No.	Date of Original Grant.	Name of Original Concedee.	Name of Present Holder.	Toises in Superficies.	Annual Rent.	Arrears at 30 September 1831.		Arrears at 30 September 1837.	
						Cens et Ventes.	Lods et Rentes.	Cens et Rentes.	Lods et Ventes.
					£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
107	9 Mars 1821	Richard Wheeler	Richard Wheeler	150	– 4 10	– –	– –	1 9 –	
108	„ „	Patrick Furlong	Joseph Johnston	150	– 4 10	– –	– –	1 4 2	
109	„ „	Louise Ste. Marie	V. et Her. E. Barbeau	150	– 4 10		– –	1 4 2	
110	„ „	James Dunn	Héritiers B. J. Labrosse	150	– 4 10	– 13 6	– –	2 2 6	
111	„ „	William Kerfat	Héritiers B. J. Labrosse	150	– 4 10	– 4 10	– –	1 13 10	
112	„ „	R. F. Dandurand	Héritiers B. J. Labrosse	150	– 4 10	– 4 10	– –	1 13 10	
113	„ „	V. T. Bourassa	Joachim Denant	150	– 4 10	– –	– –	– 13 6	
114	„ „	John Rice	John Rice	150	– 4 10	– –	– –	1 4 2	
115	„ „	Paul Hébert	Paul Hébert	150	– 4 10	– –	– –	1 9 –	
116	„ „	Louis Caillé	Jacques Guirard	150	– 4 10	– –	– –	1 9 –	– 5 6
117	„ „	Joseph Dodelin	Joseph Déniger	150	– 4 10	– –	– –	1 4 2	– 11 3
118	„ „	Francis England	Francis England	150	– 4 10	2 8 4	– –	3 17 4	
119	„ „	William Deveragh	James Scott	150	– 4 10	– –	– –	1 9 –	– 17 2
120	„ „	John Grace	James Scott	150	– 4 10	– –	– –	1 9 –	
121	„ „	Pierre Ste. Marie	Héritiers Pre. Ste. Marie	150	– 4 10	– –	– –	1 4 2	
122	„ „	Amable Ste. Marie	Amable Ste. Marie	150	– 4 10	– –	– –	1 4 2	
123	„ „	Jean B. Ste. Marie	Amable Normandin	150	– 4 10	– –	– –	1 9 –	– 5 11
124	„ „	George Smith	George Smith	150	– 4 10	– –	– –	1 9 –	
125	„ „	James Murphy	James Murphy	150	– 4 10	2 8 4	– –	3 17 4	
126	„ „	Louis Demers	Louis Demers	150	– 4 10	– –	– –	– 13 6	
127	„ „	Toussaint Normandin	Pierre Normandin	150	– 4 10	– –	– –	1 9 –	
128	„ „	François Lefort	Amable Timothé	150	– 4 10	– –	– –	1 4 2	
129	„ „	Thomas Murphy	Thomas Murphy	150	– 4 10	2 8 4	– –	3 17 4	
130	„ „	Patrick Savage	Patrick Savage	150	– 4 10	– –	– –	1 9 –	
131	„ „	John Robertson	J. M. A. Raymond	150	– 4 10	– –	– –	– 9 8	
132	„ „	John Bland	Benvit Charlebois	150	– 4 10	– –	– –	– 4 10	
133	10 „ „	John Potts Hoggs	Michet Gagnon	150	– 4 10	– –	– –	1 9 –	– 5 10
134	„ „	John Peasdale	Michel Gagnon	150	– 4 10	– –	– –	1 9 –	– 6 3
135	„ „	Richard Rodgers	Richard Rodgers	150	– 4 10	– –	– –	1 9 –	
136	„ „	Charles Starnes	Charles Starnes	150	– 4 10	2 8 4	– –	3 17 4	
137	„ „	Andrew Starnes	Andrew Starnes	150	– 4 10	2 8 4	– –	3 17 4	
138	„ „	Hypolite Bourassa	L. M. Ste. Marie	150	– 4 10	– –	– –	1 9 –	– 5 6
139	„ „	Antoine Couture	J. M. A. Raymond	150	4 10	– –	– –	– 9 8	
140	„ „	James Cavannah	James Cavannah	150	– 4 10	– –	– –	1 9 –	
141	„ „	Pierre Pinsonnault	Pierre Pinsonnault	150	– 4 10	2 8 4	– –	3 17 4	
142	„ „	Daniel M'Killip	Casimire Duranseau	150	– 4 10	– –	– –	1 9 –	
143	„ „	Bazile J. Labrosse	J. B. E. Dupré	150	– 4 10	– –	– –	1 9 –	
144	„ „	J. B. E. Dupré	J. B. E. Dupré	150	– 4 10	– –	– –	1 9 –	
145	„ „	Pierre Marassé	Casimire Duranseau	150	– 4 10	– –	– –	1 9 –	
146	„ „	Joseph Pilotte	Louis Barbeau	150	– 4 10	2 8 4	– 10 4	3 17 4	– 10 4
147	„ „	François Denand	Etienne Bourdeau	150	– 4 10	– –	– –	1 9 –	
148	„ „	Joseph Desbled	Fabien Dupuis	150	– 4 10	2 8 4	– 15 –	3 17 4	– 15 –
149	„ „	J. B. Desbled	François Cautonier	150	– 4 10	– –	– –	– 13 6	
150	„ „	J. B. Lavoie	V. Nic. Roman	150	– 4 10	– –	– –	1 9 –	
151	„ „	Joseph Lavoie	V. et H. L. Crépeau	150	– 4 10	2 8 4	3 4 2	3 17 4	3 9 7
152	„ „	Laurent Crépeau	Ambrois Crépeau	150	– 4 10	2 8 4	– –	3 17 4	
153	„ „	J. M. A. Raymond	J. M. A. Raymond	150	– 4 10	– –	– –	– 13 6	
154	„ „	James Farrel	James Farrel	150	– 4 10	– –	– –	1 9 –	
155	„ „	Amable Moussette	Edward Martin	150	– 4 10	– –	– –	1 9 –	
156	„ „	Louis Métivier	Etienne David	150	– 4 10	– –	– –	– 9 8	
157	„ „	Ignace Ferland	John Houssey	150	– 4 10	– –	– –	1 9 –	– 5 6
158	„ „	Vital Lefort	John Houssey	150	– 4 10	– –	– –	1 9 –	– 9 4
159	„ „	Casimir Denant	Joseph Hedge	150	– 4 10	– –	– –	1 9 –	
160	„ „	Joseph Hébert	Albert Défaillit	150	– 4 10	– –	– –	1 4 2	– 4 3
161	„ „	Michel Menard	Casimir Duranseau	150	– 4 10	– –	– –	– 13 6	
162	„ „	Joseph Morisette	Casimir Duranseau	150	– 4 10	– –	– –	– 13 6	
163	„ „	Jacques Bourdeau	Casimir Duranseau	150	– 4 10	– –	– –	– 13 6	
164	„ „	William Shand	William Kerfut	150	– 4 10	– –	– –	1 9 –	– 11 3
165	„ „	Louis Barbeau	Héritiers E. Barbeau	190	– 6 10	– –	– –	1 – 6	
166	„ „	François Barbeau	Florence Barbeau	187	– 6 8½	– –	– –	1 – 1½	
167	„ „	François Métras	V. John Bell	162	– 5 2	– –	– –	– 10 4	
168	„ „	Paul Campbell	James Scott	141	– 4 3	– –	– –	1 5 6	
169	„ „	Pierre Lefort	Amable Dupuis	181	– 5 7½				
170	„ „	Paul S. Leduc	J. M. A. Raymond	170	– 5 5	– –	– –	– 16 3	
171	„ „	William Lamothe	William Merry	157	– 4 11½	– –	– –	1 9 9	
172	„ „	Ambroise Hébert	Ambroise Hébert	150	– 4 10				
173	„ „	Louis Dupuis	Simon Foisie	150	– 4 10				
174	„ „	Jean B. Dumas	Héritiers B. J. Labrosse	150	– 4 10	– –	– –	1 9	
175	„ „	V. Jean B. Perras	Josephte Leborgne	150	– 4 10				
176	„ „	Joseph Surprenant	Joseph Bisonette	150	– 4 10	2 8 4	– –	3 17 4	– 5 11
177	„ „	Frederick Hart	Joseph Johnston	150	– 4 10	– –	– –	1 9 –	– 6 8
178	„ „	Amable Denant	Michel Gagnon	150	– 4 10	– –	– –	– 13 6	
179	„ „	Austin Cullin	Austin Cullin	150	– 4 10	2 8 4	– –	3 17 4	
180	„ „	G. Henri Miller	Jacques Demers	150	– 4 10	– –	– –	1 9 –	1 3 4
181	„ „	James Phelan	William Kerfut	150	– 4 10	– –	– –	1 4 2	
182	„ „	Michael Chenier	William Kerfut	150	– 4 10	– –	– –	1 4 2	
183	„ „	William Kerfut	William Kerfut	150	– 4 10	– –	– –	1 4 2	
184	„ „	George Steacy	Pierre Normandin	150	– 4 10	– –	– –	1 9 –	– 12 5
185	„ „	Martin Grace	Charles Giroux	150	– 4 10	– –	– –	1 9 –	
186	„ „	Jean B. Ste. Marie	Jean B. Ste. Marie	150	– 4 10	2 8 4	– –	3 17 4	
187	„ „	Jacques Brosseau	Jacques Brosseau	150	– 4 10				
188	„ „	Louis A. Ste. Marie	Eulalie Ste. Marie	150	– 4 10				
189	„ „	John M'Millan	James Scott	150	– 4 10	– –	– –	1 9 –	
190	„ „	Pierre Provost	L. A. Moreau	150	– 4 10	2 8 4	– –	3 17 4	– 5 6

(C. 9.)—Statement of New Concessions in the Village of La Prairie—*continued.*

No.	Date of Original Grant.	Name of Original Concedee.	Name of Present Holder.	Toises in Superficies.	Annual Rent.	Arrears at 30 September 1831.		Arrears at 30 September 1837.	
						Cens et Rentes.	Lods et Ventes.	Cens et Rentes.	Lods et Ventes.
					£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
191	12 Mars 1821	Pierre St. James - -	Jean B. Bomasser - -	150	– 4 10	- -	- -	– 13 6	
192	„ „	Jacques Robert - -	W. Kerfu - - -	150	– 4 10	- -	- -	1 4 2	
193	„ „	Joseph Johnston - -	A. Ste. Marie - -	150	– 4 10	- -	- -	1 9 –	
194	16 „ „	Thomas Smart - -	Joseph Johnston - -	150	– 4 10	- -	- -	1 4 2	
195	20 „ „	Thomas Smart - -	Thomas Smart - -	150	– 4 10	- -	- -	1 9 –	
196	„ „	John Ryan - - -	J. M. A. Raymond -	150	– 4 10	- -	- -	1 9 –	
197	„ „	Jules Centaine - -	J. M. A. Raymond -	150	– 4 10	- -	- -	1 9 –	
198	21 „ „	Robert Turner - -	Robert Turner - -	150	– 4 10	2 8 4	- -	3 17 4	
199	„ „	Laurence Bloomer -	L. A. Moreau - -	150	– 4 10	2 8 4	- -	3 17 4	– 5 4
200	„ „	Jos. Ignace Hebert -	Joseph Bissonette -	150	– 4 10	- -	- -	1 9 –	
201	22 „ „	Weure Wood - -	Heritiers V. Woods -	150	– 4 10	- -	- -	1 9 –	
202	„ „	Charles Stames - -	Charles Stames - -	150	– 4 10	- -	- -	1 4 2	
203	„ „	Andrew Brand - -	J. M. A. Raymond -	150	– 4 10				
204	„ „	George Kess - -	William Kerfut - -	150	– 4 10	- -	- -	1 4 2	
205	„ „	V. Thomas Blacquer -	L. H. Denault - -	150	– 4 10	- -	- -	1 9 –	
206	„ „	Vital Boenrassa - -	Vital Boenrassa - -	150	– 4 10	- -	- -	1 4 2	
207	„ „	Laurence Kidd - -	Joseph Johnston - -	252	– 7 3½	- -	- -	– 14 7	
208	„ „	Alexis Bisson - -	Hugh M'Farlane - -	150	– 4 10	- -	- -	1 9 –	
209	23 „ „	Robert Woods - -	J. B. S. Duprés - -	150	– 4 10	- -	- -	1 4 2	
210	24 „ „	Joseph Meloche - -	Héritiers E. Barbeau -	150	– 4 10	- -	- -	1 4 2	
211	26 „ „	Robert M'Ginnis - -	Robert M'Ginnis - -	150	– 4 10	- -	- -	1 9 –	
212	27 „ „	Thomas M'Vey - -	J. M. A. Raymond -	150	– 4 10				
213	„ „	Antoine Dumontel -	Amable Hein - -	150	– 4 10	2 8 4	- -	3 17 4	– 16 3
214	29 „ „	James Scott - -	James Scott - -	150	– 4 10	- -	- -	1 4 2	
215	2 Avril „	James Perrigo - -	Michel Gagnon - -	150	– 4 10	- -	- -	1 9 –	
216	5 „ „	Robert M'Nabb - -	J. M. A. Raymond -	150	– 4 10				
217	„ „	John B. Sullivan - -	J. M. A. Raymond -	150	– 4 10				
218	9 „ „	Henry Esson - -	Henry Esson - -	150	– 4 10	2 8 4	- -	3 17 –	
219	11 „ „	Duncan Campbell -	J. M. A. Raymond -	150	– 4 10				
220	16 „ „	Prosper Lavoie - -	S. B. E. Dupré - -	150	– 4 10	- -	- -	1 4 2	
221	24 „ „	John M'Kenzie - -	John M'Kenzie - -	150	– 4 10	2 8 4	- -	3 17 4	
222	„ „	John G. M'Kenzie -	Louis Demers - -	150	– 4 10				
223	15 Mai „	Joseph Shand - -	Louis Barbeau - -	150	– 4 10	- -	- -	1 9 –	
224	17 „ „	Neil Morrison - -	James Scott - -	150	– 4 10	- -	- -	1 4 2	
225	18 „ „	Thomas Dunn - -	Benvit Charlebois - -	150	– 4 10	- -	- -	– 13 6	
226	4 Juin „	Pierre Monbleau - -	Charlotte Pisonnaut -	150	– 4 10	- -	- -	1 9 –	
227	5 „ „	Frederick Hurtre - -	Héritiers F. Plante -	124	– 4 3½				
228	10 „ „	François Plante - -	Héritiers F. Plante -	120	– 4 2½				
229	12 „ „	Richard Hocken - -	Casimier Duranseau -	150	– 4 10	- -	- -	1 9 –	
230	16 „ „	Pierre Pinsonant - -	William Kerfut - -	150	– 4 10	- -	- -	1 4 2	
231	18 „ „	Barthelemi Chint - -	Benvit Charlebois - -	150	– 4 10				
232	22 „ „	Richard M'Ginnis -	Jean B. Boenassea -	150	– 4 10	- -	- -	1 9 –	
233	26 „ „	François Bell - -	Justinien Lawrin - -	150	– 4 10				
234	10 Juillet „	F. Marie Moquin - -	Justinien Lawrin - -	150	– 4 10	2 8 4			
235	14 „ „	Nahum Mower - -	J. B. E. Dupré - -	150	– 4 10	- -	- -	1 4 2	
236	9 Août „	Charles Stames - -	Charles Stames - -	150	– 4 10				
237	11 „ „	James Fenton - -	Antoine Desantels - -	150	– 4 10	- -	- -	– 13 6	
238	14 „ „	John Forrester - -	John Houssey - -	150	– 4 10	- -	- -	1 9 –	
239	15 „ „	V. James Carbry - -	Louis Barbeau - -	150	– 4 10	- -	- -	3 17 4	
240	16 „ „	Robert Dowe - -	Robert Dowe - -	150	– 4 10	- -	- -	1 9 –	
241	„ „	Thomas M'Kay - -	Michel Gagnon - -	150	– 4 10	- -	- -	1 9 –	
242	24 „ „	William M'Master -	Michel Gagnon - -	150	– 4 10	- -	- -	1 9 –	
243	„ „	John Boyd - - -	Marie Barbeau - -	150	– 4 10	- -	- -	– 13 6	
244	25 „ „	Emelin Ackly - -	James Scott - -	150	– 4 10	- -	- -	1 9 –	
245	24 Sep. „	Paul Denant - -	Paul Denant - -	150	– 4 10	- -	- -	1 9 –	
246	„ „	Hypolite Failli - -	Hypolite Failli - -	150	– 4 10	2 8 4	- -	3 17 4	
247	9 Nov. „	Edward O'Connor -	Edward O'Connor -	150	– 4 10	2 8 4	- -	3 17 4	
248	13 „ „	William Dack - -	William Dack - -	150	– 4 10	- -	- -	1 9 –	
249	8 Fev. 1822	Pierre Rousseau - -	François Plante - -	150	– 4 10				
250	10 Avril „	Elizabeth Young - -	Pierre Goyette - -	150	– 4 10	- -	- -	– 13 6	
251	15 Mai „	Jean B. Dupuis - -	J. B. Dupuis - -	150	– 4 10	- -	- -	1 9 –	
252	23 „ „	Paul Mondoux - -	Héritiers B. Labrosse -	150	– 4 10	2 8 4	- -	3 17 4	
253	13 Juin „	Edward O'Connor -	William Kerfut - -	150	– 4 10	- -	- -	1 4 2	
254	22 „ „	Benjamin Holmes -	Amable Hein - -	150	– 4 10	- -	- -	1 9 –	
255	„ „	Julien Sarrazin - -	Amable Hein - -	150	– 4 10	- -	- -	1 9 –	
256	1 Juillet „	Jean B. Tréchette -	Pierre Normandin -	150	– 4 10	- -	- -	1 9 –	
257	16 Août „	Marie Woods - -	Louis H. Denant - -	150	– 4 10	2 8 4	- -	3 17 4	
258	10 Mars 1823	Richard Dobbin - -	William Kerfut - -	150	– 4 10	- -	- -	1 9 –	
259	19 Fev. 1825	Etienne Bourdeau - -	J. B. Brenchu - -	150	– 4 10	- -	- -	– 13 6	
260	24 Mai 1826	Thomas M'Donald -	Pierre Ste. Marie - -	150	– 4 10	- -	- -	1 9 –	
261	18 Dec. „	Pierre Ste. Marie - -	Pierre Ste. Marie - -	150	– 4 10	- -	- -	1 4 2	
262	9 Mai 1829	Edmund Barbeau - -	Héritiers E. Barbeau -	275	– 7 10	- -	- -	2 7 –	
				£.	63 15 2	151 6 1	22 19 1	443 7 2	54 17 –

Jesuits' Office, 17 September 1838.
A true Copy.
(signed) *J. Stewart*, Com.

Délivré a La Prairie comme suivant le meilleur de ma Connaissance,
le 3 Septembre 1838.
(signed) *E. Henry.*

303.

(D.)

I.—SEIGNIORIES.

1st.—EXTENT, &c.

Name of Seigniory.	Dimensions.	No. of Square Arpents.	No. of Square Arpents Surveyed.	No. of Square Arpents Conceded.	Old Concessions.	New Concessions.	Unconceded.		REMARKS: Land, &c., in Seigniory otherwise disposed of than by Concession. Extent and disposition.
							Known to be good.	Supposed to be good.	
— — —									
— — —									
— — —									
— — —									
TOTAL - -									

2d.—GENERAL STATEMENT of RECEIPTS and EXPENSES.

(*a.*)

A STATEMENT of Actual GROSS RECEIPTS (Commissioner's Office not included) EXPENSES and NET REVENUE of each Seigniory, required for each succeeding Twelvemonth, from the surrender of the Estates to the Assembly, for purposes of Education, to the present time.

Name of Seigniory.	From To			From To			&c.	&c.					TOTAL.
	Gross Receipts.	Expenses.	Net Revenue.										
— — —													
— — —													
— — —													
— — —													
TOTAL - -													

(*b.*)

STATEMENT of ACTUAL RECEIPTS from each of the following Sources of Revenue in each Seigniory, required for each succeeding Twelvemonth, during the same period.

Name, &c.	From To	&c.	&c.	&c.					TOTAL.
Lods et Ventes on Old Concessions -									
Lods et Ventes on New Concessions -									
Cens et Rentes on Old Concessions -									
Cens et Rentes on New Concessions -									
Mills - - - - - - -									
Other sources of Revenue - -									

(*c.*)

A similar ANNUAL RETURN desired, of the above Items of Expenditure in each Seigniory, during the same period.

Name, &c.	From To	&c.	&c.						TOTAL.
Agent's Allowance - - -									
Surveys - - - - -									
Roads - - - - -									
Repairs - - - - -									
Other Expenses - - - -									

3d.—General Statement of Arrears.

The two following Tables to be both drawn in the same form, and showing the Arrears as Ascertained and Conjectured, on each Seigniory, and on account of each of the above Sources of Revenue, at the two periods named.

(*a.*) At time of Surrender, 1831.

Name of Seigniory.	Amount actually Ascertained.			Amount Conjectured.				Total.	
	Lods et Ventes.	Cens et Rentes.	Mills, &c.	Lods et Ventes.	Cens et Rentes.	Mills.	&c.		
	£. s. d.	£. s. d.		£. s. d.	£. s. d.			£. s. d.	£. s. d.
— — —									
— — —									
— — —									
— — —									
— — —									
&c.									
Total - -									

(*b.*) At present time.

Name of Seigniory.	Amount actually Ascertained.				Amount Conjectured.				Total.		
	Lods et Ventes.	Cens et Rentes.	Miles.	&c.	Lods et Ventes.	Cens et Rentes.	Mills.	&c.	Ascertained.	Conjectured.	
	£. s. d.	£. s. d.			£. s. d.	£. s. d.			£. s. d.	£. s. d.	
— — —											
— — —											
— — —											
— — —											
— — —											
&c.											
Total - -											

4th.—Detailed Report.

A Report as follows to be furnished of each Seigniory in succession. The extent to which said Report may be conjectural to be stated, by placing [?] after each conjectural item.

1st.—Seigniory of ————————

(*a.*) Arriere Fiefs.

Where there are any in a Seigniory to be thus reported.

Designation.	Dimensions.	No. of Square Arpents.	Date of Grant.	Name of Original Grantee.	Name of Present Holder.	Annual Charge, if any.	Total of Receipts, if any, for period above named.	Total of Arrears, if any.	
						£. s. d.	£. s. d.	£. s. d.	
— — —									
— — —									
— — —									
— — —									
— — —									
Total - -									

(*b.*) Old Concessions.

Designation.	Limits.	Date of Grant.	Name of Original Concedee.	Name of Present Holder.				
— — —								
— — —								
— — —								
— — —								
— — —								
&c.								

(*continued.*)

4th.—Detailed Report—*continued.*

(*c.*) New Concessions.

A Table answering to the preceding required.

(*d.*) Lots otherwise disposed of.

Designation.	Limits.	When first disposed of.	How.	To whom.	Present Occupant.	Yearly Charge.	Total Receipts for period above named.	Total Arrears.	
						£. s. d.	£. s. d.	£. s. d.	
— — —									
— — —									
— — —									
— — —									
— — —									
&c.									

II.—OTHER PROPERTY PRODUCING REVENUE.

1st.—Extent, &c.

Designation.	Dimensions.	Square Arpents.	How disposed of.
— — —			
— — —			
— — —			
— — —			
— — —			
&c.			
Total - -			

2d.—Receipts and Expenses.

The same Table as No. 2 (*a.*) under head of "Seigniories."

Designation.	From To			&c. &c.
	R.	E.	A.	
— — —				
— — —				
— — —				
— — —				
— — —				
&c.				

Other Tables also, as near as may be, answering to the Seigniorial Tables above given, are required in reference to these Properties also. The detailed report in particular.

III.—PROPERTY YIELDING NO REVENUE.

Designation.	Dimensions.	Square Arpents.	How and when disposed of.
— — —			
— — —			
— — —			
— — —			
— — —			

IV.—EXPENSES ANNUALLY OF COMMISSIONER'S OFFICE

For period already named.

V.—ANNUAL BALANCE SHEETS OF JESUITS' ESTATES

For same period.

(E.)

ABSTRACT from the Balance Sheets of the Jesuits' Estates, for each half year, from October 10, 1831, to April 10, 1838; taken from the Receiver-General's Accounts, furnished to the Commission, by *Joseph Carey*, Esq., Inspector-General of the Provincial Accounts. Continued to April 10, 1838, from Statement made by Commissioner of Jesuits' Estates.

	Sterling. £.	s.	d.
On October 10, 1831—there stands on the Receiver-General's books a balance in favour of the Estates, of - - - - - - - - - -	8,020	16	3*
On October 31, 1831, and April 5, 1832—are entered two Receipts from the Commissioner, amounting to £. 1,454. 19. -½.			
At various other dates are entered Payments, Salary of Commissioner, contingencies of his office, and part of the other Appropriations made by Act of Feb. 25, 1832; £. 869. 7. 4.			
On April 10, 1832—appears a balance of - - - - - - - - - -	8,606	7	11 ½
On October 3, 1832—is a Receipt from the Commissioner, of £. 1,746. 14. 2.			
At various dates are Payments on various Accounts (as above named) of £. 189. 17. 8.			
And on September 22, 1832—a *transfer* to the General Fund, by order of the Governor, in a Letter from Col. Craig, the Civil Secretary, of £. 6,439. 5. 10 ½.			
Thus leaving			
On October 10, 1832—a balance of only - - - - - - - - - -	3,723	18	7 ¼
(For the next Six Months, no Receipt from Commissioner.)			
From October 12, 1832, to November 7, 1832—Payments for various services to September 30, 1832 (covered by Act of February 25, 1832) £. 440. 2. 5.			
On April 10, 1833—a balance, therefore, of - - - - - - - - - -	3,283	16	2 ¼
On April 22, 1833, and October 3, 1833—two Receipts from the Commissioner, amounting to £. 1,435. 7. 6 ¼.			
On May 1, 1833—a Receipt from the Sheriff of Quebec, of £. 4. 18. 4 ½.			
(No Payments.)			
On October 10, 1833—a balance of - - - - - - - - - -	4,724	2	1
On April 5, 1834—a Receipt from the Commissioner, of £. 1,014. 13. 3 ½.			
(No Payments.)			
On April 10, 1834—balance of - - - - - - - - - -	5,738	15	4 ½
On October 7, 1834—a Receipt from the Commissioner, of £. 474. 9. 1 ¾.			
(No Payments.)			
On October 10, 1834—balance of - - - - - - - - - -	6,213	4	6 ¼
On April 3, 1835—a Receipt from the Commissioner, of £. 543. 8. 8 ½.			
(No Payments.)			
On April 10, 1835—balance of - - - - - - - - - -	6,756	13	2 ¾
On October 7, 1835—a Receipt from the Commissioner, of £. 1,047. 2. 5 ¼.			
(No Payments.)			
On October 10, 1835—balance of - - - - - - - - - -	7,803	15	8
On October 24, 1835—a Receipt from Sheriff of Quebec, of £. 9. 15. 6 ¼.			
And on April 5, 1836—a Receipt from the Commissioner, of £. 978. 16. 3.			
(No Payments.)			
On April 10, 1836—balance of - - - - - - - - - -	8,792	7	5 ¼
On May 4, 1836—a Receipt from Prothonotary of Quebec, of £. 4. 6. 3.			
(No Receipt from Commissioner.)			
(No Payments.)			
On October 10, 1836—balance of - - - - - - - - - -	8,796	13	8 ¼
On October 12, 1836, and April 3, 1837—Receipts from the Commissioner, of £. 1,804. 19. 9.			
(No Payments.)			
On April 10, 1837—balance of - - - - - - - - - -	10,601	13	5 ¼
(No Receipts or Payments.)			
On October 10, 1837,—a balance of - - - - - - - - - -	10,601	13	5 ¼
On October 31, 1837, and April 6, 1838—Receipts from the Commissioner, of £. 2,038. 5. 3 ¾.			
Also, a Receipt from Sheriff of Quebec, of £. 46. 8. 1 ½.			
(No Payments.)			
On April 10, 1838—balance of - - - - - - - - - -	12,686	6	10 ½
A note from the Commissioner, dated October 6, 1838, notified to the Education Commission, that on that day he had paid into the Receiver-General's hands, the sum of £. 833. 4. - ½. Currency; or £. 749. 17. 7 ¾. Sterling.			
Supposing no sums received from other sources, the Receiver-General's Accounts should show, for			
October 10, 1838—a balance of - - - - - - - - - - £.	13,436	4	6 ¼

* This and the following amounts, being taken from the Receiver-General's books, are all *nominally sterling*, though not really so. The sterling of the Provincial accounts is reckoned at $. 4.44 4/9 to the £ 1. Halifax currency reckons $. 4.00 to the £. 1.; so that £. 9 of the former equals £. 10 of the latter. Between this Provincial sterling and the true sterling, there is the difference of the rate of exchange; viz, about £. 8 per cent., when exchange on London is at the real par, and more, when, as is usual, it ranges higher.

(F.) - - - - - - - - - - -

LOCALITY, EXTENT and DISPOSITION of the SEIGNIORIES

(*a.*)—IN THE DISTRICT

NAME.	SITUATION.	DIMENSIONS.	Total Contents, in Sq. Arpents.	Extent Surveyed, in Sq. Arpents.	Arriere Feifs, and their Extent, in Square Arpents.
1. Sillery - - -	- - Near the City of Quebec, in a S. W. & W. direction from it; fronts on the St. Lawrence; is bounded in rear by the Seigniory of St. Gabriel, which also forms part of the estates; on the N. E. side, towards Quebec, by the Seigniory of St. Michael, the property of the Seminary of Quebec; and on the S. W. side by the Seigniory of Godarville, private property.	- - 1 league front, on R. St. Lawrence, by 1½ leagues depth, or thereabout.	10,584 or thereabout.	10,584 the whole.	819; viz.— Monseau - 566 St. Ursule - 253 unproductive.
2. St. Gabriel, or Ancienne et Jeune Lorette.	- - Not far from Quebec, in a N. & N. W. direction; fronts on the Seigniory of Sillery; is bounded in rear by lands still ungranted; on the N. E. side by the Fief St. Ignace, the property of the Religieuses of the Hotel Dieu, of Quebec; and on the S. W. side by the Seigniory of Godarville, above named.	- - 1½ leagues front, by 10 leagues depth.	105,840 or thereabout.	41,600	- - - -
3. Notre Dame des Anges, or Charlesbourg.	- - Close to the City of Quebec, on the N. & N. E.; fronts partly on the River St. Charles, and partly on the St. Lawrence; is bounded in rear by lands laid out in township; on the N. E. side by the Seigniory of Beauport, private property; and on the S. W. side by the Seigniory of Dorsanville, the property of the Religieuses de l'Hopital Général, Quebec.	- - 1 league front, by 4 leagues depth.	28,254 about.	28,224 the whole.	2,498; viz.— Grandpré - 2,498 almost unproductive. "One year's revenue every mutation."
4. Belair, or La Montaigne au Bonhomme.	- - Lies W. of the Seigniory of St. Gabriel, from which it is separated by the Seigniory of Godarville, and at some distance back from the St. Lawrence; fronts on the Seigniory of Demaure, or Augustin, which lies between it and the St. Lawrence; is bounded in rear by the River Jacques Cartier; on the N. E. side by the Seigniory of Godarville, above named; and on the S. W. side by the Seigniory of Neuville, or Pointe aux Trembles.	- - 1 league front, by 2 leagues depth. The above dimensionsare from Mr. Stewart's Return (A. 1.) In the warrant issued for the seizure of the Estates in 1800, they are stated as "1½ leagues front, by 2 leagues, or thereabout, depth."	14,112 or thereabout. Supposing Mr. Steward's return of dimensions the correct one.	14,112 the whole.	- - - -
5. Isle aux Reaux -	- - An Island in the St. Lawrence, a little below the Island of Orleans.	- - About 1 league long, by 8 arpents, or thereabout, in width.	336	336	- - - -
TOTAL of Five Seigniories in District of Quebec - - - -			159,096 about.	94,856 about.	3,317, almost wholly unproductive.

(*b.*)—IN THE DISTRICT

1. Batiscan - -	- - On the north bank of the St. Lawrence, in the lower part of the district of Three Rivers; fronts on the St. Lawrence; is bounded in rear by wild lands; on the N. E. side by the Seigniory of ; and on the S. W. side by the Seigniory of Champlain. The side lines of this Seigniory are, as yet, only in part surveyed.	- - 2 leagues front, by 20 leagues depth.	282,240 about.	70,054	1,764; viz.— A fief not named in the Return (A. 1.); ¼ league in front, by 1 league in depth. Unproductive.
2. Cap de la Magdeleine	- - Is also on the north bank of the St. Lawrence, a short distance above Batiscan, and immediately below the Town of Three Rivers; fronts on the St. Lawrence; is bounded in rear by wild lands; on the N. E. side by the Seigniory of Champlain, and unsettled lands in rear; and on the S. W. side, by the river St. Maurice, for some distsnce, and afterwards by an imaginary line run through unsettled lands. The side lines are, as yet, only in part surveyed.	- - nominally, 2 leagues front, by 20 leagues depth; in reality, a good deal larger. —*See* Report.	300,000 or upwards.	63,000 (?) From the defective character of the Returns, doubtful.	3,580; viz.— Hertel - 1,100 Marsolet - 1,520 La Pierre - 860 La Potiere 100 Unproductive.
TOTAL of Two Seigniories in District of Three Rivers - - - -			582,240 or upwards.	133,054 (?)	5,344, unproductive -

(*c.*)—IN THE DISTRICT

1. La Prairie de la Magdeleine.	- - Is on the south bank of the St. Lawrence, and nearly opposite the City of Montreal; fronts on the St. Lawrence, and extends in rear towards the Richelieu; is bounded on the N. E. side by the Seigniory of Longueuil; and on the S. W. side by that of Sault St. Louis.	- - 2 leagues front, by 4 leagues depth, or thereabout.	56,448 or thereabout.	56,448 the whole.	- - - -

TOTAL of EIGHT SEIGNIORIES in the

5 In District of Quebec - - - - - - - - - - - -	159,096 about.	94,856 about.	3,317, almost wholly unproductive.
2 In District of Three Rivers - - - - - - - - - -	582,240 or upwards.	133,054 (?)	5,344, unproductive -
In District of Montreal - - - - - - - - - - - -	56,448 about.	56,448 about.	- - - -
	797,784 about.	284,358 about.	8,661, unproductive, or very nearly so.

\- - - - - - - - - - - (F.)

which form part of the JESUITS' ESTATES.

OF QUEBEC.

Extent of Old Concessions in Square Arpents.	Extent of New Concessions, in Square Arpents.	Total Extent of Concessions in Square Arpents.	Lands otherwise Alienated, their Disposition, and Extent in Square Arpents.	Land Unalienated in Square Arpents.	Land Unsurveyed, in Square Arpents.	REMARKS.
9,409 or less, if the coves are to be deducted from the 10,584, given as the total area.	- - -	9,409 about. *See* before.	156, or more; viz. Productive: Under lease, 4 coves; extent not stated, being a very narrow strip along the St. Lawrence. Sold en constitut, part of Domain Farm, 152. Unproductive: Grant for R. C. Parish Church of St. Foi, 4.	200 being the rest of the Domain not yet sold en constitut.		
25,400 (?)	13,000 (?)	38,400 (?)	1,876; viz.— Productive: Under lease, three mills, with 270 arpents. Unproductive: Indian reserve, 1,600. Grants for two R. C. Churches, 6.	65,564 (?) *See* "Notes" on the Return (A. 1.)	64,240	
These numbers are all doubtful.—*See* Report *in loc.*						
21,542 (?)	3,700 (?)	25,242 or less.	484, or more; viz.— Productive: Under lease, three farms, uncertain whether one or all of them together measure 272. Two mills with 180. Meadows of Auvergne, 28. Unproductive: Grant for a R. C. Church, 4.			
These numbers are all doubtful.—*See* next column, and also Report *in loc.*						
9,187 (?)	4,715 (?)	13,902	- - - - - - -	210 of no value.		
See Report.						
336	- - -	336	- - - - - - -	- - -	- - -	- - the whole of this Seigniory is granted in one concession.—*See* "Notes."
65,874 (?)	21,415 (?)	87,289 (?)	2,516, or more; viz.— Productive - 902, or more. Unproductive 1,614.	65,974 (?) Somewhat doubtful.	64,240 about.	
There is considerable doubt as to all these figures.						

OF THREE RIVERS.

41,078	25,361	66,439	485, or possibly more; viz.— Productive: Under lease, Domain Farm, 360 (?) Four mills, with 125. Three Ferries and the Saw-logs at the Grand Chute are also leased, but there is no return of land leased with them. Sold en constitut, probably part of Domain Farm.	213,552 or thereabout.	212,186 or thereabout.	
The figures in these columns are the result given by the "Detailed Report," (C. 7.) They may, therefore, be taken as correct.						
20,180 ¼ (??)	26,000 (??)	46,180 ¼ (?)	25,975 ½; viz.— Productive: Under lease, the Forge Reserve, 25,940. One mill, 30 ½. Unproductive: Grants for the R. C. Church, 5.	224,264 ¼ more or less. In 1844, when the Forge Reserve lease will expire, it will be 250,000 and upwards.	237,000 or thereabout.	
Quite uncertain both these amounts; the latter is taken from the Return (A. 1.)		Not quite certain; taken from the Return (C. 8.)				
See Report on these three amounts.						
61,258 ¼ (?)	51,361 (?)	112,619 ¼ (?)	26,460 ½; viz.— Productive - 26,455 ½ Unproductive - 5	437,816 ¼ more or less. In 1844 it will be 463,000, more or less.	449,186 or thereabout.	
These numbers are rendered doubtful by the deficiency of the Returns for Cap de la Magdeleine.						

OF MONTREAL.

56,400 about.	43	56,443 about.	(?); none returned. One mill is mentioned as under lease; no amount of land stated as reserved for it. There is also some land (not much) reported as "sold en constitut," but the quantity is not stated.	5 (?) "Reserve for College and Market-place in La Prairie, 2,585 toises."		

PROVINCE of LOWER CANADA.

65,874 (?)	21,415 (?)	87,289 (?)	2,516, or more— Productive - 902, or more. Unproductive - 1,614	65,974 (?)	64,240 about.	
61,258 ¼ (?)	51,361 (?)	112,619 ¼ (?)	26,460 ½:— Productive - 26,455 ½ Unproductive 5	437,816 ¼ more or less. In 1844, 463,000, or more (?).	449,186 about	
56,400 about.	43	56,443 about.	- - - (?) - - -	5 reserved.		
183,532 ¼ (?)	72,819 (?)	256,351 ¼ (?)	28,976 ½, or more:— Productive - 27,357 ½, or more Unproductive, 1,619, perhaps more.	503,795 ¼ more or less. In 1844, 529,000, or more (?).	513,426 about.	

Stated in square leagues, the result is,—

	sq. l.
Total extent of Seigniories, about	113
Arriere Fiefs - - - „	1·2
Old Concessions - - - „	26·
New ditto - - - „	10·3
Otherwise alienated:	
Productive, about - - - -	3·87
Unproductive „ - - - -	·23
Total alienated, about - - -	41·6
Total unalienated:	
At present at disposal - -	71·4
At disposal in 1844 - -	74·07
(more or less.)	
Surveyed, about - - -	40·3
Unsurveyed „ - - -	72·7

(F. 2.)

(*a.*)—In the District of Quebec.

NAME.	ARRIERE FIEFS. Description. Extent in Square Arpents.	No. of Holders.	Gross Receipts in Six Years.	Expenses in Six Years.	Nett Receipts in Six Years.	CONCESSIONS. DESCRIPTION. Old or New.	Extent in Square Arpents.	No. of Censitaires.	GROSS RECEIPTS. For the Six Years.	Average per Annum.	Rate Yearly per Arpent.	Average Rate Yearly from each Censitaire.	EXPENSES. For Commissioner's Office. For the Six Years.	Per Centage on Receipts.	For Agents, &c. For the Six Years.	Per Centage on Receipts.	NETT RECEIPTS. For the Six Years.	Average per Annum.	Rate Yearly per Arpent.
			£. s. d.	£. s. d.	£. s. d.				£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	Yearly.	£. s. d.	Yearly.	£. s. d.	£. s. d.	£. s. d.
1. Sillery	819	2	- -	- -	- -	Old	9,409	77	951 - 9·5	158 10 1·58	- - 40·43	2 1 2·04	111 4 1·21	11·693	95 1 11·5	10	744 14 8·79	124 2 5·46	- - 3·17
						New	- - -	-	- - -	- - -	- - -	- - -	- - -	- -	- - -	- -	- - -	- - -	- -
2. Saint Gabriel	- -	- -	- -	- -	- -	Old	25,400	327	752 7 11·75	125 7 11·96	- - 1·184	- 7 9·14	87 19 6·72	11·693	75 4 8·75	10	589 3 8·28	98 3 11·38	- - 0·927
						New	13,000	94	229 3 5·5	38 3 10·92	- - 0·705	- 8 1·52	26 15 11·32	11·693	22 18 4	10	179 9 2·18	29 18 2·36	- - 0·552
3. Notre Dame des Anges.	2,498	1	- -	- -	- -	Old	21,542	229	986 15 -	164 9 2	- - 1·832	- 14 3·79	115 7 7·36	11·693	98 13 6	10	772 13 10·64	128 15 7·77	- - 1·435
						New	3,700	47	8 1 0·25	1 6 10·04	- - 0·087	- - 6·85	- 18 9·94	11·6 3	- 16 6	10	6 6 1·31	1 1 0·22	- - 0·068
4. Belaire	- -	- -	- -	- -	- -	Old	9,187	130	159 14 11·5	26 12 5·92	- - 0·695	- 4 1·15	18 13 7·04	11·693	15 19 5·5	10	125 1 10·96	20 16 11·82	- - 0·544
						New	4,715	71											
5. Isle aux Reaux	- -	- -	- -	- -	- -	Old	336	1	- - -	- - -	- - -	- - -	- - -	- -	- - -	- -	- - -	- - -	- -
						New													
Total in District of Quebec	3,317	3	- -	- -	- -	Old	65,874	764	2,849 18 8·75	474 19 9·45	- - 1·73	- 12 5·21	333 4 10·33	11·693	284 19 7·75	10	2,231 14 2·67	371 19 0·44	- - 1·355
						New	21,415	212	237 4 5·75	39 10 8·96	- - 0·443	- 3 8·76	27 14 9·26	11·693	23 14 5	10	185 15 3·49	30 9 2·58	- - 0·347
						In all	87,289	976	3,087 3 2·5	514 10 6·41	- - 1·414	- 10 6·5	360 19 7·59	11·693	308 14 0·75	10	2,417 9 6·16	402 18 3·02	- - 1·107

OTHER. DESCRIPTION. Character of each Property.	Extent in Square Arpents.	No. of Holders.	GROSS RECEIPTS. For the Six Years.	Average per Annum.
			£. s. d.	£. s. d.
Four Coves	(?)	4	2,973 10 -	495 11 8
Domain (part sold en constitut)	152	9	430 18 5·5	71 16 4·92
Grant for Church	4	1		
Three Mills	270	3	693 12 6	115 12 1
Reserve for Indians	1,600	(?)		
Grants for two Churches	6	2		
Three Farms and one Meadow	300	4	1,010 1 -	168 6 10
Two Mills	180	2	350 - -	58 6 8
Grant for Church	4	1		
- - - - -	- -	- -	- - -	- - -
- - - - -	- -	- -	- - -	- - -
Leased :				
Four Coves	(?)	4	2,973 10 -	495 11 8
Five Mills	450	5	1,043 12 6	173 18 9
Three Farms, two of them sold en constitut, and one Meadow	300	4	1,010 1 -	168 6 10
Sold en constitut, besides the two Farms above.				
Domain Land	152	9	430 18 5·5	71 16 4·92
Granted :				
Four Churches	14	4		
Indians	1,600	(?)		
In all	2,516	26 besides Indians.	5,458 1 11·5	909 13 7·92

(*b.*)—In District of Three Rivers.

1. Batiscan	1,764	1	- -	- -	- -	Old	41,078	581	762 10 11·5	127 1 9·92	- - 0·742	- 4 4·49	89 3 3·54	11·693	76 5 1	10	597 2 6·96	99 10 5·16	- - 0·581
						New	25,361	387	227 6 3·5	37 17 8·58	- - 0·358	- 1 11·49	26 11 7·17	11·693	22 14 7·25	10	178 - 1·08	29 13 4·18	- - 0·28
2. Cap de la Magdeleine.	3,580	4	- -	- -	- -	Old	20,180¼	(?)	185 7 9	30 17 11·5	- - 0·367	(?)	21 13 6·57	11·693	18 10 9	10	145 3 5·43	24 3 10·91	- - 0·288
						New	26,000	(?)	181 17 4·5	30 6 2·75	- - 0·28	(?)	21 5 3·82	11·693	18 3 7·75	10	142 8 4·93	23 14 8.82	- - 0·219
						Total	46,180¼	503	367 5 1·5	61 4 2·25	- - 0·318	- 2 5·205	42 18 10·39	11·693	36 14 4·75	10	287 11 10·36	47 18 7·73	- - 0·249
Total in District of Three Rivers.	5,344	5	- -	- -	- -	Old	61,258¼	(?)	947 18 8·5	157 19 9·42	- - 0·619	(?)	110 16 10·11	11·693	94 15 10	10	742 6 0·39	123 14 4·07	- - 0·484
						New	51,361	(?)	409 3 8	68 3 11·33	- - 0·318	(?)	47 16 10·99	11·693	40 18 3	10	320 8 6·01	53 8 1	- - 0·249
						In all	112,619¼	1,471	1,357 2 4·5	226 3 8·75	- - 0·482	- 3 0·903	158 13 9·10	11·693	135 14 1	10	1,062 14 6·40	177 2 5·07	- - 0·377

DESCRIPTION. Character of each Property.	Extent in Square Arpents.	No. of Holders.	GROSS RECEIPTS. For the Six Years.	Average per Annum.
			£. s. d.	£. s. d.
Domain Farm	360	1	49 7 6	8 4 7
Four Mills	125	4	1,297 11 11	216 5 3·83
Three Ferries	(?)	3	4 1 -	- 13 6
Saw Logs	(?)	1	216 16 4	36 2 8·67
Sold en constitut	(?)	(?)		
Forge Reserve	25,940	1	150 - -	25 - -
One Mill	30¼	1	654 - -	109 - -
Saw Logs	(?)	(?)	20 2 -	3 7 -
Grant for Church	5	1		
Leased :				
5 Mills	155¼	5	1,951 11 11	325 5 3·83
1 Farm	360	1	49 7 6	8 4 7
3 Ferries	(?)	3	4 1 -	- 13 6
Saw Logs	(?)	(?)	236 18 4	39 9 8·67
Forge Reserve	25,940	1	150 - -	25 - -
Sold en constitut	(?)	(?)		
Granted for 1 Church	5	1		
In all	26,460½(?)	12(?)	2,391 18 9	398 13 1·50

(*c.*)—In District of Montreal.

1. La Prairie	- -	- -	- -	- -	- -	Old	56,540	(?)	2,963 6 5·75	493 17 8·96	- - 2·101	(?)	346 10 0·35	11·693	296 6 6·25	10	2,320 9 11·15	386 14 11·86	- - 1·645
						New	43	262	76 6 11·5	12 14 5·92	- 5 11·021	- - 11·656	8 18 6·57	11·693	7 12 8·25	10	59 15 8·68	9 19 3·45	- 4 7·615
						In all	56,443	(?)	3,039 13 5·25	506 12 2·88	- - 2·154	(?)	355 8 6·92	11·693	303 19 2·5	10	2,380 5 7·83	396 14 3·31	- - 1·686

DESCRIPTION. Character of each Property.	Extent in Square Arpents.	No. of Holders.	GROSS RECEIPTS. For the Six Years.	Average per Annum.
			£. s. d.	£. s. d.
One Mill	(?)	1	1,809 17 10	301 12 11·67
Sold en constitut	(?)	(?)		

In the Three Districts.

Dt. of Quebec	3,317	3	- -	- -	- -	Old	65,874	764	2,849 18 8·75	474 19 9·45	- - 1·73	- 12 5·21	333 4 10·33	11·693	284 19 7·75	10	2,231 14 2·67	371 19 0·44	- - 1·355
„ Three Rivers	5,344	5	- -	- -	- -	- -	61,258¼	(?)	947 18 8·5	157 19 9·42	- - 0·619	(?)	110 16 10·11	11·693	94 15 10	10	742 6 0·39	123 14 4·07	- - 0·484
„ Montreal	- -	- -	- -	- -	- -	- -	56,400	(?)	2,963 6 5·75	493 17 8·96	- - 2·101	(?)	346 10 0·35	11·693	296 6 6·25	10	2,320 9 11·15	386 14 11·86	- - 1·654
In Province of L. C.	- -	- -	- -	- -	- -	- -	183,532¼	(?)	6,761 3 11	1,126 17 3·83	- - 1·473	(?)	790 11 8·79	11·693	676 2 -	10	5,294 10 2·21	882 8 4·37	- - 1·154
Total in L. C.	8,661	8																	
Dt. of Quebec	- -	- -	- -	- -	- -	New	21,415	212	237 4 5·75	39 10 8·96	- - 0·443	- 3 8·76	27 14 9·26	11·693	23 14 5	10	185 15 3·49	30 19 2·58	- - 0·347
„ Three Rivers	- -	- -	- -	- -	- -	- -	51,361	(?)	409 3 8	68 3 11·33	- - 0·318	(?)	47 16 10·99	11·693	40 18 3	10	320 8 6·01	53 8 1	- - 0·249
„ Montreal	- -	- -	- -	- -	- -	- -	43	262	76 6 11·5	12 14 5·92	- 5 11·021	- - 11·656	8 18 6·57	11·693	7 12 8·25	10	59 15 8·68	9 19 3·45	- 4 7·615
In Province of L. C.	- -	- -	- -	- -	- -	- -	72,819	(?)	722 15 1·25	120 9 2·21	- - 0·397	(?)	84 10 2·82	11·693	72 5 4·25	10	565 19 6·18	94 6 7·03	- - 0·311
Total of Concessions, Old and New, in Lower Canada	- -	- -	- -	- -	- -	- -	256,351¼	(?)	7,483 19 0·25	1,247 6 6·04	- - 1·167	(?)	875 1 11·61	11.693	748 7 4·25	10	5,860 9 8·39	976 14 11·40	- - 0·914

DESCRIPTION.	Extent in Square Arpents.	No. of Holders.	GROSS RECEIPTS. For the Six Years.	Average per Annum.
			£. s. d.	£. s. d.
Leased : Coves 4, Dt. of Quebec	(?)	4	2,973 10 -	495 11 8
Mills 5 „	450	5	1,043 12 6	173 18 9
5, Three Rivers	155½	5	1,951 11 11	325 5 3·83
1, Montreal	(?)	1	1,809 17 10	301 12 11·67
11, Province of L. C.	605½(?)	11	4,805 2 3	800 17 0·5
Farms : 4, Dt. of Quebec, two of which were sold en constitut	300(?)	4	1,010 1 -	168 6 10
1, Three Rivers	360	1	49 7 6	8 4 7
5, Province of L. C.	660(?)	5	1,059 8 6	176 11 5
Ferries 3 ; Dt. of Three Rivers	(?)	3	4 1 -	- 13 6
Saw Logs (?) „	(?)	(?)	236 18 4	39 9 8·67
Forge Reserve, 1 „	25,940	1	150 - -	25 - -
Sold en constitut :	Besides 2 Farms (above) in Dt. of Quebec, and			
Domain, Dt. of Quebec	152	9	430 18 5.5	71 16 4·91
Granted ; for Churches : 4, Dt. of Quebec	14	4		
1, „ Three Rivers	5	1		
5, Province of L. C.	19	5		
Indians (?) : Dt. of Quebec	1,600	(?)		
In all	28,976½(?)	(?)	9,659 18 6·5	1,609 19 9·08

(F. 2.)

(*a.*)—In the District of Quebec.

PROPERTIES. EXPENSES. For Commissioner's Office. For the Six Years.	Per Centage on Receipts.	For Agent, &c. For the Six Years.	Per Centage on Receipts.	NETT RECEIPTS. For the Six Years.	Average per Annum.	Rate Yearly per Arpent.	MISCELLANEOUS. Gross Receipts for the Six Years.	EXPENSES. Commissioner's Office; Charge on Receipts for ditto.	Agent's and other charges (*see* explanation) for ditto.	Balance of Miscellaneous Expenses for ditto.	TOTAL. Description. Number of Arpents, alienated in Seigniory.	Nnmber of Occupants.	GROSS RECEIPTS. For the Six Years.	Average per Annum.	Rate Yearly per Alienated Arpent.	EXPENSES. For Commissioner's Office. For the Six Years.	Per Centage on Receipts.	For Agent, &c. For the Six Years.	Per Centage on Receipts.	Total Per Centage on Receipts.	NETT RECEIPTS. For the Six Years.	Average per Annum.	Rate Yearly per Alienated Arpent.
£. s. d.	Yearly.	£. s. d.	Yearly.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.			£. s. d.	£. s. d.	£. s. d.	£. s. d.	Yearly.	£. s. d.	Yearly.	Yearly.	£. s. d.	£. s. d.	£. s. d.
347 13 9·92	11·693	297 7 –	10	2,328 9 2·07	388 1 6·34	(?)	– – –	– – –	71 15 10·5	71 15 10·5	10,384	93	4,355 9 3	725 18 2·5	– 1 4·77	509 5 8·21	11·693	657 13 7·25	15·1	26·793	3,188 9 11.54	531 8 3·92	– 1 0·28
50 7 9·08	11·693	193 8 9·25	44·89	187 1 11·18	31 3 7·86	– 4 2·95																	
81 2 1.33	11·693	332 14 1·25	47·97	279 16 3·42	46 12 8·57	– 3 5·45	12 11 3	1 9 4.54	128 – 5	116 18 6·54	40,276	426 besides Indians.	1,687 15 2·25	281 5 10·37	– – 1 676	197 6 11·93	11·693	558 17 7	33·11	44·803	931 10 7·32	155 5 1·22	– – 0·925
118 2 1·23	11·693	101 – 0·5	10	790 18 10·27	131 16 5·71	– 8 9·46	2 – –	– 4 4.13	40 1 3·5	38 5 7·63	28,224	284	2,356 17 0·25	392 16 2·04	– – 3·34	275 11 8·76	11·693	692 – 11	29·31	41·003	1,389 4 4·49	231 10 8·75	– – 1·969
40 18 6·24	11·693	451 10 –	129	142 8 6·24	23 14 9·04	– 2 7·65																	
– – –	– –	– – –	– –	– – –	– – –	– – –	38 2 6	4 9 1·91	45 1 10·5	11 8 6·41	13,902	201	197 17 5·5	32 19 6·94	– – 0·569	23 2 8·94	11·693	61 1 4	34·39	46·083	113 13 4·56	18 18 10·76	– – 0·327
– – –	– –	– – –	– –	– – –	– – –	– – –	– – –	– – –	– – –	– – –	336	1											
347 13 9·92	11·693	297 7 –	10	2,328 9 2·07	388 1 6·34	(?)	52 13 9	6 2 10·58	284 19 5·5	238 8 7·08	93,122	1,005 besides Indians.	8,597 18 11	1,432 19 9·83	– – 3·69	1,005 7 1·87	11·693	1,969 13 5·25	22·91	34·603	5,622 18 3·90	937 3 0·65	– – 2·415
122 – 7·57	11·693	784 4 1·25	75·04	137 7 9·18	22 17 11·53	– 1 0·21																	
118 2 1·23	11·693	101 – 0·5	10	790 18 10·27	131 16 5·71	– 8 9·46																	
50 7 9·08	11·693	193 8 9·25	44·89	187 1 11·18	31 3 7·86	– 4 2·95																	
638 4 3·80	11·693	1,375 19 11	25·21	3,443 17 8·70	573 19 7·44	(?)																	
5 15 5·62	11·693	33 5 7	67·4	10 6 5·38	1 14 4·90	– – 1·147	4 5 –	– 9 11·27	82 12 0·5	78 16 11·77	68,688	978	2,561 19 –	426 19 10	– – 1·492	299 11 4·51	11·693	1,292 – 8	50·43	62·123	970 6 11·49	161 14 5·91	– – 0·565
151 14 6·69	11·693	1,048 11 2	86·83	97 6 2·31	16 4 4·38	– 2 7·136																	
– 9 5·65	11·693	– 8 1	10	3 3 5·35	– 10 6·89	(?)																	
25 7 0·57	11·693	28 4 1·25	13	163 5 2·18	27 4 2·36	(?)																	
17 10 9·48	11·693	15 – –	10	117 9 2·52	19 11 6·42	– – 0·181	126 – –	14 14 7·96	349 4 4	237 18 11·96	75,735¾	510	1,317 7 1·5	219 11 2·25	– – 0·696	154 – 9·23	11·693	550 11 6·5	41·794	53·487	612 14 9·77	102 2 5·63	– – 0·324
76 9 5·33	11·693	147 5 1·5	22·52	430 5 5·17	71 14 2·86	2 7 3·56																	
2 7 0·07	11·693	2 7 8·25	11·862	15 7 3·68	2 11 2·61	(?)																	
228 4 0·02	11·693	1,195 16 3·5	61·27	527 11 7.48	87 18 7·24	– 11 3·71	130 5 –	15 4 7·23	431 16 4·5	316 15 11·73	144,423¾	1,488	3,879 6 1·5	646 11 0·25	– – 1·074	453 12 1.74	11·693	1,842 12 2·5	47·498	59·191	1,583 1 9·26	263 16 11·54	– – 0·438
5 15 5·62	11·693	33 5 7	67·4	10 6 5·38	1 14 4·90	– – 1·147																	
– 9 5·65	11·693	– 8 1	10	3 3 5·35	– 10 6·89	(?)																	
27 14 0·64	11·693	30 11 9·5	12·911	178 12 5·86	29 15 4·97	(?)																	
17 10 9·48	11·693	15 – –	10	117 9 2·52	19 11 6·42	– – 0·181																	
211 12 7·35	11·693	325 15 9·75	18	1,272 9 4·9	212 1 6·82	(?)	– – –	– – –	319 8 6	319 8 6	56,443	(?)	4,849 11 3·25	808 5 2·54	– – 3·436	567 1 2·27	11·693	949 3 6·25	19·572	31·265	3,333 6 6·73	555 11 1·12	– – 2·362

In the Three Districts.

347 13 9·92	11·693	297 7 –	10	2,328 9 2·07	388 1 6·34	(?)	In District of Quebec: 52 13 9	6 2 10·58	284 19 5·5	238 8 7·08	93,122	1,005	8,597 18 11	1,432 19 9·83	– – 3·69	1,005 7 1·87	11·693	1,969 13 5·25	22·91	34·603	5,622 18 3·90	937 3 0·65	– – 2·415
122 – 7·57	11·693	784 4 1·25	75·04	137 7 9·18	22 17 11·53	– 1 0·21	In District of Three Rivers: 130 5 –	15 4 7·23	431 16 4·5	316 15 11·73	144,423¾	1,488	3,879 6 1·5	646 11 0·25	– – 1·074	453 12 1·74	11·693	1,842 12 2·5	47·498	59·191	1,583 1 9·26	263 16 11·54	– – 0·438
228 4 0·02	11·693	1,195 16 3·5	61·27	527 11 7·48	87 18 7·24	– 11 3·71																	
211 12 7·35	11·693	325 15 9·75	18	1,272 9 4·9	212 1 6·82	(?)	In District of Montreal: – – –	– – –	319 8 6	319 8 6	56,443	(?)	4,849 11 3·25	808 5 2·54	– – 3·436	567 1 2·27	11·693	949 3 6·25	19·572	31·265	3,333 6 6·73	555 11 1·12	– – 2·362
561 17 2·94	11·693	2,305 16 2·5	47·986	1,937 8 9·56	322 18 1·59	(?)																	
118 2 1·23	11·693	101 – 0·5	10	790 18 10·27	131 16 5·71	– 8 9·46 (?)	Total in Lower Canada; 182 18 9	21 7 5·81	1,036 4 4	874 13 0·81	293,988¾	(?)	17,326 16 3·75	2,887 16 0·62	– – 2·357	2,026 – 5·88	11·693	4,761 9 2	27·48	39·173	10,539 6 7·89	1,756 11 1·131	– – 1·424
5 15 5·62	11·693	33 5 7	67·4	10 6 5·38	1 14 4·90	– – 1·147																	
123 17 6·85	11·693	134 5 7·5	12·675	801 5 3·65	133 10 10·61	(?)																	
– 9 5·65	11·693	– 8 1	10	3 3 5·35	– 10 6·89	(?)																	
27 14 0·64	11·693	30 11 9·5	12·911	178 12 5·86	29 15 4·97	(?)																	
17 10 9·48	11·693	15 – –	10	117 9 2·52	19 11 6·42	– – 0·181																	
2 other lots undescribed, in Dts. of Three Rivers and Montreal.																							
50 7 9·08	11·693	193 8 9·25	44·89	187 1 11·18	31 3 7·86	– 4 2·95																	
1,129 10 8·56	11·693	2,976 17 5·75	30·817	5,553 10 4·19	925 11 8·69	– – 7·67 (?)																	

(F. 3.)

(*a.*)—In District of Quebec. - - - - - - - - - -

NAME of SEIGNIORY.	DESCRIPTION OF PRODUCTIVE PROPERTIES IN QUEBEC.				Actual Gross
	NAME.	Extent in Square Arpents.	Number of Holders.	Sources of Revenue.	For the Six Years.
					£. s. d.
1 Sillery - - -	Concessions: Old - - - - -	9,409	77	Cens et Rentes - - -	140 12 2·5
				Lods et Ventes - - -	810 8 7
	Coves, 4 - - - - - -	(?)	4	Rental - - - -	2,973 10 –
	Domain, part sold en constitut - -	152	9	Interest à constitut - -	430 18 5·5
				Lods et Ventes - - -	
		9,561	90	- - - - - -	4,355 9 3
2. St. Gabriel - - -	Concessions: Old - - - - -	25,400	327	Cens et Rentes - - -	399 2 –·25
				Lods et Ventes - - -	353 5 11·5
	„ New - - - - -	13,000	94	Cens et Rentes - - -	87 14 4
				Lods et Ventes - - -	141 9 1·5
	Mills, 3 - - - - - -	270	3	Rental - - - - -	693 12 6
		38,670	424	- - - - - -	1,675 3 11·25
3. Notre Dame des Anges -	Concessions: Old - - - - -	21,542	229	Cens et Rentes - - -	485 16 9·75
				Lods et Ventes - - -	500 18 2·25
	„ New - - - - -	3,700	47	Cens et Rentes - - -	5 2 –·75
				Lods et Ventes - - -	2 18 11·5
	Farms: 2 sold en constitut -	300 (?)	2	Interest à constitut - -	1,010 1 –
	1 and a meadow, leased -		2	Rental - - - - -	
	Mills, 2 - - - - - -	180	2	Rental - - - - -	350 – –
		25,772	282	- - - - - -	2,354 17 –·25
4. Belair - - -	Concessions: Old - - - - -	9,187	130	Cens et Rentes - - -	138 14 1·5
				Lods et Ventes - - -	21 – 10
	„ New - - - - -	4,715	71	Cens et Rentes - - -	- - -
				Lods et Ventes - - -	- - -
		13,902	201	- - - - - -	159 14 11·5
5. Isle aux Reaux - -	Concessions: Old - - - - -	336	1	Cens et Rentes - - -	- - -
				Lods et Ventes - - -	- - -
		336	1	- - - - - -	- - -
Total in District of Quebec	Concessions: Old - - - - -	65,874	764	Cens et Rentes - - -	1,164 5 2
				Lods et Ventes - - -	1,685 13 6·75
	„ New - - - - -	21,415	212	Cens et Rentes - - -	92 16 4·75
				Lods et Ventes - - -	144 8 1
	Old and New - -	87,289	976	Cens et Rentes - - -	1,257 1 6·75
				Lods et Ventes - - -	1,830 1 7·75
	Coves, 4 - - - - - -	(?)	4	Rental - - - - -	2,973 10 –
	Domain land, sold en constitut - -	152	9	Interest à constitut - -	430 18 5·5
				Lods et Ventes - - -	
	Mills, 5 - - - - - -	450	5	Rental - - - - -	1,043 12 6
	Farms, 3, and 1 meadow - - -	300 (?)	4	Interest and Rental - - -	1,010 1 –
		88,191	998	- - - - - -	8,545 5 2

(F. 3.)

\- - - - - - - - - - (*a.*)—In District of Quebec.

Receipts from each.		Estimated Gross Receipts from each.		Arrears: Their Increase or Diminution, in the Six Years, on each.		Arrears: Yearly per Centage on Actual Gross Receipts.		REMARKS.
Average Yearly.	Rate, Yearly, per Arpent.	Yearly.	Rate, Yearly, per Arpent.	As Reported.	As shown by Estimate, &c.	As Reported.	As by Estimate, &c.	
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.			
23 8 8·42	– – –·598	20 2 6·5	– – –·513	6 16 1	19 16 11·5	–·715	2·087	
135 1 5 16	– – 3·445	(?)	(?)	185 7 2·5	(?)	19·490	(?)	
495 11 8	(?)	1,080 – –	(?)	450 – –	(?)	15·134	(?)	
71 16 4·92	– 9 5·4	{ 155 9 11·25 (?)	1 – 5·521 (?)	406 – 10·5 76 7 10	(?) (?)	} 111·954	{ (?) (?)	
725 18 2·5	– 1 6·222	(?) 1,455 12 5·75 Lods et Ventes *not* included.	(?) – 3 –·539	1,124 12 –	(?)	25·82	(?)	
66 10 4·04	– – –·628	77 18 2	– – –·736	24 5 6	68 6 11·75	3·226	9·084	
58 17 7·92	– – –·556	(?)	(?)	(?)	(?)	(?)	(?)	
14 12 4·67	– – –·270	39 7 4·5	– – –·727	214 19 9·5	148 9 11 (or rather less)	93·81	64·796	
23 11 6·25	– – –·435	(?)	(?)	(?)	(?)	(?)	(?)	
115 12 1	– 8 6·759	151 10 –	– 11 1·187	222 16 6	(?)	32·125	(?)	
279 3 11·88	– – 1·732	(?) 268 15 6·5 Lods et Ventes *not* included.	(?) – – 1·668	(?) 462 1 9·5 Lods et Ventes *not* included.	(?)	(?)	(?)	
80 19 5·62	– – –·902	72 3 –·75	– – –·804	37 3 3·5	52 18 5·25	3·766	5·312	
83 9 8·38	– – –·930	(?)	(?)	3 6 8	(?)	(?)	(?)	
– 17 –·12	– – –·055	16 11 1·25	– – 1·074	88 9 8·75	94 4 6·75 (or rather less.)	1099·068	(?)	
– 9 9·92	– – –·032	(?)	(?)	(?)	(?)	(?)	(?)	
168 6 10	– 11 2·673?	{ 200 – – 140 – – }	1 2 8·–(?)	{ 427 10 – 685 – – }	(?)	110·143	(?)	
58 6 8	– 6 5·778	134 10 –	– 14 11·333	75 – –	(?)	21·428	(?)	
392 9 6·04	– – 3·662	(?) 563 4 2 Lods et Ventes *not* included.	(?) – – 5·255	(?) 1,238 16 5·25	(?)	(?)	(?)	
23 2 4·25	– – –·604	27 7 11	– – –·715	1 5 4	25 13 4·5	–·793	16·071	
3 10 1·67	– – –·091	(?)	(?)	(?)	(?)	(?)	(?)	
- - -	- - -	18 9 9·25	– –·941	119 5 10·5	90 about.	(?)		
- - -	- - -	(?)	(?)	(?)	(?)	(?)	(?)	
26 12 5·92	– – –·459	(?) 45 17 8·25 Lods et Ventes *not* included.	(?) – – –·792	(?) 120 11 2·5	(?)	(?)	(?)	
- - -	- - -	– 13 10·5 (?)	– – –·495 (?)	4 3 4·5	4 3 3			
- - -	- - -	(?) – 13 10·5 Lods et Ventes *not* included.	(?) – – –·495	4 3 4·5	4 3 3			
194 – 10·33	– – –·707	198 5 6·75	– – –·722	– 13 –	25 8 2·5	–·022	–·892	
280 18 11·13	– – 1·023	(?)	(?)	(?)	(?)	(?)	(?)	
15 9 4·79	– – –·173	74 8 3	– – –·834	422 15 4·75	325 about.	178·215	137·001	
24 1 4·17	– – –·27	(?)	(?)	(?)	(?)	(?)	(?)	
209 10 3·12	– – –·576	272 13 9·75	– – –·75	423 8 4·75	350 8 2·25 about	13·715	11·35	
305 – 3·29	– – –·838	(?)	(?)	(?)	(?)	(?)	(?)	
495 11 8	(?)	1,080 – –	(?)	450 – –	(?)	15·134	(?)	
71 16 4·92	– 9 5·4	{ 155 9 11·25 (?)	1 – 5·521 (?)	406 – 10·5 76 7 10	(?) (?)	} 111·954	{ (?) (?)	
173 18 9	– 7 8·767	286 – –	– 12 8·533	297 16 6	(?)	28·537	(?)	
168 6 10	– 11 2·673	340 – –	1 2 8	1,112 10 –	1,029 19 –	110·143	(?)	
1,424 4 2·33	– – 3·876	(?) 2,134 3 9 Lods et Ventes *not* included.	(?) – – 5·809	(?) 2,766 3 7·25	(?)	(?) 32·371 Lods et Ventes *not* included.	(?)	

(F. 3.)

(*b.*)—In District of Three Rivers. - - - - - - - -

NAME of SEIGNORY.	DESCRIPTION OF PRODUCTIVE PROPERTIES IN DISTRICT OF THREE RIVERS.				Actual Gross
	NAME.	Extent in Square Arpents.	Number of Holders.	Sources of Revenue.	For the Six Years.
					£. s. d.
1. Batiscan - - -	Concessions: Old - - - - -	41,078	581	Cens et Rentes - - -	650 18 10
				Lods et Ventes - - -	111 12 1·5
	„ New - - - - -	25,361	387	Cens et Rentes - - -	200 4 3
				Lods et Ventes - - -	27 2 5
	Farm, 1 - - - - - - -	360	1	Rental - - - - -	49 7 6
	Mills, 4 - - - - - - -	125	4	Rental - - - - -	1,297 11 11
	Ferries, 3 - - - - - -	(?)	3	Rental - - - - -	4 1 –
	Saw Logs - - - - - -	(?)	1	Rental - - - - -	216 16 4
	Sold en constitut - - - -	(?)	(?)	Interest - - - - -	- - -
		66,924	977	- - - - - -	2,557 14 –
2. Cap de la Magdeleine -	Concessions: Old - - - -	20,180¼	(?)	Cens et Rentes - - -	135 11 5
				Lods et Ventes - - -	49 19 8·5
	„ New - - - - -	26,000	(?)	Cens et Rentes - - -	139 9 1·5
		Together	503	Lods et Ventes - - -	42 8 3
	Forge Reserve - - - - -	25,940	1	Rental - - - - -	150 – –
	Mill, 1 - - - - - - -	30½	1	Rental - - - - -	654 – –
	Saw Logs - - - - - -	(?)	(?)	Rental - - - - -	20 2 –
		72,150¾	505	- - - - - -	1,191 7 1·5
Total in District of Three Rivers.	Concessions, Old and New - - -	112,619¼	1,471	Cens et Rentes - - -	1,126 3 3
				Lods et Ventes - - -	230 19 1·5
	Farm, 1 - - - - - - -	360	1	Rental - - - - -	49 7 6
	Mills, 5 - - - - - - -	155½	5	Rental - - - - -	1,951 11 11
	Ferries, 3 - - - - - -	(?)	3	Rental - - - - -	4 1 –
	Saw Logs (?) - - - - - -	(?)	(?) 2, or more	Rental - - - - -	236 18 4
	Land sold en constitut - - -	(?)	(?) 2, or more	Interest - - - -	- - -
	Forge Reserve - - - - -	25,940	1	Rental - - - - -	150 – –
		139,074¾	(?) 1,485 or more	- - - - - -	3,749 1 1·5

(*c.*)—In District of Montreal. - - - - - - - - -

1. La Prairie - - -	Concessions, Old - - - - -	56,400	(?)	Cens et Rentes - - -	1,664 12 3·5
				Lods et Ventes - - -	1,298 14 2·25
	„ New - - - - -	43	262	Cens et Rentes - - -	40 14 1·5
				Lods et Ventes - - -	35 12 10
	Mill, 1 - - - - - - -	(?)	1	Rental - - - - -	1,809 17 10
	Land sold en constitut - - -	(?)	(?)	Interest - - - -	- - -
		56,443	(?)	- - - - - -	1,849 11 3·25

(F. 3.)

(*b.*)—In District of Three Rivers.

Receipts from each.		Estimated Gross Receipts from each.		Arrears: Their Increase or Diminution, in the Six Years on each.		Arrears: Yearly per Centage on Actual Gross Receipts.		REMARKS.
Average Yearly.	Rate, Yearly, per Arpent.	Yearly.	Rate, Yearly, per Arpent.	As Reported.	As shown by Estimate, &c.	As Reported.	As by Estimate, &c.	
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.			
108 9 9·67	– – –·634	114 17 3	– – –·671	356 5 7·5	38 4 8	46·722	5·014	
18 12 –·25	– – 2·108	(?)	(?)	279 7 7	(?)	36·637	(?)	
33 7 4·5	– – –·315	105 17 –	– – –·954	303 3 8	310 about.	133·376	136·374	
4 10 4·08	– – –·043	(?)	(?)	71 18 10	(?)	31·648	(?)	
8 4 7	– – 5·486	15 – –	– – 10	10 9 6	(?)	21·215	(?)	
216 5 3·83	1 14 7·23	222 10 3	1 15 7·224	8 6 8	(?)	–·642	(?)	
– 13 6	(?)	2 10 –	(?)	- - -	(?)	- -	(?)	
36 2 8·87	(?)	27 5 –	(?)	- - -	(?)	- -	(?)	
- - -	- - -	8 6 –	(?)	14 5 9	(?)	- -	(?)	
426 5 8	– – 1·529	(?) 496 – – Lods et Ventes *not* included.	(?) – – 1·778	1,043 17 7·5	(?)	40·813	(?)	
22 11 10·08 8 6 1·42 23 4 10·25 7 1 4·5	– – –·238 – – –·080	187 4 10·25 (?)	– – –·973 (?)	266 8 7 134 8 4·5	580 1 9·25 (?)	143·715 72·507	312·906 (?)	
25 – –	– – –·231	75 – –	– – –·694					
109 – –	3 11 5·705	146 – –	4 15 8·852	(?) No Return.	(?)	(?)	(?)	
3 7 –	(?)	(?)	(?)	(?) No Return.	(?)	(?)	(?)	
198 11 2·25	– – –·665	(?) 408 4 10·25 Lods et Ventes and Saw Logs *not* included.	(?) – – 1·358	(?)	(?)	(?)	(?)	
187 13 10·1	– – –·4	407 19 1·25	– – –·869	925 17 10·5	928 6 5·25	68·225	68·404	
38 9 10·25	– – –·082	(?)	(?)	485 14 9·5	(?)	35·792	(?)	
8 4 7	– – 5·486	15 – –	– – 10	10 9 6	(?)	21·215	(?)	
325 5 3·83	2 1 10·018	368 10 3	2 7 4·765	(?)	(?)	(?)	(?)	
– 13 6	(?)	2 10 –	(?)	- - -	(?)	- -	(?)	
39 9 8·67	(?)	(?) 27 5 – Besides those in Cape M.	(?)	(?)	(?)	(?)	(?)	
- - -	- - -	8 – 6	(?)	14 5 9	(?)	- -	(?)	
25 – –	– – –·231	75 – –	– – –·694					
624 16 10·25	– – 1·078	(?) 904 4 10·25 Lods et Ventes and Saw Logs in Cape M. *not* included.	(?) – – 1·560	(?) 1,436 7 11 Mills and Saw Logs *not* included.	(?)	(?) 38·314 Mills & Saw Logs *not* included.	(?)	

(*c.*)—In District of Montreal.

277 8 8·58	– – 1·18	373 5 10	– – 1·588	90 3 5	575 2 8·5	3·043	19·408
216 9 –·38	– – –·921	(?)	(?)	1,368 2 1 about	(?)	46·168	(?)
6 15 ·25	– 3 1·866	63 15 2	1 9 7·86	292 1 1	341 16 10·5	382·53	447·745
5 18 9·67	– 2 9·155	(?)	(?)	31 17 11	(?)	41·777	(?)
301 12 11·67	(?)	301 13 –	(?)				
- - -	- - -	21 13 10	(?)	- - -	(?)	- -	(?)
808 5 2·54	– – 3·437	(?) 760 7 10 Lods et Ventes *not* included.	(?) – – 3·233	1,061 17 8	(?)	33·031	(?)

(F. 3.)

IN THE THREE DISTRICTS. - - - - - - - - -

NAME of SEIGNIORY.	DESCRIPTION OF PRODUCTIVE PROPERTIES IN THE THREE DISTRICTS.				Actual Gross
	NAME.	Extent in Square Arpents.	Number of Holders.	Sources of Revenue.	For the Six Years.
					£. s. d.
Total in the Three Districts	Concessions, Old and New—				
	In District of Quebec - - -	87,289	976	Cens et Rentes - - -	1,257 1 6·75
				Lods et Ventes - - -	1,830 1 7·75
	In District of Three Rivers - -	112,619¼	1,471	Cens et Rentes - - -	1,126 3 3
				Lods et Ventes - - -	230 19 1·5
	In District of Montreal - - -	56,443	(?)	Cens et Rentes - - -	1,705 6 5
				Lods et Ventes - - -	1,334 7 -·25
	In Lower Canada - - -	256,351¼	(?)	Cens et Rentes - - -	4,088 11 2·75
				Lods et Ventes - - -	3,395 7 9·5
	Coves, 4; in District of Quebec - -	(?)	4	Rental - - - - -	2,973 10 -
	Land sold en constitut—				
	In District of Quebec, besides two farms below - - - - - -	152	9	Interest à constitut -	430 18 5·5
				Lods et Ventes - -	
	In District of Three Rivers - -	(?)	(?)	Interest à constitut - -	- - -
	In District of Montreal - - -	(?)	(?)	Interest à constitut - -	- - -
	In Lower Canada - - -	(?)	(?) 11, or more.	- - - - - -	430 18 5·5
	Mills, 5, in District of Quebec - -	450	5	Rental - - - - -	1,043 12 6
	„ 5, in District of Three Rivers -	155½	5	Rental - - - - -	1,951 11 11
	„ 1, in District of Montreal - -	(?)	1	Rental - - - - -	1,809 17 10
	11, in Lower Canada - - -	(?)	11	Rental - - - - -	4,805 2 3
	Farms, 2, sold en con. } In District of	300?	2	Interest à constitut - -	1,010 1 -
	2, leased. } Quebec - -		2	Rental - - - -	
	1, leased in District of Three Rivers - - - - -	360	1	Rental - - - - -	49 7 6
	5, in Lower Canada - -	660?	5	Interest and Rental - - -	1,059 8 6
	Ferries, 3, in District of Three Rivers -	(?)	3	Rental - - - - -	4 1 -
	Saw Logs, (?), in District of Three Rivers	(?)	(?) 2, or more.	Rental - - - - -	236 18 4
	Forge Reserve, in District of Three Rivers	25,940	1	Rental - - - - -	150 - -
		283,708¾	(?)	- - - - - -	17,143 17 6·75

(F. 3.)

In the Three Districts.

Receipts from each.		Estimated Gross Receipts from each.		Arrears: Their Increase or Diminution, in the Six Years, on each.		Arrears: Yearly per Centage, on Actual Gross Receipts.		REMARKS.
Average Yearly.	Rate, Yearly, per Arpent.	Yearly.	Rate, Yearly, per Arpent.	As Reported.	As shown by Estimate, &c.	As Reported.	As by Estimate, &c.	
£. s. d.	£. s. d.	£. s. d.	£ s. d.	£. s. d.	£. s. d.			
209 10 3·12	– – –·576	272 13 9·75	– – –·75	423 8 4·75	350 8 2·5	13·715	11·25	
305 – 3·29	– – –·838	(?)	(?)	185 7 2·5 In Sillery alone.	(?)	(?)	(?)	
187 13 10·5	– – –·4	407 19 1·25	– – –·869	925 17 10·5	928 6 5·25	68·225	68·404	
38 9 10·25	– – –·082	(?)	(?)	485 14 9·5	(?)	35·792	(?)	
284 4 4·83	– – 1·208	437 1 –	– – 1·858	201 17 8	916 19 7	6·641	30·167	
222 7 10·04	– – –·946	(?)	(?)	1,400 about	(?)	46·053	(?)	
681 8 6·46 565 17 11·58	– – –·638 – – –·529	1,117 13 11 (?)	– – 1·046 (?)	1,551 3 11·25 (?) 2,071 2 – In 5 out of 8 seigniories.	2,195 14 2·75 (?)	20·727 (?) 27·674 In 5 out of 8 seigniories.	29·339 (?)	
495 11 8	(?)	1,080 – –	(?)	450 – –	(?)	15·134	(?)	
71 16 4·92	– 9 5·4	155 9 11·25 (?)	1 – 5·521 (?)	406 – 10·5 76 7 10	(?) (?)	111·954	(?) (?)	
- - -	- - -	8 – 6	(?)	14 5 9	(?)	- -	(?)	
- - -	- - -	21 13 10	(?)	- - -	(?)	- -	(?)	
71 16 4·92	(?)	(?) 185 4 3·25 Besides Lods et Ventes.	(?)	496 14 5·5	(?)	115·265	(?)	
173 18 9	– 7 8·767	286 – –	– 12 8·533	297 16 6	(?)	28·537	(?)	
325 5 3·83	2 1 10·018	368 10 3	2 7 4·765	(?)	(?)	(?)	(?)	
301 12 11·67	(?)	301 13 –	(?)					
800 17 5	(?)	956 3 3	(?)	(?)	(?)	(?)	(?)	
168 6 10	– 11 2·673?	200 – – 140 – –	1 2 8?	427 10 – 685 – –	(?)	110·143	(?)	
8 4 7	– – 5·486	15 – –	– – 10	10 9 6	(?)	21·215	(?)	
176 11 5	(?)	355 – –	(?)	1,122 19 6	(?)	106	(?)	
– 13 6	(?)	2 10 –	(?)	- - -	(?)	- -	(?)	
39 9 8·67	(?)	(?) 27 5 – Besides those in Cape M.	(?)	(?)	(?)	(?)	(?)	
25 – –	– – –·231	75 – –	– – –·694					
2,857 6 3·13	– – 2·417	(?) 3,798 16 5·25 Besides Lods et Ventes and Saw Logs in Cape M.	(?) – – 3·213	(?)	(?)	(?)	(?)	

(G. 1.) - - - - - - - - - - -

CHARACTER, LOCALITY EXTENT and DISPOSITION of the PROPERTIES not

(*a.*)—IN THE DISTRICT

NAME.	By what Tenure originally held.	SITUATION.	Total Extent in Square Arpents.	Extent of Concessions, in Square Arpents.
1. La Vacherie - - -	- - Originally held by the Jesuits, en roture, of the King's domain.	- - A part of the St. Roch suburb, near Quebec; "$\frac{1}{2}$ or $\frac{3}{4}$ of the suburb," according to Mr. Stewart.	$93\frac{1}{4}$ (?) Mr. S.'s return says, $88\frac{1}{4}$, but accounts for $93\frac{1}{4}$.	- - -
2. Lands in City of Quebec	Same tenure as La Vacherie -	- - In the upper town of Quebec; contiguous or nearly so to the Jesuits' barracks.	*Arp. Per.* 18 58 (?) more or less.	- - -
3. Lands in Seigniory of Lauzun.	- - Held by Jesuits, en roture, of the Seignior of Lauzun. One lot out of five described in the several titles, and containing 240 square arpents, is called an "Arriére Fief."	- - Consists of two portions; one in the parish of St. Nicholas, opposite Cap Rouge, fronting on the S. bank of the St. Lawrence, 50 arpents in depth, and containing 1,180 arpents; the other consisting of four contiguous lots of land in the parish of Pte. Levi, opposite Quebec, fronting also on the S. bank of the St. Lawrence, 80 arpents in depth, and along front line, 15 arpents wide, containing in all 960 arpents.	2,140	2,140
4. Land at Tadoussac -	- - Granted to Jesuits for erection of a chapel, &c.	- - Exact site disputed; Tadoussac is at the mouth of the Saguenay, and is leased to Hudson's Bay Company.	6	- - -
TOTAL of Four Properties in District of Quebec -		- - - - - - - - -	2,258 (?) more or less.	2,140 (?) more or less.
			(*b.*)—IN THE DISTRICT	
1. Isle de St. Christophe -	- - Held by Jesuits as a fief, free of all charges and conditions.	- - An island near the mouth of the St. Maurice, between the town of Three Rivers and the Seigniory of Cap de la Magdeleine.	80	80
2. Lands in Town and Banlieue of Three Rivers.	- - Held by Jesuits as fiefs (as above), the greater part of it. Some of the lands in the town, however, were held en roture; how much does not appear from the returns, or the reports to the House of Assembly.	- - Consist of two fiefs (one of which is called Pachevigny, and the other is apparently without a name), and some lands held en roture. Cover a large portion of the town of Three Rivers, but their precise limits are matter of controversy. The unconceded tract is on the outskirts of the town, towards the Race-course.	675·08	632·08 (?) or less.
TOTAL of Two Properties in District of Three Rivers -		- - - - - - - - -	755·08	712·08 (?)
			(*c.*)—IN THE DISTRICT	
1. Land in City of Montreal	- - Held by Jesuits en roture, of the Seminary of Montreal.	- - In the heart of the city; but its precise limits a matter of controversy. With the exception of three house lots, it is all occupied for Court House and Gaol, according to Mr. Stewart. According to Mr. Kimber, the government garden is a part of it.	3·68	(?) three house lots.
TOTAL of Seven Properties in Province of Lower Canada:				
4 in District of Quebec - - - - - - - - -			2,258 (?)	2·140
2 „ Three Rivers - - - - - - - - -			755·08	712·08 (?)
1 „ Montreal - - - - - - - - -			3·68	(?)
7 in Province - - - - - - - - - -			3,017 (?)	2,853 (?)

\- - - - - - - - - - - - (G. 1.)

constituting SEIGNIORIES, which form part of the JESUITS' ESTATES.

OF QUEBEC.

Extent of New Concessions, in Square Arpents.	Total Extent of Concessions, in Square Arpents.	Lands otherwise alienated; Their Disposition and Extent, in Square Arpents.	Land Unalienated in Square Arpents.	REMARKS.
- - -	- - -	84¼; viz.—	9 in scattered lots.	Lods et Ventes on this property are collected by the Crown, in its capacity of Seignior, and do not go to the Jesuits' estates' account; the Jesuits having held it en roture. On the lots sold en constitut, a nominal Cens is charged, to carry Lods et Ventes to the Crown.
		Productive:		
		Under lease, Hare Point - - - 53		
		„ Beach Lot - - - 3½		
		— 56½		
		Sold en constitut - - - - 22¾		
		— 79¼		
		Unproductive:		
		Granted for R. C. Church - - 1½		
		„ Episcopal Church - - 1		
		„ Marine Hospital - - 2½		
		— 5		
		Arp. Per.		
- - -	- - -	18 58; viz.—	- - -	Same remark as above.
		Productive:		
		59 House lots sold en constit. (?)		
		10 „ „ „ (?)		
		Unproductive:		
		Granted to fire society, an irregular lot, near the gaol. (?)		
		Granted to national school, an irregular lot, on Rampart Street. (?)		
		Granted to congregation of Notre Dame. (?)		
		Occupied by Government, as barracks and barrack yard, the Jesuits' college and garden, about 5 arps.		
- - -	2,140	- - - - - - - - - - -	- - -	The present tenure of this property doubtful, whether en Seigneurie or not. The law officers of the Crown in the province gave an opinion, in 1801, that it was so.
- - -	- - -	6; viz.—	- - -	Mr. Stewart is of opinion that the church at Tadoussac stands on this lot.
		Unproductive:		
		Occupied as part of King's Posts.		
- - -	2,140	109; (?) more or less - - - - - -	9	

OF THREE RIVERS.

- - -	80			
- - -	632·08 (?) or less.	35, and more; viz.—	8	The present tenure of this property, as as well as of the preceding, is en Seigneurie; and Lods et Ventes are collected and placed to the account of the estates.
		Unproductive:		
		Occupied and claimed by Trustees of common, 35.		
		Occupied as Protestant Episcopal church and parsonage, the old church and house of the Jesuits. (?)		
- - -	712·08 (?)	35, and more - - - - - - - -	8	

OF MONTREAL.

- - -	(?) three house lots.	3 (?)		
		Unproductive:		
		Occupied by Government for court-house and gaol. (?)		
		Quere, whether also the land occupied as the government garden. (?)		
- - -	2,140	109 (?) - - - - - - - - -	9	
- - -	712.08 (?)	35 (?) - - - - - - - - -	8	
- - -	(?)	3 (?)		
- - -	2,853 (?)	150 (?) or more. - - - - - - - - -	17	

(G. 2.) - - - - - - - - - - -

(*a.*)—IN THE DISTRICT

NAME.	CONCESSIONS. DESCRIPTION. Old or New.	Extent in Square Arpents.	Number of Censitaires.	GROSS RECEIPTS. For the Six Years.	Average per Annum.	Rate Yearly per Arpent.	Average Rate Yearly per Censitaire.	EXPENSES. For Commissioner's Office. For the Six Years.	Per Centage on Receipts.	For Agent, &c. For the Six Years.	Per Centage on Receipts.
				£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	yearly.	£. s. d.	yearly.
1. La Vacherie - - - -	- -	- - -	- -	- - -	- - -	- - -	- - -	- - -	- -	- - -	- -
2. Lands in City of Quebec -	- -	- - -	- -	- - -	- - -	- - -	- - -	- - -	- -	- - -	- -
3. Lands in Seigniory of Lauzun	old -	2,140	(?)	61 12 4	10 5 4·67	- - 1·152	(?)	7 4 1·16	11·693	6 3 2	10
4. Land at Tadoussac - - -	- -	- - -	- -	- - -	- - -	- - -	- - -	- - -	- -	- - -	- -
(*b.*)—IN THE DISTRICT											
1. Isle de St. Christophe - -	old -	80	1	- - -	- - -	- - -	- - -	- - -	- -	- - -	- -
2. Lands in Three Rivers - -	old -	632·8	(?)	269 16 8	44 19 5·33	- 1 5·056	(?)	31 11 -·39	11·693	26 19 7·5	10
(*c.*)—IN THE DISTRICT											
1. Land in Montreal - - -	old -	(?)	3	- - -	- - -	- - -	- - -	- - -	- -	- - -	- -
TOTAL IN THE											
In District of Quebec - -	old -	2,140	(?)	61 12 4	10 5 4·67	- - 1·152	(?)	7 4 1·16	11·693	6 3 2	10
Three Rivers -	„ -	712·8	(?)	269 16 8	44 19 5·33	- 1 5·056	(?)	31 11 -·39	11·693	26 19 7·5	10
Montreal - -	„ -	(?)	3								
Lower Canada - - -	- -	2,853 (?)	(?)	331 9 -	55 4 10	- - 4·689	(?)	38 15 1·55	11·693	33 2 9·5	10

OTHER ALIENATIONS—*continued.* EXPENSES. For Commissioner's Office. For the Six Years.	Per Centage on Receipts.	For Agent, &c. For the Six Years.	Per Centage on Receipts.	NETT RECEIPTS. For the Six Years.	Average per Annum.	Rate Yearly per Arpent.	MISCELLANEOUS. Gross Receipts for the Six Years.	EXPENSES. Commissioner's Office Charge on Receipts for the Six Years.	Agent's and other Charges (*see* Explanation) for the Six Years.	Balance of Miscellaneous Receipts and Expenses for the Six Years.	TOTAL. DESCRIPTION. Number of Arpents Alienated.	Number of Occupants.
£. s. d.	yearly.	£. s. d.	yearly.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.		
(*a.*)—IN THE DISTRICT OF												
25 14 5·9	11·693	22 - -	10	172 5 6·1	28 14 3·02	- 10 10·019	76 10 2	8 18 11·07	23 3 11·2	44 7 3·73	84¼	140
97 17 5·25	11·693	83 14 -·3	10	655 8 9·45	109 4 9·57	4 16 -·42						
14 8 4·89	11·693	12 6 7·75	10	96 11 5·36	16 1 10·89	(?)	- - -	- - -	3 15 7·25	3 15 7·25	19 (?)	73
26 10 10·7	11·693	22 14 -·25	10	177 15 4·05	29 12 6·68	(?)						
- - -	- -	- - -	- -	- - -	- - -	- - -	- - -	- - -	16 - -	16 - -	2,140	(?)
- - -	- -	- - -	- -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	6	1
(*b.*)—IN THE DISTRICT OF												
- - -	- -	- - -	- -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	80	1
- - -	- -	- - -	- -	- - -	- - -	- - -	- - -	- - -	19 - 10	19 - 10	667·8	(?)
(*c.*)—IN THE DISTRICT OF												
- - -	- -	- - -	- -	- - -	- - -	- - -	- - -	- - -	- - -	- - -	3·68	4
TOTAL IN THE												
25 14 5·9	11·693	22 - -	10	172 5 6·1	28 14 3·02	- 10 10·019	76 10 2	8 18 11·07	62 - 4·45	5 10 10·48	3,000 (?)	(?)
138 16 8·84	11·693	118 14 8·3	10	929 15 6·86	154 19 3·14	(?)						
164 11 2·74	11·693	140 14 8·3	10	1,102 1 -·96	183 13 6·16	(?)						

(G. 2.)

OF QUEBEC.

CONCESSIONS. NETT RECEIPTS. For the Six Years.	Average per Annum.	Rate Yearly per Arpent.	OTHER ALIENATIONS. DESCRIPTION. Character of each Alienation.	Extent in Square Arpents.	Number of Holders.	GROSS RECEIPTS. For the Six Years.	Average per Annum.
£. s. d.	£. s. d.	£. s. d.				£. s. d.	£. s. d.
- - -	- - -	- - -	Hare Point, leased - - - - - - - - - - - -	53	1	220 - -	36 13 4
			Beach Lot, ditto - - - - - - - - - - - -	3 1/4	1		
			House Lots, 135, sold en Con. - - - - - - - - - -	22 3/4	135	837 - 3	139 10 -·5
			Grants, for two Churches and Hospital - - - - - - - -	5	3		
- - -	- - -	- - -	House Lots (*quere* Concessions ?), 59 sold en Con. - - - - - -	(?)	59	123 6 6	20 11 1
			Ditto, 10, " New Grants," - - ditto - - - - - - - -	(?)	10	227 - 3	37 16 8·5
			Grants, for Fire Society, National School, and Cong. N. D. - - -	(?)	3		
			Occupied, as Barrack, Jesuits' College - - - - - - - -	about 5	1		
48 5 -·84	8 - 10·14	- - -·902	- - - - - - - - - - - - - - - - - - - -	- - -	- -	- - -	- - -
- - -	- - -	- - -	Occupied, as part of King's Posts - - - - - - - - - -	6	1	- - -	- - -
OF THREE RIVERS.							
- - -	- - -	- - -	- - - - - - - - - - - - - - - - - - - -	- - -	- -	- - -	- - -
211 6 -·11	35 4 4·02	- 1 1·357	Occupied, as Common, and for Church - - - - - - - -	over 35	2	- - -	- - -
OF MONTREAL.							
- - -	- - -	- - -	Occupied, as Court House, &c. - - - - - - - - - -	over 3	1	- - -	- - -
THREE DISTRICTS.							
48 5 -·84	8 - 10·14	- - -·902	Leased, 2 Lots, in District of Quebec - - - - - - - -	56 1/2	2	220 - -	36 13 4
			Sold en Con., 204 H. Lots, ditto - - - - - - - -	(?)	204	1,187 7 -	197 17 10
211 6 -·11	35 4 4·02	- 1 1·357	Granted, 5 Lots - - - ditto - - - - - - - -	(?)	5		
			Occupied, 2 Lots, in District of Quebec - - - - - - -	11	2		
			2 " " Three Rivers - - - - - over	35	2		
			2 " " Montreal - - - - - -	3	1		
			6 L. C.	over 49	5		
259 11 -·95	43 5 2·16	- - 3·639	IN ALL - - - - - - - - - - -	147(?)	216	1,407 7 -	234 11 2

TOTAL.

GROSS RECEIPTS. For the Six Years.	Average per Annum.	Rate Yearly per Arpent.	EXPENSES. For Commissioner's Office. For the Six Years.	Per Centage on Receipts.	For Agent, &c. For the Six Years.	Per Centage on Receipts.	Total Per Centage on Receipts.	NETT RECEIPTS. For the Six Years.	Average per Annum.	Rate Yearly per Alienated Arpent.	NAME.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	yearly.	£. s. d.	yearly.	yearly.	£. s. d.	£. s. d.	£. s. d.	
QUEBEC—*continued.*											
1,133 10 5	188 18 4·83	2 4 10·17	132 10 10·22	11·693	128 17 11·5	11·371	23·064	872 1 7·28	145 6 11·21	1 14 6·044	1. La Vacherie.
350 6 9	58 7 9·5	3 11 6(?)	40 19 3·59	11·693	38 16 3·25	11·079	22·772	271 11 2·16	45 1 10·36	2 7 7(?)	2. Lands in City of Quebec.
61 12 4	10 5 4·67	- - 1·151	7 4 1·16	11·693	22 3 2	35·961	47·654	32 5 -·84	5 7 6·14	- - -·603	3. Lands in Seigniory of Lauzun.
- - -	- - -	- - -	- - -	- -	- - -	- -	- -	- - -	- - -	- - -	4. Land at Tadoussac.
THREE RIVERS—*continued.*											
- - -	- - -	- - -	- - -	- -	- - -	- -	- -	- - -	- - -	- - -	1. Isle de St. Christophe.
269 16 8	44 19 5·33	- 1 4·162	31 11 -·39	11·693	46 - 5·5	17·055	28·748	192 5 2·11	32 - 10·35	- - 11·56	2. Lands in Three Rivers.
MONTREAL—*continued.*											
- - -	- - -	- - -	- - -	- -	- - -	- -	- -	- - -	- - -	- - -	1. Land in Montreal.
THREE DISTRICTS—*continued.*											
1,815 6 2	302 11 -·33	- 2 -·204	212 5 3·36	11·693	235 17 10·25	12·994	24·687	1,367 3 -·39	227 17 2·06	- 1 6·229	- - - TOTAL.

(G. 3.)

(*a.*)—In District of Quebec.

NAME.	Description of Productive Properties in District of Quebec.				Actual Gross Receipts from each.			Estimated Gross Receipts from each.		Arrears: Their Increase or Diminution in the Six Years, in each.		Arrears: Yearly Percentage on actual Gross Receipts.		Remarks.
	Name, &c.	Extent in Sq. Arp.	Number of Holders.	Sources of Revenue.	For the Six Years.	Average Yearly.	Rate Yearly per Arpent.	Yearly.	Rate Yearly per Arpent.	As reported.	As shown by Estimate, &c.	As Reported.	As by Estimate, &c.	
					£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.			
1. La Vacherie - -	Leased: Hare Point -	53	1	Rental - - -	220 – –	36 13 4	– 13 10·038	40 – –	– 15 1·132	- - -	20 – –	- -	9·09	
	Beach Lot - -	3 ½	1	Rental - - -	- - -	- - -	- - -	28 – –	8 – –		(?)			
	Sold en Con. 135 House Lots.	22 ¾	135	Interest, à Con. -	837 3 –	139 10 –·5	6 2 7·67	404 3 3	17 15 3·692	1,380 17 11	(?)	164·979	(?)	
		79 ¼	137	- - - - -	1,057 – 3	176 3 4·5	2 4 5·5	472 3 3	5 19 1·893	6,408 17 11	(?)	133·29	(?)	
2. Land in City of Quebec.	Sold en Con:													
	59 " Old Grants, *quere* Concessions.	(?)	59	Rentes Foncieres -	123 6 6	20 11 1	(?)	41 14 7·5	(?)	130 7 6	127 1 3	105·717	103·031	
	10 " New Grants."	(?)	10	Interest and Ground Rent - - -	227 – 3	37 16 8·5	(?)	29 12 3·25	(?)	78 4 8·75	49 6 7·5	34·464	21·731	
		(?)	69	- - - - -	350 6 9	58 7 9·5	(?)	71 6 10·75	(?)	52 2 9·25	77 14 7·5	14·882	22·188	
3. Land in Seigniory of Lauzun.	Concessions, Old - -	2,140	(?)	Cens et Rentes -	7 9 10	1 4 11·67	– – –·14	7 12 6·5	– – –·855	No Return. (?)	38 5 5	(?)	510·845	
				Lods et Ventes -	54 2 6	9 – 5	– – 1·012	(?)	(?)	(?)	(?)	(?)	(?)	
		2,140	(?)	- - - - -	61 12 4	10 5 4·67	– – 1·152	(?)	(?)	(?)	(?)	(?)	(?)	
								7 12 6·5 Lods et Ventes *not* included.	– – –·855		38 5 5 Lods et Ventes *not* included.			

(*b.*)—In District of Three Rivers.

1. Isle de St. Christophe.	Concessions, Old - -	80	1	Cens et Rentes -	- - -	- - -	- - -	– 1 3	– – –·185	No Return. (?)	– 7 6	(?)		
				Lods et Ventes -	- - -	- - -	- - -	(?)	(?)	(?)	(?)	(?)	(?)	
2. Lands in Three Rivers.	Concessions, Old - -	632·8	(?)	Cens et Rentes -	- - -	- - -	- - -	5 – 4·75	– – 1·904	No Return. (?)	30 2 4·5	(?)		
				Lods et Ventes -	269 16 8	44 19 5·33	– 1 5·056	(?)	(?)	(?)	(?)	(?)	(?)	

(*c.*)—In District of Montreal.

1. Land in City of Montreal.	Concessions, Old - -	(?)	3	Cens et Rentes -	- - -	- - -	- - -	– 5 5	(?)	No Return. (?)	1 12 6	(?)		
				Lods et Ventes -	- - -	- - -	- - -	(?)	(?)	(?)	(?)	(?)	(?)	
In the Three Districts.	Concessions, Old - -	2,853	(?)	Cens et Rentes -	7 9 10	1 4 11·67	– – –·105	12 19 7·25	– – 1·092	(?)	70 7 9·5	(?)	21·237	
				Lods et Ventes -	323 19 2	53 19 10·33	– – 4·542	(?)	(?)	(?)	(?)	(?)	(?)	
	Leased - - - -	56 ½	2	Rental - - -	220 – –	36 13 4	– 12 11·752	68 – –	1 4 –·849	- - -	(?)	12·72	(?)	
	Sold en Constitut -	(?)	(?)	Interest, &c. - -	1,187 7 –	197 17 10	(?)	475 10 1·75	(?)	1,433 – 8·25	(?)	120·722	(?)	
	In All - - -	2,940(?)	(?)	- - - - -	1,738 16 –	289 16 –	– 1 11·657(?)	(?)	(?)	(?)	(?)	(?)	(?)	
								496 9 9 Besides Lods et Ventes.	– 3 4·529					

(H. 1.)

TABLE of UNPRODUCTIVE PROPERTIES, from which no Revenue can ever be drawn.

NAME.	Disposition.	N°	In what Seigniory, &c. lying.	Extent in Square Arpents.	N° of Holders.
Arriere Fiefs -	Granted in perpetuity	8	2 in Sillery - - -	819	2
			1 in Notre Dame des Anges	2,498	1
			1 in Batiscan - - -	1,764	1
			4 in Cap de la Magdeleine -	3,580	4
			8	8,661.	8
Indian Reserve -	Granted in perpetuity	1	in St. Gabriel - - -	1,600	(?)
Church Grants, made by the Jesuits.	In perpetuity - -	5	1 in Sillery - - -	4	1
			2 in St. Gabriel - - -	6	2
			1 in Notre Dame des Anges	4	1
			1 in Cap de la Magdeleine -	5	1
			5	19	5
Grants, uncertain whether made by Jesuits or by the Crown.	- - In perpetuity for a Roman Catholic Church.	1	in La Vacherie - - -	1 ½	1
	To the congregation of Notre Dame.	1	in City of Quebec - -	(?)	1
Grants by the Crown	- - In perpetuity for a Protestant Episcopal Church.	1	in La Vacherie - - -	1	1
	For a Marine Hospital	1	- - - - - -	2 ½	1
	For a National School	1	in City of Quebec - -	(?)	1
	For a Fire Society -	1	- - - - - -	(?)	1
	In all - - -	20	About - - -	10,290	(?)

(H. 2.)

TABLE of UNPRODUCTIVE PROPERTIES, from which Revenue may hereafter be drawn.

Name and Disposition.	N°	In what Seigniory, &c. lying.	Extent in Square Arpents.
Ungranted Land within the Seigniories.	6 Tracts.	1 in Sillery - - - -	200
		1 in St. Gabriel - - -	about - - - 65,564
		1 in Belair - - - -	210
		1 in Batiscan - - - -	about - - - 213,552
		1 in Cap de la Magdeleine - -	about - - - 224,264
		1 in Lapraine - - - -	about - - - 5
		In all - - -	about - - - 503,795
		Add for Forge Reserve in 1844	25,940
Ungranted Land not within the Seigniories.	2	1 in La Vacherie - - -	9
		1 in Town of Three Rivers -	8
Land occupied by Government, or by other parties under its permission.	4	Jesuits' College in Quebec - -	about - - - 5
		Land at Tadoussac - - -	6
		Church, &c. in Three Rivers -	(?)
		Site of Jesuits' House, &c. in Montreal.	3?
Land occupied, but not by Government permission.	1	in Three Rivers, by Trustees of Common.	35

(I.)

EXTENT, &c. of PROPERTIES within the JESUITS' ESTATES.

NAME.	Dimensions. Front. Leagues.	Dimensions. Depth. Leagues.	Square Arpents.	Arpents Surveyed.	Arpents Conceded.	Old Concessions.	New Concessions.	Arpents Unconceded.	REMARKS. Land otherwise disposed of than by Concession. Extent and Disposition.
Seigniory of Sillery	1	1 ½	10,584	10,584	10,380	10,228	152	200	For the Church 4 arpents.
„ St. Gabriel	1 ½	10	105,840	41,600	40,000	13,000	25,400	65,840	„ 2 ditto 6 „
									„ 3 mills 270 „
									Indian reserve 1,600 „
„ Notre Dame des Anges	1	4	28,224	28,224	27,744	22,744	5,000	480	For the Church 4 „
									Meadows of Auvergne, under lease 28 „
									Domain Farm - ditto 272 „
									Mills - - - ditto 180 „
„ Belair	1	2	14,112	14,112	13,902	9,187	4,715	210	
„ Isle aux Reaux	-	-	336	-	336	336			
La Vacherie	-	-	88 ¼	-	22 ¾	-	22 ¾	9	Hare Point - under lease 53 „
As from an original survey, exclusive of Streets.									Beach Lot - ditto 3 ½ „
									Roman Catholic Church - Free Grants. 1 ½ „
									Marine Hospital - Free Grants. 2 ½ „
									Episcopal Church - Free Grants. 1 „
City of Quebec	-	-	*See* List of Emplacements.		-	-	-	-	- - College and garden used as barracks, and part of Garden-street - - 5 „
									An irregular spot of ground near the gaol, occupied by the Fire Society.
									Ditto on Rampart-street, granted to the National School.
									Ditto to the congregation of Notre Dame.
Point Levy	-	-	960	960	960	960			
Saint Nicholas	-	-	1,180	1,180	1,180	1,180			
Seigniory of Batiscan	2	20	282,240	70,054	66,439	41,078	25,361	209,937	Fief, held by Seignior of Champlain - ½ arpents.
									League in front by 1 league in depth 1,764 „
									Domain Farm, under lease - - 360 „
									For use of mills - - - - 125 „
„ Cape Magdalene	2	20	282,240	63,000	-	-	26,000	231,000	Fief Marsolet - - - - 1,520 „
									„ Hertel - - - - 1,100 „
									„ La Pierre - - - - 860 „
									Island La Poterie - - - 100 „
									Forge Reserve, under lease - -25,940 „
„ Island St. Christopher	-	-	80	-	80	80			
„ Town and Banlieue of Three Rivers	-	-	675 8/100	675 8/100	594 8/100	594 8/100	-	5	Trustees of common in possession of 35 „
„ La Prairie	2	4	56,448	56,488	56,443	56,400	43	-	- - Two vacant lots reserved for a college and market-place, 2,585 toises.
City of Montreal	-	-	3 68/100	-	-	-	-	-	- - With the exception of 520 toises, comprising three Emplacements, the whole is occupied by Government for a Court-house and Gaol.
Tadoussac	-	-	6	-	-	-	-	6	
On River Meanies	-	-	400	-	-	-	-	400	

A true Copy of the original Draft of the Return (A. 1.), as first presented to the Education Commission. *Christr Dunkin*, Secretary.

Office for the Management of the Jesuits' Estates, Quebec, 5 October 1838. (signed) *J. Stewart*, Comr.

JESUITS' ESTATES.

REPORT of Mr. DUNKIN, the Secretary to the Commission.

Cap. I.

PROCEEDINGS of the EDUCATION COMMISSION in regard to the Inquiry into the Management and Value of the JESUITS' ESTATES.

THE value of the Jesuits' Estates, as a material portion of the fund to be looked to for the support of an adequate system of Public Education in Canada, was a subject to which the attention of the commission was early directed. To ascertain it, it became necessary to collect full and accurate information as to the extent, position, nature, management, and revenue, past and present, of the several properties forming those estates. The reports made upon this subject, at various times, by committees of the House of Assembly (those more especially of the years of 1824, 1831, and 1835-6), embody a very considerable amount of information on all these points; but, after some time spent in examining them, it became apparent that they by no means furnished all that was required. In respect of time, none of them came down to a later date than 1835, the last year in which the Provincial Parliament met and transacted business. The inquiries instituted by these committees were, also, far from being sufficiently minute to give a precise idea of the then value of each portion of the estates, or even to exhibit unequivocally the character of the administration under which they were placed. That the estates had never yielded a nett return at all adequate to the expectations which their extent would seem to warrant, and that their administration had ever been essentially defective, was quite evident from these reports; but they did not furnish data sufficiently precise and full to be made the foundation of a positive estimate of their real future value under good management, or of a detailed statement of the system best calculated to secure from them their full value for the public service.

Under this feeling, early in August, I prepared a series of blank forms of tables, to be filled up by the commissioner of the estates; from the returns indicated by which, if fully and faithfully made, with the aid of some further oral examination of the commissioner and his agents, the required information might, as I hoped, be gathered. The paper marked (D.) accompanying this report, is a copy of that sent to the commissioner.

It will be perceived from the form in which these blanks were drawn up, that a certain order of arrangement was pointed out in them, as the one best adapted to the objects of the inquiry. A glance at the returns, as they were actually furnished [*see* accompanying papers, marked (A.), (B.) and (C.)] will show that this prescribed order was, in very many particulars, altogether departed from, and that several of the inquiries remain in consequence unanswered.

To speak only of one of these deviations for the present. Returns were called for, in which certain specified particulars of information should be given,—first, as to the several seigniories which formed part of the estates,—next, as to the other properties forming part of the estates, from which revenue was derived,—thirdly, as to those properties from which no revenue was derived,—and, lastly, as to the expenses of the commissioner's office (which being of a general character, could not be made to enter into any of the previous partial returns), and the annual balance sheets of the estates. This distinction between the various kinds of properties was made designedly, on account of the confusion created in all the returns furnished to committees of the House of Assembly, by the unsystematic manner in which the properties of all kinds were continually classed together in them. No regard was, however, paid to it; on what account, whether intentionally or not, I have no means of judging. The returns, as will be seen from the statements to be made presently, came in so irregularly, and many of them so late, that it was impossible to have them altered in this particular, or indeed in any other. It will be seen, also, that they require many corrections on other points, to make from them a statement of the affairs of the estates, which shall be at all accurate.

The period of time covered by those of the inquiries which had reference to yearly receipts and expenses, was required to commence with 1 October 1831, when the estates were first placed at the disposal of the Provincial Parliament, for the support of education. In this particular, the returns are in form; though, from their having been called for before the expiration of the financial year, ending 30 September 1838, they extend only to 30 September 1837; a period of six instead of seven years. These six years may, however, be very safely taken to afford a fair average.

The statements, both general and particular, of the arrears due on the estates, were required to be made out for 1 October 1831, the time of the cession above named, and for the present time. The returns profess to state the arrears for 1 October 1831, and for 1 October 1837, for the same reason; the financial year ending 1 October 1838, expiring while they were in course of preparation.

The yearly balance sheets of the estates, required also of the commissioner, were furnished by Mr. Cary, the inspector of the public accounts, in whose hands they are deposited for audit and safe keeping. An abstract of them is annexed. [*See* paper, marked (A.)]

Of the 27 accompanying tables, (A.), (B.) and (C.) returned by the commissioner of the estates, nine, being those marked (A. 4.), (A. 5.), (B. 2.), (B. 3.), (B. 4.), (B. 5.), (B. 6.), and (B. 7.), were received at the office of the Education Commission during the month of August,—four, being those marked (B. 8.), (B. 11.), (C. 7.), and (C. 9.), in September,—13, being those marked (A. 1.), (A. 2.), (A. 3.), (A. 6.), (A. 7.), (B. 9.), (B. 10.), (C. 1.), (C. 2.), (C. 3.), (C. 4.), (C. 5), and (C. 6.), in October, —and one, being that marked (C. 8.), on the 3d of November. A reference to the tables will show, that those of them in which the greatest departure is made from the form prescribed, and of the number not received till October, when it was altogether too late too require alterations made, omissions supplied, or obvious inaccuracies even (and of these there are not a few) corrected. The same cause also prevented that careful comparison of them with the returns furnished at other times to the House of Assembly, and that examination of the commissioner and his agents in regard to them, both of which were so much the more necessary on account of their informality and incompleteness. His Excellency's return to England was decided upon, and the Education Commission charged to put at once into form the outline at least of a general system of education for the province, before the most important of them were obtained; indeed, his Lordship had left the province before the series, such as it is, was completed. Occupied, of necessity, both before and after the receipt of these October returns, upon other branches of the extensive inquiry with which the commission was charged, it was obviously impossible to complete the minute examinations necessary to the full investigation of this particular subject. It was not in my power to have more than two or three interviews with the commissioner of the estates, and at these, though they extended over several hours, the subject was so partially and hastily discussed (owing to the multiplicity of the details it involves, the want of time, and the pressure of other business), as to render it impossible for me to take down his evidence in form, as I had intended. On a variety of occasions I had more or less communication with a number of other individuals who had given considerable attention to the subject; but here, too, the same cause prevented formal examination. Till the commissioner's full returns and written evidence should be in the hands of the commission, it was impossible to examine other parties to advantage. When the returns came in, there was no longer time to examine the commissioner or any one else. It was not even in my power, for this reason, to examine or confer with the four agents who manage the Jesuits' Estates, under the commissioner, Mr. Panet, the agent for the properties in the district of Quebec, Messrs. Dumoulin and Guillet, for those in the district of Three Rivers, and Mr. Henry, for those in the district of Montreal. These gentlemen probably know much more than the commissioner does, about the management of the estates, which is in effect placed almost wholly in their hands. I preferred, however, on many occasions not to examine them till after the returns they were preparing under his direction should be in my hands, and the commissioner's evidence in regard to them and the estates in general, given.

The report which follows must be taken, therefore, not as intended to present a full discussion of the subject, but as a statement of the results to which I have been led by the necessarily incomplete investigation of it, which I have above described and accounted for. I may add, as another reason why my report cannot be rendered as complete as I had wished, that I was unable, when I left Canada, to bring away with me the various reports of committees of the House of Assembly, to which I have referred. For every thing beyond the notes I took from them while in Quebec, I have to trust to my own recollections. Nearly every statement, however, made in this report, rests either on notes taken at the time of these documents, or of the answers of the commissioner to the inquiries I was able to put to him, or else on the authority of the commissioner's returns made to the Education Commission. The latter alone furnish ample material for a report; the interrogations of the commission covering almost the whole ground to be gone over, and the very errors and omissions which abound in the returns being an evidence hardly less valuable than their accuracy might have been, on the subjects of the inquiry.

I have arranged the several returns made by the commissioner, in three sets, marked (A.), (B.) and (C.) respectively. The first consists of seven returns, viz.

(A. 1.) Extent, &c. of Properties within the Jesuits' Estates.—Received 5 October 1835.
(A. 2.) Arrière Fiefs within the Jesuits' Estates.—Received 5 October 1838.
(A. 3.) Properties under Lease.—Received 5 October 1838.
(A. 4.) Statement of the Revenue of the Estates heretofore belonging to the late Order of Jesuits, in each year, from 1 October 1831 to 30 September 1837 (expenses of Commissioner's office not included).—Received 17 August 1838.
(A. 5.) Statement of the Expenses in the office of the Commissioner for the Management of the Estates, &c. in each year, from 1 October 1831 to 30 September 1837.—Received 18 August 1838.
(A. 6.) Statement of Arrears due on the Properties comprising the Estates, &c. at 1 October 1831 and 1 October 1837, respectively.—Received 5 October 1838.
(A. 7.) Computed gross Annual Revenue of the Estates, &c. exclusive of Lods et Ventes.—Received 5 October 1838.

The second set consists of eleven returns, viz.

(B. 1.) Statement of Receipts and Expenses for each year, from 1 October 1831 to 1 October 1837, for the Seigniory of Sillery.—Received 29 August 1838.

(B. 2.) Statement of Receipts and Expenses for each year, from 1 October 1831 to 1 October 1837, for the Seigniory of St. Gabriel.—Received 29 August 1838.
(B. 3.) Statement of Receipts and Expenses for each year, from 1 October 1831 to 1 October 1837, for the Seigniory of Notre Dame des Anges.—Received 29 August 1838.
(B. 4.) Statement of Receipts and Expenses for each year, from 1 October 1831 to 1 October 1837, for the Seigniory of Belair.—Received 29 August 1838.
(B. 5.) Statement of Receipts and Expenses for each year, from 1 October 1831 to 1 October 1837, for Lands called La Vacherie.—Received 29 August 1838.
(B. 6.) Statement of Receipts and Expenses for each year, from 1 October 1831 to 1 October 1837, for Lands in the City of Quebec.—Received 29 August 1838.
(B. 7.) Statement of Receipts and Expenses for each year, from 1 October 1831 to 1 October 1837, for Lands in the Seigniory of Lauzun.—Received 29 August 1838.
(B. 8.) Statement of Receipts and Expenses for each year, from 1 October 1831 to 1 October 1837, for the Seigniory of Batiscan.—Received 14 September 1838.
(B. 9.) Statement of Receipts and Expenses for each year, from 1 October 1831 to 1 October 1837, for the Seigniory of Cap de la Magdeleine.—Received 3 October 1838.
(B. 10.) Statement of Receipts and Expenses for each year, from 1 October 1831 to 1 October 1837, for Lands in Town and Banlieue of Three Rivers.—Received 3 October 1838.
(B. 11.) Statement of Receipts and Expenses for each year, from 1 October 1831 to 1 October 1837, for the Seigniory of La Prairie.—Received 14 September 1838.

The third set consists of nine returns, viz.

(C. 1.) Statement in detail of Censitaires, their annual rental and their arrears due at 30 September 1831 and 30 September 1837, for Seigniory of Sillery.—Received 3 October 1838.
(C. 2.) Statement in detail of Censitaires, their Annual Rental and their Arrears, due at 30 September 1831 and 30 September 1837, for Seigniory of St. Gabriel.—Received 3 October 1838.
(C. 3.) Statement in detail of Censitaires, their Annual Rental and their Arrears, due at 30 September 1831 and 30 September 1837, for Seigniory of Notre Dame des Anges.—Received 3 October 1838.
(C. 4.) Statement in detail of Censitaires, their Annual Rental and their Arrears, due at 30 September 1831 and 30 September 1837, for Seigniory of Belair.—Received 3 October 1838.
(C. 5.) Statement in detail of Censitaires, their Annual Rental and their Arrears, due at 30 September 1831 and 30 September 1837, for Lands called La Vacherie.—Received 3 October 1838.
(C. 6.) Statement in detail of Censitaires, their Annual Rental and their Arrears, due at 30 September 1831 and 30 September 1837, for Lands in City of Quebec.—Received 3 October 1838.
(C. 7.) Statement in detail of Censitaires, their Annual Rental and their Arrears, due at 30 September 1831 and 30 September 1837, for Seigniory of Batiscan.—Received 26 September 1838.
(C. 8.) Statement in detail of Censitaires, their Annual Rental and their Arrears, due at 30 September 1831 and 30 September 1837, for Seigniory of Cap de la Magdeleine.—Received 3 November 1838.
(C. 9.) Statement in detail of Censitaires, their Annual Rental and their Arrears, due at 30 September 1831 and 30 September 1837, for Seigniory of La Prairie.—Received 17 September 1838.

In the returns composing the second and third sets, a distinction was required to be drawn wherever "concessions" were to be spoken of, between the "old" and the "new" grants of this character. These terms I understood to refer to the distinction between the concessions granted by the Jesuits before 1800, and those since granted by the Crown. As the returns marked (C.) stand, I am unable to ascertain whether this is or is not the true ground of distinction between them. The date of each concession was required in these returns, but they are peculiarly defective in this particular. For the Seigniory of La Prairie (C. 9.), no such return of the old concessions has been so much as attempted, though they comprise very nearly the whole extent of the seigniory. The return for Cap de la Magdeleine (C. 8.) makes no distinction between old and new concessions, though both classes of concessions have been made, and to a very considerable extent, in that seigniory. In the returns for the Seigniories of Sillery (C. 1.), St. Gabriel (C. 2.), Notre Dame des Anges (C. 3.) and Belair (C. 4.), the old concessions are all left without date. And in the return for the Seigniory of Batiscan (C. 7.) (the only return in which dates are specified for any of the "old concessions" as distinguished from the "new"), 426 out of 581 old concessions are undated; and the 155 which bear date, range between March 20, 1666, and February 3, 1826; 118 of these being returned as conceded prior to 1800, and 37 between 1800 and 1826. Of the concessions, returned as "new," the earliest in point of date is found in the return from the Seigniory of La Prairie (C. 9.), being August 16, 1819. In the Batiscan return (C. 7.), I find the earliest of 387 "new concessions" (all bearing date) returned as granted in 1824, either on February 21, or September 12. (The former date seems to be a mistake for "February 21, 1834.") Of these concessions, 275 are of later date, and 112 of earlier date, than February 3, 1826, the date of the latest "old concession" above mentioned. In the returns from the Seigniories of Notre Dame des Anges (C. 3.) and Belair (C. 4.), the "new concessions" are all dated, and the dates range from January 10, 1825, to October 9, 1835. The alienations of property incorrectly returned as "new concessions" in the Seigniory of Sillery, bear date from December 23, 1831, to October 20, 1834. The "new concessions" in the Seigniory of St. Gabriel, 93 in number, are all returned (C. 2.) without date. It is possible that the old concessions differ from the new, in having been surveyed and laid out for concession before 1800. If this be not the case, the distinction must be arbitrary, and is probably different in its meaning in different seigniories. From the late receipt of this class of returns, I never had an opportunity of putting this question directly to the commissioner; but I am strongly under

the impression, that on one occasion before the returns were called for, he explained the term "old concession," as referring to the grants made or else surveyed (I have no distinct recollection which) before the administration of the estates by the Crown, *i. e.*, before 1800.

The defective manner in which these returns have been made up, both as regards their arrangement and their contents, has rendered it necessary for me to compile from them, with some additions drawn from other sources, a series of tables in which the plan I had originally designed to follow should be as nearly as possible adhered to, and the results I had wished to arrive at and exhibit, shown, so far as the returns would enable me to arrive at them. The accompanying documents, marked (F.), (G.) and (H.) contain these tables.

The tables marked (F.) are three in number, and relate exclusively to those of the properties forming part of the Jesuits' Estates, which constitute seigniories.

(F. 1.) shows the situation, dimensions and area of each of these seigniories; the extent to which each has been surveyed; the extent of the Arrière Fiefs granted from it, where any there are; the extent of the concessions, old and new; the disposition and extent of any tracts of land otherwise alienated than as Arrière Fiefs or concessions; and the amounts of unalienated and unsurveyed land, respectively, still remaining in each seigniory. I have been obliged to depart continually from the statements made in the return (A. 1.) (from which this table is in the main compiled), by the numerous contradictions manifest on the face of that return. I cannot, therefore, suppose the table I have drawn up perfectly accurate. It is as accurate, however, as the character of the information furnished the commission allowed.

(F. 2.) contains a variety of statements and calculations relative to the gross and net receipts from the several alienated tracts of land or properties, within each seigniory, as they are mentioned in (F. 1.) The extent of each alienation is stated in square arpents (the arpent being a French measure equivalent to about four-fifths of an English acre), according to the estimate in (F. 1.) and not according to the inconsistent and contradictory return made in (A. 1.) For the amounts received and expended on account of each, the papers marked (B.) are the principal authority. These returns purport to give the gross receipts for six successive years from each source of revenue, and also the several items of expense on account of each property, the expenses of the commissioner's office alone not included. In the table (F. 2.) I have divided the amount of this last item of expense for the same six years between the several properties, in the proportion of their gross receipts; showing by this means the sum total of the expenses of management, &c. of each property, and consequently the net revenue which it has actually yielded for that period. From these data, the average yearly income derived from each gross and nett, the average yearly value per arpent of each tract, both gross and net, the average yearly rate of payment by each censitaire in each seigniory, the average ratio of the expenses on each property to its gross receipts, and several other particulars are calculated.

(F. 3.) exhibits the contrast between the actual gross receipts from each source of revenue in each seigniory, and its estimated gross revenue as shown by (A. 7.) and the returns marked (C.) The increase or diminution of the arrears due on each is also set down here; 1st, as reported in (A. 6.) and the returns marked (C.); and 2d (where that has been possible), as a comparison of the actual with the estimated revenue would show it to have really taken place.

The three tables marked (G.) furnish respectively, as nearly as possible, the same particulars of information in respect of the other properties forming part of the Jesuits' Estates; viz., those which do not constitute seigniories.

The tables marked (H.) give a connected statement of the extent, situation, &c. of such of the properties named in the former tables as do not yield revenue, distinguishing between those which are no longer at the disposal of the administration of the estates to be rendered valuable, and those which either at once or at a future time may be made a source of revenue.

Before entering on a critical analysis of the contents of these tables, and inferring from them, so far as I feel safe in drawing any inference at all, the value of the estates, and the reforms which it may be necessary to make in the mode of managing them, it will be well to give a brief outline of their history as an educational endowment, and a general view of their extent and character.

Cap. II.

Outlines of the History of the Jesuits' Estates as an Educational Endowment in *Lower Canada.*

It would neither be useful nor interesting to recount the dates at which the various properties at any period held by the order of Jesuits in Lower Canada originally came into their possession, the names of the individuals who gave, bequeathed or sold them to that order, the motives assigned for the gift or bequest of the greater part, and the transfers or alienations by the Jesuits of particular portions of them. For the purposes of the present report, little more is required than a brief outline of the proceedings which have taken place since the conquest in regard to these possessions, their administration, and the uses to which the revenues drawn from them have been put.

At

At the period of the cession of Canada, in 1763, the order of Jesuits was in possession of a number of seigniories and other properties in different parts of the province, of great extent and considerable value. They had houses of residence in Quebec, Three Rivers and Montreal; their residence in Quebec being the large building now used as a barrack in the upper town, and still one of the most extensive buildings in Lower Canada. In this building was their chief residence and college. Their other property was scattered over the province; four seigniories, of considerable size and value, besides a fifth of little or none, and several valuable tracts of land, in and near the city of Quebec, belonging to them, within the district of Quebec; two of the largest seigniories in the province, and a great part of the town of Three Rivers, being theirs in the district of that name; and a small property in the city of Montreal, with two large seigniories (one of them, however, only held in trust for the Iroquois Indians), being in their possession in the district of Montreal. Of these properties, the greater part had been given or bequeathed to them; a comparatively small portion had been purchased. The whole had been confirmed to them in mortmain, by letters patent of the French King, his governors or intendants in the province. In the official documents by which their title was thus confirmed, the object of the endowment was in almost every instance stated to be the maintenance of their college, and the instruction of the youth of Canada by their order. The original bequests or deeds of gift, in many instances, gave other motives; the conversion of the heathen, friendship for the Jesuits, &c. The royal letters patent, however, explained the whole as above stated; the Jesuits appearing to have requested this form of confirmation, on account of the tenor of their vows of poverty, and the consequent necessity of their holding all their possessions under this pretext.

In the articles of capitulation by which Canada was temporarily ceded by the French General, an attempt was made to introduce a guarantee for the continued maintenance of this order in the province, and the perpetual possession by them of their estates. This proposal of the Marquis of Vaudreuil was, however, set aside, and no such guarantee given or implied, either in the capitulation or in the treaty of 1763, by which the country was finally ceded to Great Britain.

Notwithstanding this refusal, however, to recognise the order, the Jesuits remained in the undisturbed possession of most of their property for many years. A part of their college building in Quebec was taken possession of by the government, as a public store-house, immediately after the conquest, and continued to be used for this purpose till 1776, when the greater part of the building was taken possession of as a barrack, a use to which the whole building has been devoted since the year 1800, when the last surviving member of the order died. A part of the mission-house, in Montreal, was also occupied as a public prison, before the death of its last inmate, and the whole building was converted into a prison on that event. In the year 1774, royal instructions were given to the Governor for the suppression and dissolution of the order of Jesuits; "all their rights, privileges and property" to be vested in the Crown, "for such purposes as the Crown might hereafter think fit to direct and appoint." The royal intention, however, was at the same time declared to be, "that the present members of the society, as established at Quebec, should be allowed sufficient stipends and provisions during their natural lives." In point of fact, the Jesuits were allowed to continue in the possession and management of their productive estates, and to draw from them the "stipends and provisions" promised in these instructions in lieu of them. Father Well, the last survivor of the Jesuits resident in Montreal, administered the properties in that district till his death, and Fathers De Glapion and Casot (the latter not himself a Jesuit) those in the district of Quebec, till the death of the former. Shortly after this event, viz. on the 8th of March 1800, the Crown took unreserved possession of the estates, and they have since remained under its management.

The suppression of the order of Jesuits in France took place in the year 1762, and in Italy in the year 1773. The possessions of the order were, in the former country, at once devoted to the support of institutions of education; in some cases, to the support of the colleges originally founded by the Jesuits (but then placed under other government); in other cases, to that of schools and colleges which had never been under their control.

From the year 1770 to the year 1803 a claim was under discussion, urged by Lord Amherst, for a royal grant to that nobleman of these estates, or the greater part of them, as a mark of royal acknowledgment of his services in the reduction of Canada. After repeated references to the Privy Council and to the Law Officers of the Crown, both in England and Canada, and more than one order in council enjoining the Governor of Canada to issue, or the Law Officers to prepare, a deed of gift, conferring them, with one or more reservations, on his Lordship, the project was at last abandoned in 1803, after the death of the original claimant; and the claims of his son and heir were met by a grant voted him by the Imperial Parliament in that year. In the course of these discussions, a commission was issued by Lord Dorchester, then Governor of Canada, on the 7th of January 1788, in obedience to an Order in Council, to inquire into the extent, value, tenure, &c. of the estates, with a view to deciding whether and by what means the proposed grant could be made. The report of the commission, though far from complete in point of information, and indeed not even unanimous, was altogether in favour of the grant, a result which was to have been expected. The report of the Attorney and Solicitor-general of Canada, made at the same time, was to the same tenor. Subsequently raised objections, however, defeated the project.

During this period several attempts were made by parties in Canada to obtain from the Crown a grant of these estates, for the support of education within the province.

In the year 1787, the legislative council of the province, on the suggestion of Lord Dorchester, then Governor-general, appointed a committee to inquire into the means of advancing education, &c. The report of the committee was made in 1789. For the present purpose, we have to do only with so much of it as relates to the Jesuits' estates. In a letter from the Roman Catholic Bishop of Quebec, dated November 18, 1789, addressed to the committee, and published in their report, that prelate urged the propriety of again devoting the college-building in Quebec to educational purposes, of endowing the new institution to be thus opened with these estates, and placing it, when thus endowed, first under the control of the surviving Jesuits, for their lives, and then under that of the Roman Catholic Bishop of Quebec, as the head of the Catholic Church in the province. The committee in their report, dated 26 November 1789, recommend that a portion at least (and it is to be inferred a considerable portion) of these estates be given as an endowment, to aid in the erection of a proposed "Colonial College," of the constitution of which they present an outline. According to this scheme, the college was to have been constituted on the most liberal principles, Catholics and Protestants respectively to provide each their own system of religious instruction for the students of their own communion; the corporation to consist of an equal number of members of each communion, and the visitation to be vested in the Crown.

On the 31st of December in the same year (1789), Father de Glapion, the titular superior of the dissolved order, proposed by letter, on his own part and that of his three surviving fellow Jesuits, to make over the estates "for the benefit of the Canadian citizens of the province of Lower Canada," with the reservation for themselves of a residence within their former dwellings, and a life pension of 3,000 livres each per annum, and on condition that the estates so made over should for ever be applied to educational purposes under the direction of the Romam Catholic Bishop of Quebec.

Early in the year 1793, during the first session of the Provincial Parliament of Lower Canada, created by the constitutional Act of 1791, a petition, signed principally by persons of British origin, was presented to the House of Assembly from the city and county of Quebec, praying the House to urge upon the Crown the propriety of giving up the estates to the disposal of the provincial legislature, for the support of education in the province; a destination, it was urged, which would, more than any other, be in accordance with the design of those who endowed the order with these possessions, and the spirit of the letters patent of the French King, which confirmed them to the order, for educational objects only.

On the 11th of April of the same year, the House adopted an address to the Crown, embodying the substance, and urging the prayer of this petition. No answer was given to this address; the project of granting the estates to Lord Amherst being the one then favoured by Government

During the session of the Provincial Parliament held in the year 1800 (the year in which the final occupancy of the estates by the Crown took place), the House of Assemby again took up the subject, and voted an address to the Governor, praying his Excellency to communicate to the House certain documents, "to facilitate the investigation of the claims and pretensions of the province, on the Jesuits' College converted into barracks, and to the estates of that order, &c." His Excellency's reply informed the House, "that in consequence of the address of the House of Assembly, of the 11th of April 1793, the claims of the province had been considered by his Majesty in Council, and that the result of that consideration had been an order to take possession of those estates for the Crown. That if, after this explanation the House should deem it advisable to investigate, they should have access to the documents required; but any further application on the subject might be inconsistent with the accustomed respect of the House of Assembly for the decision of his Majesty, on matters connected with his prerogative." No further action was had in consequence of this reply on the subject for several years.

Since the final occupation of the estates by the Crown in 1800, their administration has been vested by a series of commissions; first in a board of five commissioners, holding office during pleasure; some years afterwards in a board of eight, and then in a board of six; and, lastly, in a single commissioner, the Honourable John Stewart, who still holds that office, and who had been a member of the board for several years before he became sole commissioner. The successive changes which have taken place under the several commissions which have been issued, and their dates, are not material to the purpose of the present report.

The revenues of the estates during the interval between this period and the year 1831, (when they were surrendered to the Provincial Parliament for the support of education), were appropriated by the local executive as a part of the property of the Crown, and no report as to the mode of their application was made public.

In 1812, the legislative council voted an address to the Prince Regent, praying for the devotion of these estates to the support of education. The address was sent down to the Assembly for concurrence; but, owing probably in a great degree to the pressure of business and the excitement growing out of the war with the United States, then just commencing, it was not then acted upon. The address does not appear to have been noticed by the government; in part, doubtless, from the same cause.

From this time till 1824, little was done on this subject. In the session of 1824, however, a special committee of the House, appointed for the purpose, submitted a long and elaborate report, setting forth the proceedings connected with the suppression of the order of Jesuits, both in France and Canada, and urging the unreserved devotion of the estates

once

once possessed by them to educational objects, in the latter as well as in the former country. The report was concurred in by the Assembly.

In the session of 1825–6, the discussion of the subject was again resumed, and another special committee named, to inquire into the kindred topics of the Jesuits' estates and the state of education in the province. In accordance with the report of that committee, it was resolved, on the 20th of March 1826, to address the Crown anew, in behalf of the claims of the provincial parliament to the revenues of the estates for the advancement of education. To this address no answer was made.

In 1827 a variety of complaints urged by the House of Assembly of Lower Canada were laid before the Imperial Parliament, the disposition and management of the Jesuits' estates being among the number of "grievances" complained of. The Canada committee of the House of Commons, in 1828, reported in favour of the application of the proceeds of the estates "to the purposes of general education."

In the month of March 1831, resolutions were again adopted by the House of Assembly of Lower Canada, complaining, among a number of other things, of the continued withholding of the Jesuits' estates from this use and from their control; and another address to the Crown was voted, embodying all these complaints. A despatch of Lord Goderich (then Colonial Secretary), dated 7th July 1831, and containing the reply of the Government to the demands urged in this address, concedes, at least on this point, almost all that the Assembly had demanded. By this despatch, the future revenue of the estates was placed at the disposal of the provincial legislature for the support of education, with a recommendation only to the House, in favour of the continuance of a provision to those "scholastic establishments" (the grammar schools of Quebec and Montreal) which had up to that period been sustained by its means. In this cession of the estates, however, the Jesuits' College was not included, except upon condition of the erection by the province of "adequate barracks," for the accommodation of the troops which had been for so many years quartered there.

A number of other measures were proposed to the Assembly by Lord Goderich, for the settlement of the controverted questions of the civil list, &c., out of the agitation of which the address of the Assembly had had its origin. To these the House did not assent. The surrender of the Jesuits' estates alone was ratified by a legislative enactment of that year, the 2d Will. 4, c. 41. By this law it is enacted, that from and after the date of its passage, "all monies arising out of the estates of the late order of Jesuits, which now are in or may hereafter come into the hands of the receiver-general of this province, shall be placed in a separate chest in the vaults wherein the public monies of the province are kept, and shall be applied to the purposes of education exclusively, in the manner provided by this Act, or by any Act or Acts which may hereafter be passed by the provincial legislature, and not otherwise." The Act then proceeds to appropriate, for the next year only; *i. e.* till October 1, 1832, the following sums:—

For the expenses of management of the estates:		
The commissioner's salary - - - - - -	£. 180	sterling.
Allowance for clerk hire - - - - - -	90	
Allowance for contingencies - - - - - -	80	
	——	350
For the royal grammar school in Quebec:		
Master's salary - - - - - - - - -	£. 200	sterling.
Allowance for house rent - - - - - -	90	
	——	290
For the royal grammar school in Montreal:		
Master's salary - - - - - - - - -	£. 200	sterling.
Allowance for house rent - - - - - -	54	
	——	254

In all, 894 *l.* sterling, or 993 *l.* 6 *s.* 8 *d.* currency; the "pound sterling" of the law being that in which the receiver-general's accounts are kept (9 *l.* sterling equalling 10 *l.* Halifax currency), and not the true "pound sterling" of English money. The above amounts were all copied into the Act from the estimates proposed, and are the amounts which had for some time previous been allowed from the estates for those purposes respectively.

The Act, of which the above is an outline, was adopted by the House on the recommendation of a special committee, to which so much of Lord Goderich's despatch as related to the estates had been referred. That committee accompanied their Bill with an explanatory report, which was adopted by the House, and to which I shall have occasion hereafter to refer more than once. On the subject of the retention of the Jesuits' barracks, this report proposes to the House no immediate action, but expresses the confident anticipation that "the justice of his Majesty's government" will ere long complete the restitution of the estates, without insisting upon a condition, a compliance with which on the part of the province would exhaust the revenues of the estates for several years.

Appended to the report of the committee on the Journals of the House is an abstract (drawn up apparently by some member of the committee) of the accounts of the estates for the 31 years from 1800 to 1831, as reported to the committee on this occasion. It is not easy to reconcile some of the statements made in this abstract with the contents of other papers embodying official information on the subject. I was not, however, able to give to this part of the inquiry a sufficient amount of time, to feel warranted in positively

asserting any contradiction between the two authorities, or in attempting to discuss at length the points on which they seem to differ.

From this table it would seem that the total amount received into the hands of the treasurer of the estates* or receiver-general for the 31 years between 1800 and 1831 was 49,583*l.* 14*s.* 3*d.* currency, being on an average not quite 1,600*l.* currency yearly, for the entire period. Of this sum there had been expended during the same time upon the management of the estates, 8,652*l.* 2*s.* 4*d.*, being at the rate of nearly 17½ per cent. per annum upon the amount received by the treasurer or receiver-general. This sum evidently does not include the 10 per cent. on all collections made by the agents, and deducted by them in the first instance from the gross receipts, without passing through the treasurer's or receiver-general's hands. Besides this 8,652*l.* 2*s.* 4*d.*, a further sum of 4,732*l.* 9*s.* is returned, as having been expended upon "repairs" of roads, mills, &c., making rather more than 9½ per cent. on the amount passed through the treasurer's hands. Assuming these figures to be correct, the entire sum expended in agent's allowance, expenses of management and repairs upon the properties for 31 years, amounted to more than 35 per cent. on the gross collections made in that period by the agents.

Of the 36,199*l.* 2*s.* 11*d.* remaining after these deductions, the same account shows a sum of 13,169*l.* 7*s.* 6*d.* (a little more than one-third) to have been for educational purposes. Of this sum, 780*l.* was a grant in favour of the M'Gill college, and all or nearly all the rest had been expended upon the royal grammar schools of Quebec, Montreal and Kingston (Upper Canada). The allowance to these schools commenced in 1817, and that to the Kingston school had been given up some years before 1831.

Among the remaining items of disbursements appears a charge of 9,793*l.* 2*s.* 11*d.* for "repairs of Protestant churches," all or nearly all this sum having been expended upon the repair of the Protestant cathedral church in Quebec. Another charge upon the estates (sanctioned by a despatch of Sir George Murray, dated June 2, 1828), is to the amount of 984*l.* 3*s.* 2*d.* for the salary of a clergyman of the Protestant Episcopal Church (Rev. Mr. Sewell), as chaplain of the church of the Holy Trinity in Quebec.

On the subject of the balance in the receiver-general's hands at the time of the surrender of the estates, the account given in this table is not reconcilable, so far as I can see, with that given on the books of the receiver-general. The latter (as may be seen from the accompanying document marked (E.) state it to be 8,020*l.* 16*s.* 3*d.* sterling, or 8,812*l.* 0*s.* 3¼*d.* currency. This sum, I presume, is the correct one.

The provisions of the 2d Will. 4, cap. 41, were in several particulars disregarded or contravened. The monies received from the Jesuits' estates were never placed by the receiver-general in a separate chest, as required by the law, but have continued, as before, to be deposited with the other public revenue of the province, a separate account only being kept to show their amount. The clause prohibiting the expenditure of any part of the balance at any time accruing from the Jesuits' estates for any other than educational objects was also set aside by the transfer on the 22d of September 1832 (by order of the governor, signified in a letter from Colonel Craig, then civil secretary, to the receiver-general), of 7,154*l.* 15*s.* 4½*d.* currency, from the amount credited to the Jesuits' estates, to the general revenues of the province. The circumstances under which this transfer was made, and the defence set up for it (a passage in Lord Goderich's despatch of 7th July 1831), will require fuller consideration in another part of this report. I shall there endeavour to show, that however undeserving of blame the order may have been, it was clearly a contravention of the law, and that the transfer in question ought accordingly to be reversed, and the 7,154*l.* 15*s.* 4½*d.* currency again set down as belonging to the educational fund of the province.

The appropriations made by the above Act of 1832 were, as has been stated, for one year only; no subsequent enactment has been passed on the subject, so that the revenues of the estates have been accumulating in the hands of the receiver-general since October 1, 1832; the allowances to the two grammar schools ceased at that date. The expenses of the commissioner's office have continued to be paid to the same amount as before; not, however, as before, by warrant drawn in due form upon the receiver-general, but by the commissioner himself, out of the monies received by him, before paying over the balance to the receiver-general. This course is defended by a reference to the terms of the commission by which that officer was appointed, and which empowers him to pay out of the receipts of the estates all necessary expenses of collection, &c. It received also at the time the sanction of the executive government, though there can be no doubt the majority of the House of Assembly intended, as one consequence of the non-renewal of their appropriations from this fund, to have reduced the commissioner of the estates to the position of the other public officers during the period of the stoppage of the supplies, and, if possible, to have obliged him to resign his office in consequence.

During the stormy sessions of the provincial parliament which followed the year 1831, a standing committee of the House was constantly occupied with investigations relative

* The receipts of the estates (after the deduction of an allowance of 10 per cent. to the agents for collection) were deposited under the earlier commissions in the hands of a "treasurer of the Jesuits' estates," for safe keeping and disbursement. This office was for a number of years held by the receivers-general of the province; first, by Mr. Henry Caldwell, and on his death, by his son, Sir John Caldwell. After the discovery of Sir John's defalcations (from which, as will be seen presently, the revenue of the Jesuits' estates as well as the general revenues of the province suffered) the treasurership of the Jesuits' estates was held by one of the commissioners, the Hon. H. W. Ryland. Shortly after the appointment of the Hon. John Stewart as sole commissioner, the revenues of the estates were again deposited with the receiver-general, and the office of treasurer of the estates was abolished.

relative to the Jesuits' estates. In the last session at which any public business was transacted (that of 1835-6), a Bill to regulate the future administration of the estates was introduced into the House of Assembly by Mr. Kimber, of Three Rivers, the chairman of this committee; but though it passed the House it failed to become a law, the disputes between the two Houses having so entirely engrossed attention, after it was sent up to the legislative council, as to prevent that body from proceeding with it to its passage, amendment or rejection. The session came to a close without any decisive action of the council in regard to it. The principal provisions of this Bill will require notice in another part of this report, when the particular subject to which it relates shall be under discussion. With the history of this property as an educational endowment they have no connexion.

Cap. III.

General View of the Character, Extent, Value and Management of the Jesuits' Estates.

It is hardly necessary here to mention that in the early settlement of Canada, extensive tracts of waste land were granted to certain individuals or communities, to be held by them of the Crown, by the tenure commonly called feudal as it then prevailed in France. The settlement of the country was to take place, in a great measure, through their instrumentality. By the deeds which constituted them seigniors within and over their new possessions, they were required to "concede" them in turn to others, under certain restrictions of quantity and price, prescribed in part by law and custom, and in part by the terms of the original grant. Those to whom land was thus "conceded" by the seigniors were held bound to pay him a small irredeemable yearly rental, in money, productions of the soil, or both, varying in amount in different cases, but never amounting to more than a very trifling impost on the land conceded. Besides this yearly payment of "cens et rentes," the seignior had also a right, in case of the sale, by any of his censitaires, of land so conceded, to a mutation fine (called a "Lods et ventes") of one-twelfth part of the purchase-money. He alone had the right to erect mills in the seigniory, and all his censitaires were bound to use his mills on certain terms. A part of the seigniory he could reserve from concession, for himself, as the "domain" or seignorial residence and farm of the seigniory. He might also concede any portion of his seigniory as an "arrière fief;" in which case the holder of such fief stood in much the same relation to himself, as that in which he stood to the Crown, and granted concessions from it to censitaires holding under him.

Such in few words, and omitting all that is not necessary to the understanding of the remarks to be made upon the management of the Jesuits' Estates, were the leading outlines of the system. In its details, the code of law introduced into Canada by, and essentially interwoven with, this mode of granting land, is complex in the extreme. The Crown has its rights over the seignior, as well as the seignior over the censitaire. The seignior has some other lesser rights over the censitaire, which are more or less a consequence of those already named. There are further several different tenures by which land may be held of a seignior, &c. These, however, are all matters which require no discussion here.

All the land granted in Lower Canada before the conquest was disposed of in this manner. Since the conquest, a comparatively small quantity only has been so granted, except within the limits of the seigniories erected before that time. A considerable portion of some of these seigniories still remains wild and unalienated on the seigniors' hands.

At the time of the conquest, the order of Jesuits was in possession, as has been already stated, of nine seigniories, besides some other properties not constituting seigniories, most of which were situate in or near the three towns of Quebec, Three Rivers, and Montreal. One of these seigniories (that of Sault St. Louis, in the district of Montreal) had been placed in their hands only as a trust for the use of the Iroquois Indians, and was, therefore, soon after the cession of Canada, restored to the Indians as its rightful owners. The remaining properties, with the exception of some alienations* of small extent, either by royal grant in favour of public institutions, or by occupation on the part of the Government for public uses, remain, in point of extent, as in the time of the Jesuits. These alienations will come under consideration when speaking in detail of the several properties forming the estates, and the management, value and disposition of each. For the present I proceed with the general description.

The

* There is an ambiguity in the use of this word "alienations," which I would gladly avoid, could I think of any other word, the use of which would be free from the objection. In the tables (F.), (G.) and (H.) it is used to signify any such disposition of a part of the estates (whether profitable or not) as withdraws it, for a time or permanently, from the direct control of the commissioner. In this sense, even the lands, mills, &c. under lease, are for the time "alienated," though not unprofitably; the "conceded" lands are permanently "alienated," (inasmuch as after the concession they are no longer under the commissioner's control, and except by legal process for non-payment of dues, or by re-purchase, cannot be brought again into his hands,) though still not unprofitably alienated; lands sold en constitut (in other words, on bond and mortgage, the purchaser engaging to pay a fixed rate of interest on the purchase money till such time as he may choose, or as may be appointed in the articles of contract, for payment of the principal,) come under the same designation. Grants to churches, &c. &c., and arrière fiefs, are "alienations" also; but in the stricter sense of the term they are permanent and unprofitable.

It is to this latter class of alienations that I refer, in speaking of the alienations from the estates since 1800 as of "small extent." Leases, concessions and sales are not the kind of alienation here intended.

The eight seigniories, then, of the Jesuits' estates are as follows:—

In the district of Quebec, 5:

1. Sillery.
2. St. Gabriel, or Ancienne et Jeune Lorette.
3. Notre Dame des Anges, or Charlesbourg.
4. Belair, or La Montagne au Bonhomme; and
5. Isle aux Reaux.*

In the district of Three Rivers, 2:

1. Batiscan; and
2. Cap de la Magdeleine.

In the district of Montreal, 1:

1. La Prairie de la Magdeleine.

The remaining properties are as follows:—

In the district of Quebec, 4:

1. La Vacherie, a tract of land adjoining Quebec, in the St. Roch's suburb.
2. Lands in the City of Quebec.
3. Lands in the Seigniory of Lauzun, opposite Quebec on the south bank of the St. Lawrence; and
4. Land at Tadoussac, on the River Saguenay,

In the district of Three Rivers, 2:

1. Isle de Christophe ;† and
2. Lands in the Town and Banlieue of Three Rivers.

In the district of Montreal, 1

1. Land in the City of Montreal.

Under one or other of the above heads, all that has ever belonged to the Jesuits in Lower Canada may be classed, including as well the portions which are now alienated, as those which are not.

The total extent of the above named seigniories is little if at all short of 800,000 square arpents, * *i. e.* is upwards of 1,000 square English miles. The seigniories in the district of Quebec cover of this nearly 160,000 arpents; those in the district of Three Rivers more than 582,000; and those in the district of Montreal, more than 56,000. Estimating the whole at 1,000 square miles, for the sake of round numbers, though this estimate is under the truth, the proportional extent of the seigniories in each district will be nearly as follows:—

In the district of	Quebec,	about 200	square miles.
„	Three Rivers	730	„
„	Montreal	70	„

Of these gross amounts of territory, in two out of the three districts, a large proportion is as yet ungranted. In the district of Quebec, there are nearly 66,000 arpents, and in that of Three Rivers, nearly 438,000 arpents, in this condition,—uncleared and mostly unsurveyed. Upwards of 500,000 arpents, or five-eighths of the whole superficial extent of the seigniories, is thus lost to the estates; leaving (on a rough estimate, as before) the conceded or otherwise alienated portions of the seigniories to be thus stated in round numbers:

In the district of	Quebec,	about 116	square miles.
„	Three Rivers	180	„
„	Montreal	70	„

The extent of the other properties is much less than that of the seigniories. Altogether, they cover a little more than 3,000 square arpents, about $3\frac{4}{5}$ square English miles; and of this more than 2,750 arpents, or $3\frac{1}{2}$ square miles, consists of lands in the seigniory of Lauzun and Banlieue of Three Rivers, from which revenue can be drawn only as from so much land in a conceded seigniory,—not quite so much indeed, since the *droit de banalité*, or seigniorial right to the profits of grinding the censitaire's grain crops, is not here enjoyed.

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* I have had some doubt as to the place in which this property ought to be classed, whether as a distinct seigniory, or not. It is certainly not a part of any other seigniory; and I find it more than once spoken of as a seigniory, in reports on the subject of the estates. Its extent, it will be seen, is trifling, and its value merely nominal.

† Perhaps this property would be better called a seigniory, though I have nowhere seen that name given to it. Like Isle aux Reaux, its value is merely nominal; and it matters little where either is classed.

‡ For evidence of the correctness of the amounts stated in this part of the report, see the tables (F.) and (G.) in loc. I give, in this passage and those which follow, round numbers only,—the round numbers nearest the truth. It will be seen presently, that the incompleteness of the surveys does not warrant any pretension to much greater accuracy.

enjoyed. The remainder is land within town limits, part of it valuable and improvable part not.

The revenue drawn from these extensive properties has never borne any proportion to the sum which their extent would lead one to expect from them.

In a report of the Law Officers of the Crown in Canada, addressed to Lord Dorchester, and dated in the year 1789, I find the then total yearly revenue stated to have been - - - - - - - - - - - - - £. 1,209 8 6 Cy.

Of which sum the seigniories yielded - - - - -	£. 1,134 11 –
And the other properties - - - - - - - - -	74 17 6

This was while the estates were still administered by the Jesuits. Whether these sums give the yearly revenue as actually collected by the Jesuits in any year, or as estimated by them from their books, does not appear. At that period, the extent of the conceded portion of the estates was much less than at present; besides that, from the comparative thinness of the population of the province generally, the revenue drawn from lods et ventes, which is dependent for its amount on the number of sales of real estate and the price it fetches, must have been very much less than it ought now to be, even in proportion to the extent of land conceded.

During the 31 years between the occupation of the estates by the Crown in 1800, and their cession to the provincial parliament in 1831, we have seen that the total amount received from them by the treasurer or receiver-general was reported to have been - - - - - - - - - - - - - £. 49,583 14 3 Cy.

Adding to this the amount of 10 per cent. on the gross collections, (the sum probably allowed to the agents,) we have as the gross amount collected during that period - - - - - - - - -	£. 55,093 – 3
Showing an average gross yearly collection by the agents, for the whole period of - - - - - - - - - - - -	£. 1,777 3 10½

The collections for the earlier years of this period must have been much less, and for the later years considerably more than this.*

For the six following years (between 1 October 1831, and 30 September 1837), the returns made by the commissioner of the estates to the Education Commission enable me to speak more exactly and confidentially. From these it appears, that the total gross receipts for the six years, and consequently the average yearly gross receipts, have been as follows:—

	For the Six Years.	Average per Annum.
From the seigniories - -	£. 17,326 16 3¾ Cy.	£. 2,887 16 ·62 Cy.
„ other properties -	1,815 6 2	302 11 ·33
In all - -	19,142 2 5¼	£. 3,190 7 1

The estimated gross yearly income of the estates, as drawn up on the 5th October 1838, for the year following, shows, exclusive of lods et ventes, the following results:—

From the seigniories (besides lods et ventes), † - - -	£. 3,798 16 2¼ Cy.
„ other properties (also besides lods et ventes) - -	556 9 9
In all (besides lods et ventes) - - - -	£. 4,355 5 1¼

The value of the lods et ventes, as a source of revenue, may be thus estimated. For the six years above named, the average yearly receipt from this source has been—

From the seigniories - - - - - - -	£. 565 17 11·58 Cy.
„ other properties - - - - - - - -	53 19 10·33
In all - - - - - - - - -	£. 619 17 10 –

nearly one-fourth part of the sum collected from all other sources together. Assuming the lods et ventes to have been collected with neither more nor less regularity and exactness than the other dues, and to have increased in value in the same proportion with them, they would be estimated for 1838-9, at nearly one-fourth of the estimated rental above stated,—say, at - - - - - - - - - - - - - £. 1,050 – – Cy.

which would raise the entire estimated revenue for the year to the sum of £. 5,405 5 11¼

The

* These amounts cannot be far wrong, though they may not be exactly in accordance with the books of the estates. These, for reasons already given, I have not been able to consult.

† Here, as in many other places, I quote the sums total given in my own tables (F.) and (G.) not those which appear on the face of the commissioner's returns. The reason will appear presently.

The very uncertain character of this impost makes me unwilling, however, to rely too confidently on this calculation; it is better than none; and I have no better data at command than those on which it is founded.

The difference between this estimate for the year 1838-9, and the above average of the six years ending in 1837, is to be ascribed in part to the remissness of the agents in their collections, and in part, also, to recent advances made in the rental of certain of the properties. It is not possible for me to determine exactly how much of it is to be set down to one, and how much to the other. The return of the leased properties gives only their present rental; and the returns of arrears are (as I shall show presently) very far from being trustworthy. At the present point of the inquiry, I can give no more exact estimate than the following. The returns of the commissioner state the increase of arrears between 1 October 1831 and 1 October 1837, to have been—

In the seigniories (not including increase of arrears; 1st, on lods and ventes in three seigniories; and 2d, on some other properties of minor value) -	£. 5,989 16 4¾ Cy.
In the other properties (on the "lands sold en constitut" alone) -	1,461 - 8¼
	£. 7,450 17 1

These sums, however, fall considerably short of the truth, as the statements I shall have to make presently will show. I here state only results, which more than admit of proof. On account, then, of increase of arrears of cens et rentes on lands conceded, and of interest on land sold en constitut, there must be added,—

In the seigniories (being deficiency of the sum returned, as contrasted with that shown by comparison of the returned amounts of rental and collections), about - - - - - - - - - - - - - -	£. 644 10 3½ Cy.
In the other properties (being the amount shown by such comparison) -	95 19 7¾
About - - -	£. 740 9 11¼

There remains still to be taken into account (supposing the returns given of arrears on lods et ventes, leased properties, &c., to be as correct as those of cens et rentes are incorrect), 1st, the increase of arrear on lods et ventes in three of the seigniories and in the conceded portions of the other properties; and 2d, the increase of arrear (trifling in amount), on several of the lesser properties in the seigniories, for which the returns are wanting. The addition of the 740 *l.* 9 *s.* 11¼ *d.* for arrears of cens et rentes raises the sum total to - - - - - - - - - - - - - £. 8,191 7 -¼

The addition of the other items may very safely be taken to raise it to at least about - - - - - - - - - - - - £. 8,250 - -

Thus showing an average yearly arrearage of at least - - - - £. 1,375 - -

The above computation would leave a sum of 839 *l.* 18 *s.* 10¼ *d.** as the difference between the estimated yearly rental for the year 1838–9, and the average of estimated rental for the six years ending in 1837; a difference which is to be accounted for as the increase of rental drawn from newly-made cencessions and the leased properties. This sum is, in my opinion, above rather than below the mark; and the 1,375 *l.* computed average yearly arrearage, for the same reasons, below it.

The results of these calculations, then, are as follows:—

Average yearly receipts from all sources, for the six years	£. 3,190 7 1 Cy.
Computed average yearly increase of arrear (for do.) about	£. 1,375 - -
Computed average gross yearly rental (for do.) about -	£. 4,565 7 1
Computed gross yearly rental for 1838–9, about - -	£. 5,405 5 11¼

About 30 per cent. of the entire rental of the estates would thus seem to have been yearly falling into arrear for the six years ending in 1837.

The expenses of the administration of the estates remain to be spoken of. These we shall see have always been as remarkable for the largeness, as the gross receipts of the estates have been for the smallness of their amount.

For

* Rather more, in point of fact; for the calculation of the gross computed revenue for 1838–9, made in the text, I have not taken into account the receipts to be drawn from assessments on the censitaires to meet particular expenses, such as surveys. These receipts during the six years ending in 1837, amounted on an average to 43 *l.* 4 *s.* 10 *d.* yearly, and form part of the gross sum of 3,190 *l.* 7 *s.* 1 *d.*, the total yearly receipt returned for that period. Adding the same amount to the computed revenue for 1838–9, we have a total of 5,448 *l.* 10 *s.* 9¼ *d.*, and consequently a difference between it and the supposed average rental for the six years of 883 *l.* 3 *s.* 8¼ *d*, (not 839 *l.* 18 *s.* 10 ¼ *d.*)

For the 31 years ending in 1831, we have seen that these expenses on an average were as follows:—

For allowance to agents for collection on the gross amount collected, (probably) - - - - - - - - -	10 per cent.
For "expenses of management," *i. e.* of commissioner's board, &c., nearly 17½ per cent. on the sum remaining, after deduction of agent's allowance; being therefore on the gross amount collected, (probably) - - - - - - -	15·7 very nearly.
For "repairs, &c.," rather more than 9½ per cent. on the sum above named, or, on the gross amount collected, (probably)	8·6 very nearly.
In all, about - - - - - - - - -	34·2

or more than a third part of the gross sum collected. It was not, therefore, without reason that in the despatch of Lord Goderich, ceding the estates to the provincial parliament, the large amount of the expenses of management was adverted to.

For the six years ending in 1837, the expenses have borne a somewhat heavier proportion to the gross receipts than before, as the following particulars will show:

For allowance to agents upon the entire collections - -	10 per cent.
For "expenses of commissioner's office," 2,238 *l.* 2 *s.* 5½ *d.* out of a gross receipt of 19,142 *l.* 2 *s.* 5¾ *d.* being very nearly* -	11·693
For repairs and other expenses, 3,083 *l.* 3 *s.* 6½ *d.* out of the above gross receipt, being over - - - - - - -	16·106
In all, above - - - - - - - - -	37·799 per cent.

This per centage on the gross amount collected gives us (if the preceding calculations as to arrears, &c., be at all correct) a result of very nearly 26½ per cent. on the estimated average rental as sunk in expenses. The 30 per cent. or more, running yearly into arrear added to this, shows a difference between the estimated gross rental and the actual net receipts of nearly 56½ per cent. on the former. The net revenue of the estates for six years running has thus been but about 43½ per cent. (or considerably less than one-half) of the gross amount that has fallen due within that period!

It remains to inquire what amount of net revenue may be looked forward to from these estates in future years, for the support of education in the province, and what measures, legislative or executive, are necessary to the realization of the greatest possible net revenue for this object.

To answer, as far as I can, these inquiries, it will be necessary to discuss—

1st. The extent, character and present management of each of the several properties belonging to the estates, as shown by the returns (A.), (B.) and (C.)

2d. The general character of the system of administration under which the estates are at present placed.

3d. The extent and value of the properties heretofore unproductive, and the measures by which they may best be rendered productive.

4th. The measures required to obtain from the properties heretofore productive their utmost net value.

5th. The amount of arrears now actually due on the estates, and the measures by which so much of them as can be collected at all may be best and soonest realized.

6th. The amount of monies belonging to the estates accumulated in the provincial treasury since 1831; and the measures to be adopted to render it a productive fund.

7th. The general outlines of the system which should be adopted for the future management of the estates, and the means by which the required changes can best be introduced.

This order of arrangement I propose to follow.

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* In the tables (F. 2.) and (G. 2.) these expenses are calculated for the several properties at exactly this rate, and the consequence is, that their sum total, as shown by these tables, is 3 *s.* 3¾ *d.* currency more than the truth, being 2,238 *l.* 5 *s.* 9¼ *d.* instead of 2,238 *l.* 2 *s.* 5½ *d.*

Cap. IV.

EXAMINATION of the RETURNS made by the COMMISSIONER of the JESUITS' ESTATES to the EDUCATION COMMISSION; showing the extent, character, present value, &c., of each of the properties comprised in them.

Part 1.—The SEIGNIORIES. (*a.*) In the District of QUEBEC.

§ 1.—SILLERY.

The first seigniory to be spoken of, in the district of Quebec, is that of Sillery.

Information in regard to it is contained in the commissioner's returns, marked (A. 1.), (A. 2.), (A. 3.), (A. 4.), (A. 6.), (A. 7.), (B. 1.) and (C. 1.) It is the first seigniory noticed in the tables marked (F. 1.), (F. 2.) and (F. 3.)

POSITION, EXTENT, &c.—This seigniory is but a short distance from the City of Quebec, and lies in a direction south-west and west of it. Its front line is on the St. Lawrence, on the north bank, a little above Quebec, and the side lines run back in a north-west direction, nearly at right angles to the course of the river. On its north-east or Quebec side, it is bounded by the seigniory of St. Michel, the property of the Quebec seminary; and on the south-west, by the seigniory of Godarville. In (A. 1.) it is returned as extending one league in front by one and a half leagues in depth, and containing therefore 10,584 square arpents; the whole surveyed, and 200 arpents only of the whole remaining at the disposal of the commissioner.

ARRIERE FIEFS.—Of these, according to (A. 2.), there are two (Monseau and St. Ursule), though (A. 1.) makes no mention of them. Their total area is 819 arpents. (All the arrière fiefs were granted by the Jesuits before the conquest.)

LANDS DISPOSED OF OTHERWISE THAN AS ARRIERE FIEFS OR CONCESSIONS.—(A. 1.) makes mention only of a grant of four arpents to a church under this head; but in this part of the return there are two errors; first, an omission to make any report of the extent of land leased with the coves mentioned in other returns; and secondly, the return as "new concessions" of 152 arpents of land, which were in reality not "conceded" at all, but "sold *en constitut.*" To mention these three properties, then, in the order of their importance:

1. *The Coves.*—A narrow strip of land along the river front of the seigniory forms the four Sillery coves, within which a considerable share of the lumbering business of Quebec is transacted. They are leased to as many mercantile houses in Quebec, engaged in the lumber trade. Their extent I am unable to state, in consequence of the omission to return them in (A. 1.) The strip which forms them is quite narrow, extending a very short distance only from high-water mark, and the hills rising behind it almost close to the water's edge. I do not know, therefore, that it is necessary to make any deduction on account of them, from the 10,584 arpents given as the total contents of the seigniory. The "one league by one and a half leagues" of the seigniory may perhaps be made good without including them, and at any rate they cannot take off a great deal of it.

2. *The Land sold en constitut,* is, as I learned by inquiry of the commissioner, a part of the "domain" of the seigniory, originally reserved by the Jesuits. The whole domain extended over 352 arpents, and of these, 152* were sold in nine lots of different dimensions between 23 December 1831 and 12 June 1832. The remaining 200 arpents constitute the unalienated portion of the seigniory above-mentioned.

3. *The Church Grant.*—This grant of four arpents is for the Roman Catholic parish church of St. Foi. It was given by the Jesuits among the earliest of the alienations made in the seigniory.

THE CONCESSIONS in this seigniory are all old concessions, made by the Jesuits, and they extend over all the remainder of the seigniory. In (A. 1.) they are returned as covering 10,380 arpents, neither the 152 arpents sold from the domain, nor the 819 arpents forming the arrière fiefs, nor the extent (if any) which should be taken off for the coves, being taken into account. Supposing, however, the seigniory to cover 10,584 arpents, exclusive of the coves, the utmost extent we can give these old concessions is 9,409 (and not 10,380) arpents.

The seigniory then is thus divided:—

Total extent - - - - - - - - - -	10,584 arpents.
Unalienated, a part of the domain - - - - -	200
Arrière Fiefs, 2 - - - - - - - - - -	819
Coves, 4 - - - - - - - - - -	(?)
Sold *en constitut,* 9 lots (part of domain) - - - -	152
Granted for a Roman Catholic Church - - - - -	4
Old concessions - - - - - - - - - -	9,409

The returns nowhere make any distinction of gross and net, as regards the extent of the various alienations within any of the seigniories or other properties; so that I cannot say, in

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* The return (A. 1.) gives 152 arpents as the extent of what are there called New Concessions; while the specification of them in (C. 1.), makes the extent only 135. I have taken the larger number, as perhaps the one which includes roads, and with the 200 unsold arpents, makes up the whole extent of the domain.

in any case, how much of the land is taken up with roads, &c., and how much really goes to make up the farms of the censitaires. Indeed, there can be no pretension made to minute accuracy, even as to the gross extent of these concessions; for the 10,584 arpents allowed for the whole seigniory is merely a rough estimate made from its recorded dimensions, and not the result of any accurate survey.

In speaking of the value of the several properties in the seigniory, I shall follow the order indicated in the tables (F. 2.) and (F. 3.) In making the preceding statement of their extent, it has been more convenient, on account of the corrections to be made in (A. 1.) to adopt an order somewhat different.

I. The Arriere Fiefs (*see* A. 2.) yield no revenue, and cannot be made to yield any.

II. The Concessions.—The 9,409 arpents, more or less, constituting the gross extent of the old concessions, appear from the return (C. 1.) to be held by 77 censitaires. No date is given of the original concession deeds under which the present censitaires hold, nor is any return made either of the number and names of the original grantees, or even of the extent of land now held by each censitaire, all which particulars were called for. The yearly rental of each of the 77 censitaires is specified, and as the amounts vary very considerably, I conclude that the quantities of land held by them vary also, and that the list is a mere list of censitaires, drawn up without any reference to the original concession limits, with the amount of rental of each holder as it stands on the agent's books, and the agent's record, such as it is, of the amounts of arrear due by each in 1831 and in 1837, stated, but with no specification of the extent of their respective holdings, &c., for their want of the requisite information on the subject.

It almost ceases to be a matter of wonder that this return is thus defective, when we glance at the aggregate rental due from these 77 censitaires upon their 9,409 arpents. This amount is 20*l.* 2*s.* 6½*d.* currency; a mere trifle over a halfpenny currency per arpent yearly, and amounting on an average to about 5*s.* 2*d.* currency only (hardly more than a dollar) a year, payable half-yearly from each censitaire.

The actual collections, however, made in the six years have been much larger than this meagre rent-roll would lead one to expect. The total gross receipts have been—

	For the Six Years.	Average per Annum.
For cens et rentes - -	£. 140 12 2·5 Cy.	- - 23 8 8·42 Cy.
„ lods et ventes - -	810 8 7	- - 135 1 5·16
In all - - - -	£. 951 - 9·5	- - 158 10 1·58

From this it appears that the whole amount paid in on these properties averages a little over 4*d.* currency per arpent, and as much as 2*l.* 1*s.* 2·04*d.* from each censitaire. The lods et ventes, from which more than five-sixths of this whole revenue has been drawn, constitute, it will be remembered, an irregular charge, incurred only when an estate is sold. The great comparative amount of lods et ventes in this seigniory is owing to several causes; the nearness of the seigniory to Quebec, which at once makes the land more valuable and the sales more frequent than in most seigniories, being the principal.

It is obvious, that if the sums above given as the yearly rental of these concessions, and the yearly receipt of cens et rentes from them, be correct, there must have resulted a decrease of arrear on this account in the course of the six years:

Actual yearly receipt, on an average - - -	£. 23 8 8·42 Cy.
Estimated yearly rental - - - - -	20 2 6·5
Consequent yearly diminution of arrear - -	3 6 1·92
And in the six years - - - - - -	£. 19 16 11·52

Turning to what purports to be the return of arrears due at the commencement and end of these six years respectively, we find them stated thus:

Arrears of cens et rentes on 30 September 1831 - -	£. 264 18 3·5 Cy.
„ „ on 30 September 1837 - -	271 14 4·5
Consequent increase of arrears in the six years - -	£. 6 16 1

This discrepancy cannot be accounted for, except by supposing the returns of arrears to a considerable extent apocryphal. That they are so, we shall have abundance of further evidence, in examining the accounts of some of the other seigniories. In the present case the amounts are trifling; but the error is material, as a proof of the want of any thing like correct accounts of the arrears actually due from the censitaires.

The

* "Seven years" is the term specified in the return; but from the date given in another column of the return, it would seem to be for 10½ years.

The arrears due on account of lods et ventes are returned in the same table thus:

On 30 September 1831 - - - -	£. 15	–	– Cy.
„ „ 1837 - - - -	200	7	2·5
Showing an increase of arrear of - -	£.185	7	2.5

It is hardly necessary to criticise this account. It cannot be supposed that if, with a payment of 810 *l.* 8*s.* 7*d.* in the six years ending in 1837, a further sum of 185 *l.* 7*s.* 2½*d.* has run into arrear, the whole amount of arrear incurred previous to 1831 should be one sum due from a single censitaire of 15 *l.*!

The expenses directly chargeable upon the concessions are, the agent's charge of 10 per cent. on the collections, and the apportionment of the expenses of the commissioner's office, 11·693 per cent. upon the same; in all, 21·693 per cent.

By this deduction the average net receipt from the concessions is brought down to the rate of 3·17*d.* currency per arpent yearly.

III. Lands otherwise alienated than as Arriere Fiefs or Concessions.—Of these, first in order are—

1. *The Four Coves.*—These form by far the most valuable property belonging to this seigniory; at present (*see* A. 3.) two of them are leased for 150 *l.* each per annum, the present leases running for seven years,* and expiring on 1st May 1843, but clogged with an engagement for a renewal of the leases for 14 years more (till 1st May 1857), at the rate of 200 *l.* per annum. A third cove was leased in 1836, by public auction, for 750 *l.* yearly, for seven years, ending also on 1st May 1843, and without any such engagement for a renewal of the lease; it appears, however, that the old lessee still remains in possession, and contests the right of the new lessee, and the consequence is, that since January 1836 neither claimant has paid any rental whatever for the cove. The fourth cove is leased for a term of 21 years, which ends on 1st May 1857, for 30 *l.* per annum.

Much angry discussion has taken place as to the real value of these coves, and it has formed part of the complaints of the standing committee of the House of Assembly that they are very much under-let. The complaint, so far as appearances and the evidence collected by this committee go, would seem well founded; but for reasons already stated, I have not been able to make such further inquiries on the subject as would justify me in expressing a positive opinion in regard to it. It is apparent, however, that very shortly after the cession of the estates to the control of the provincial parliament (viz. in September 1832), the first and second coves were leased anew, by private contract, for a period unprecedentedly long (24½ years in fact, from 1832 to 1857), and at a price said by very many persons to be far below their real value. The third cove, leased soon after by public auction, brought a rental five times as great, though leased for a much shorter term. How the fourth cove was let, whether privately or publicly, I do not remember; the question is one which requires further investigation into all the circumstances of the case, and made on the spot, to decide upon it.

The actual gross receipts from the four coves for the six years are returned as 2,973 *l.* 10*s.*, being on an average 495 *l.* 11 *s.* 8 *d.* yearly.

The arrears are thus returned in (A. 6.):

Due on 31 September 1831 - - - -	£. 300	–	– Cy.
„ „ „ 1837 - - - -	750	–	–
Increase of arrear in six years - -	£. 450	–	–

In (A. 3.) where the arrears due in 1831 and 1837 from each of the present lessees of the coves are reported, there is no mention of any arrear due at the former period. The 300 *l.*, it is therefore to be inferred, was an arrear due in 1831, from a lessee who no longer occupies a cove. It has been paid up, as is evident from the fact that the whole 750 *l.* due on 1 September 1837 was due upon one cove, No. 3, from its new lessee (or rather claimant), under the lease of 1836, being one year's rental.

The estimated rental for 1838–9, from the four coves, is 1,080 *l.* currency. Of this, however, a comparatively small portion only is likely to be received, as (I believe) the litigation for the possession of cove, No. 3, which should yield 750 *l.* of the whole, is still pending, and no revenue is, for the time, drawn from it. Till 1843, the revenue from Nos. 1, 2 and 4 cannot exceed their present amount - - - - - £. 330 – – Cy.

And till 1857, they cannot exceed - - - - - - £. 430 – –

The expenses directly chargeable upon the coves are the same as have just been charged upon the old concessions, 21·693 per cent. on the receipts; viz. 10 per cent. for the agent, and 11·693 for the commissioner's office.

The average net yearly revenue drawn from them for the six years is thus reduced to - - - - - - - - - - £. 388 1 6·34 Cy.

2. *The Land sold en constitut.*—These nine lots from the domain were sold, as Mr. Stewart stated in answer to my inquiries, at rates varying from 20 *l.* to 32 *l.* 10*s.* per arpent, interest to be paid on the purchase-money at the rate of 5 *l.* per cent. per annum. In (C. 1.) the total amount of interest due yearly is returned as 155 *l.* 9*s.* 11·25*d.*; showing, as the gross amount

* "Seven years" is the term specified in the return, but, from the date given in another column of the return, it would seem to be for 10½ years.

amount of capital payable for the whole, 3,109 *l.* 18 *s.* 9 *d.*, a result agreeing with this statement, but showing at the same time that the lower price was the prevalent one.

The actual gross receipts, up to 1 October 1837, have amounted only to 430 *l.* 18 *s.* 5·5 *d.* currency. How much of this sum is drawn from lods et ventes, and how much is interest paid on the purchase-money, does not appear, most of it is probably the latter.

The sum which is returned as having fallen into arrear is very large, being—

On account of interest	- - -	£. 406	– 10·5 Cy.
„ „ lods et ventes	- -	76	7 10
In all	- - -	£. 482	8 8·5

Equivalent to more than three years' interest on the entire purchase-money, within a period (averaging from the dates of the several sales) of less than five years from the date of sale! The returns do not furnish sufficient data to enable me to test the accuracy of these statements of arrear; they appear correct, and there is no reason to suppose them otherwise, as the transactions on which they are based are all recent.

The expenses directly chargeable on this property are heavy. Besides the 21·693 per cent. for agent's allowance and commissioner's office, a further charge of 34·89 per cent. is to be made (viz. for repairs of roads, 88 *l.* 5 *s.* 9 *d.*, and for surveys, 62 *l.* 1 *s.* 2 *d.*, two items of expense falling upon the domain), thus amounting in the whole to 66·583 per cent., or very nearly two-thirds of the receipts.

3. The grant of four arpents for the St. Foi Church is unproductive.

SUMMARY.

Besides the expenses above enumerated, and charged against the several productive properties in this seigniory, there is returned an item of—

Miscellaneous expenses, amounting for the six years to - £. 71 15 10·5 Cy.

which does not appear to be chargeable in particular upon any one property more than upon another. It may, however, as a common charge, be divided proportionally between them, and thus divided; it becomes a charge of 1·648 per cent. upon the gross receipts for each. The total expenses of the several properties after this addition stand—

Total expenses on the concessions	- - -	£. 23·341 per cent.
„ „ „ coves	- - - -	23·341 „
„ „ land sold en constitut	- -	67·231 „

The total gross receipts, then, from all sources, have amounted—

For the six years, to	- - - - -	£. 4,355	9	3 Cy.
Or, on an average, yearly, to	- - -	725	18	2·5

Reckoning the whole number of arpents in the seigniory, in any way disposed of, this gives us an average gross yearly receipt per alienated arpent of - £. – 1 4·77 Cy.

Reckoning only so much of the seigniory as belongs to the properties which produce revenue, the average is - - - - - - – 1 6·222

The expenses amount in all to 26·793 *l.* per cent. upon the gross receipts.

The total net receipts are therefore—

For the six years	- - - - -	£. 3,188	9	11·54 Cy.
Being a yearly average of	- - - -	531	8	3·92
And at the average rate per alienated arpent of	-	£. –	1	0·28

The total increase of arrear in the six years is reported at 1,124 *l.* 12 *s.* cy., an amount which certainly is not exactly correct, though probably it is not very far wrong, and which is 25·82 per cent. (more than a fourth part) of the actual gross receipts for that period.

From this, it would seem, that of the whole amount which has fallen due in the six years, more than 20½ per cent. has been left uncollected, and more than 21¼ per cent. expended upon collection and management; the net actual receipt falling more than 41¾ per cent. short of the gross estimated income.

For the year 1818–9, the gross estimated revenue of the seigniory (exclusive of lods et ventes) is set down at 1,455 *l.* 12 *s.* 5·75 *d.* cy.

It remains only to speak of the value of the 200 arpents of the domain, which constitute the unalienated portion of the seigniory. This tract Mr. Stewart states to have been valued in 1831 and 1832, when the 152 arpents were sold at pretty much the price at which these latter sold,—say 20 *l.* per arpent. Real estate has since fallen so much in value, that he states himself to be unable now to assign any positive value to the unsold tract. It might be worth 10 *l.* per arpent, sold en con.; but he should think certainly not 15 *l.* It has been for sale ever since it was first set up in 1831, and has never had a price offered for any part of it at which it was worth while to sell it.

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§ 2.—ST. GABRIEL.

The second seigniory in order is that of St. Gabriel, or Ancienne et Jeune Lorette.

Information in regard to it is contained in the returns (A. 1.), (A. 3.), (A. 4.), (A. 6.), (A. 7.), (B. 2.), and (C. 2.) In tables (F. 1.), (F. 2.), and (F. 3.), it follows next after Sillery.

Position, Extent, &c.—This seigniory, also, is at no great distance from Quebec, lying in a north-west and north-north-west direction from it. It is bounded in front by the seigniory of Sillery, the rear line of which is its front line. The side lines run back in the same direction as those of Sillery; the fief St. Ignace bounding it on the north-east, and the seigniory of Godarville on the south-west. In the rear it is bounded by land not yet settled.

According to (A. 1.), it measures 1½ leagues in front by 10 leagues in depth, and contains, therefore, about 105,840 square arpents, or ten times the extent of the seigniory of Sillery. Of these, however, only 41,600 arpents are returned as "surveyed,"—leaving therefore a remainder of about 64,240 arpents (more than three-fifths of the whole seigniory, unsurveyed. A somewhat larger portion than this, it will be seen, remains undisposed of.

Arriere Fiefs.—There are none in this seigniory.

The land disposed of otherwise than as arrière fiefs and concessions is returned in three amounts, as follows:—

1. For the three Banal Mills of the seigniory - - - -	270	arpents.
2. Reserve for Indians - - - - - - - -	1,600	„
3. Grant for two Roman Catholic Churches within the seigniory -	6	„
In all - - -	1,876	

The Concessions, as returned in (A. 1.), stand thus:

Old concessions - - - -	13,000	arpents.
New - - - - - -	25,400	„
Total extent conceded - - -	40,000!	

Supposing the first and second of the above returns correct, the third contains an obvious blunder. In fact, from the figures as they stand in the other columns, I am led to conclude that the 1,600 arpents of the Indian reserve, besides being returned in another column, have been carelessly added in here, to make up the amount as it stands. If so, the gross sum total of land granted by concession is 38,400 arpents. The proportion of this amount which is taken up as "old" and "new concessions," respectively, remains to be considered. The return is again obviously incorrect in this point, as a reference to the information furnished in the other returns will show. For this purpose, however, I must refer to the returns (B. 2.) and (C. 2.), and the revenue of the concessions, a little out of the order followed in speaking of the former seigniory.

The return (C. 2.), then, is in much the same condition with (C. 1.), before noticed. There is not a single date, nor a single specification of size given, for any of the concessions, old or new. In the return of "old concessions," we have merely the names of 327 censitaires given, with a specified rental (varying very considerably in amount) set down to each. In that of the "new concessions," we have a list of 94 censitaires (the same name being, however, in this latter list often repeated more than), once as though the list was in this case a list of holdings rather than of holders. In both lists, the return of arrears is limited to "arrears of cens et rentes;" no statement of the "arrears on lods et ventes" being so much as attempted.

Such as it is, however, the information contained in this return is utterly irreconcilable with the extent assigned to the old and new concessions in (A. 1.) This will be best seen by placing them in juxtaposition:—

	(See A. 1.) Arpents.	Censitaires.	(See C. 2.) Gross Yearly Rental.
Old concessions	13,000	327	£. 77 18 2 cy.
New - - -	25,400	94	39 7 4·5

To suppose that 13,000 arpents, conceded at an early period of the settlement of Canada, bear a rental almost double what is charged upon 25,400 arpents conceded at a later period, is to suppose what is sufficiently improbable. The rate of concession can never have diminished to one-fourth of the original rate in any seigniory. If we suppose the amounts to have been transposed in (A. 1.) the difficulty is materially lessened, though perhaps not quite removed. The truth is, that even 13,000 arpents is rather too great an extent to give to the new concessions. Divided into 94 holdings, it gives more than 138 arpents to each (120 arpents being the average extent of two adjoining concession lots, as commonly laid out); and its rental of 39*l.* 7*s.* 4·5*d.* cy. gives an average rate per arpent of only ·727*d.* cy. (a little less than ¾*d.* cy.) which is a slightly lower rate than that which the rental of the old concessions, even supposing them to cover 25,400 arpents, allows for them (being ·736 *d.* cy. per arpent). Now, in point of fact, the rate of concession has every where risen since the earlier concessions were made; and the present rate of concession throughout the Jesuits' estates is (according to Mr. Stewart) about 1 *d.* sterling per arpent.

The

The return (B. 2.) also, presents the following results, hardly less at variance with (A. 1.) in this particular, or less confirmatory of this view of the correction required :—

Actual Receipts :—

	For the Six Years ending in 1837.	Average per Annum.
From Old concessions,	£. 752 7 11·75 cy.	£. 125 7 11·96 Cy.
„ New „	229 3 5·5	38 3 10·92

In tables (F.) and (G.) accordingly, I have made this alteration, though not altogether satisfied that it is all that is required. The extent of the new concessions still appears too large ; perhaps that of the old may be too small. On this point, conjecture is hopeless. We assume the concessions then to stand—

Old concessions	25,400 arpents.
New „	13,000 „
In all	38,400 „

The land still undisposed of is returned in (A. 1.) as amounting to 65,570 arpents, a sum which (as usual) does not square with the other amounts given in the return :—65,564 is the extent remaining after the deductions above-named have been made. This tract lies wholly in rear of the seigniory, and only 1,324 arpents of it are as yet surveyed.

The disposition, then, of the lands in the seigniory is as follows :—

Total extent, about	105,840 arpents.
Unalienated, a tract in rear, (64,240 arpents of which are unsurveyed) about	65,564
Arriere Fiefs	none.
Reserved for three mills	270
„ „ Indians	1,600
Granted for two churches	6
Concessions, old	25,400 ?
„ new	13,000 ?

The revenue of this seigniory is drawn, as will be seen, entirely from two sources, the concessions (old and new) and the mills. To follow the arrangement in tables (F. 2.) and (F. 3.)

I. Arriere Fiefs.—None.

II. Concessions.—Of the deficiency of nearly all the returns for the concessions, I have already spoken. It will require to be borne in mind here, also,

1. The old concessions I have set down at 25,400 arpents (perhaps more), occupied, according to (C. 2.) by 327 censitaires, and at a yearly rental ("cens et rentes") of 77 *l.* 18 *s.* 2 *d.* cy. The average yearly payment required of a censitaire, on this score, is thus only 4 *s.* 9·18 *d.* cy. (less than a dollar), an amount somewhat less than in the preceding seigniory. The rate per arpent (if the 25,400 arpents be correct) is higher, nearly ¾ *d.* cy.

The actual collections, according to (B. 2.) have been—

	For the Six Years.	Average per Annum.
For cens et rentes	£. 399 2 –·25 Cy.	£. 66 10 4·04 Cy.
Lods et ventes	353 5 11·5	58 17 7·92
In all	£. 752 7 11·75	£. 125 7 11·96

From this it appears that the whole amount paid in yearly on these concessions has averaged not quite 1¼ *d.* cy. (1·184 *d.*—perhaps less) per arpent ; and from each censitaire 7 *s.* 9·14 *d.* cy. The lods et ventes are here a source of revenue, rather less productive than the cens et rentes, a result very different from that shown by the accounts of Sillery.

At the above rate of collection of cens et rentes, as compared with the gross rental, it is clear that there must have been an increase of arrear on that account during the six years :—

Actual yearly receipt on an average	£. 66 10 4·04 Cy.
Estimated yearly rental	77 18 2
Consequent yearly increase of arrear	11 7 9·96
And in the six years	£. 68 6 11·76

The return of arrears in (C. 2.) give a different result; thus again showing the little value to be attached to these arrear accounts:—

Arrears of cens et rentes, on old concessions, on 30 September 1831	£. 1,698 11 7	Cy.
„ „ „ „ „ „ 1837	1,722 17 1	
Consequent increase of arrears in the six years - - - -	24 5 6	

Little more than one-third of the amount shown by the other returns.

2. The new concessions (estimated at 13,000 arpents, or less,) are held, we have seen, by 94 censitaires, at a yearly rental (cens et rentes) of 39 *l.* 7 *s.* 4·5 *d.*: at an average rental, therefore, of 8 *s.* 4·5 *d.* cy. each.

The actual receipts from them have been, according to (B. 2.)—

	For the Six Years.	Average per Annum.
For cens et rentes -	£. 87 14 4 Cy.	£. 14 12 46·7 Cy.
„ lods et ventes -	141 9 1·5	23 11 6·25
In all - -	£. 229 3 5·5	£. 38 3 10·92

The whole actual receipt thus falling a trifle short of the estimated receipt from cens et rentes alone.

The increase of arrear on cens et rentes is obviously great, though, as the concessions (being "new") may have been granted some few of them since 1831 (the return (C. 2.) it will be remembered, furnishes no dates), it is not possible to rely with perfect confidence on the result given by a comparison of the rental with the collections. That result may or may not be a little too large.

Actual yearly receipt on an average - - - - -	£. 14 12 46·7	Cy.
Estimated yearly rental - - - - - - -	39 7 4·5	
Consequent yearly increase of arrear - - - -	£. 24 14 11·83	Cy.
And in the six years - - - - - - - -	£. 148 9 11	

More than this it cannot be,—it is less, if any of the new concessions have been granted since 1831. Now the return (C. 2.) gives us the following statement:—

Arrears of cens et rentes, on new concessions, on 30 Sept. 1831	£. 197 16 10·5	Cy.
„ „ „ „ „ „ „ 1837	412 16 8	
Consequent increase of arrear in the six years - - - -	214 19 9·5	

Almost half as much again as the amount which the other returns prove to be the highest amount of increased arrear that can have accrued.

There is no attempt made to give any return of the arrears on lods et ventes, either for the old or for the new concessions; nor are there any sufficient data furnished on which to found a satisfactory estimate on the subject.

The expenses directly chargeable on the concessions are, as in the seigniory of Sillery, 21·693 per cent. It will be seen, however, that this per centage requires to be considerably increased, in consequence of the amount of "miscellaneous expenses" to be noticed presently.

III.—The Lands otherwise disposed of, viz.

1. The three mills, with their 270 arpents, are at present leased at a gross yearly rental of 151 *l.* 10 *s.* Cy. One of the three is an oat-mill. The leases are all for seven years. One has fallen in since the return was made; another runs to 1843; and the third, that of the oat-mill, expires in 1845.

The actual gross revenue from these mills, according to (B. 2.) has been—

For the six years - - - - -	£. 693 12 6	Cy.
Average per annum - - - -	115 12 1	

From (A. 6.) it appears that in 1831 there were no arrears due on these mills; but that on 30 September 1837 an arrear had accrued of 222 *l.* 16 *s.* 6 *d.* Cy.

The return of the present rental is not sufficient to serve as a test of the correctness of this statement; but it shows that there can be no material error in it.

The expenses upon these mills are heavy. Besides the 22·693 per cent. for agent and commissioner's office, there is a charge of 263 *l.* 6 *s.* 10 *d.* (37·97 per cent. on the gross receipts) for "repairs" during the six years, which raises the sum total to the rate of 60·663 per cent.; an amount which does not, however, include all the expenses incurred.

2. The Indian reserve, and

3. The church grants, are both of them unproductive alienations of territory.

SUMMARY.

Besides the items of receipt and expenditure above enumerated and chargeable directly to one or other of the productive properties in the seigniory, there are several small sums returned in (B. 2.) as the proceeds of "procès verbals," amounting altogether, in the six years, to 12 *l.* 11 *s.* 3 *d.* Cy. As an offset to these collections, there are several charges of a like general character. These much more than balance the receipt above named, amounting in the six years to—

Roads and bridges - - - - - -	£. 34	5	- Cy.
Surveys - - - - - - - -	54	15	6
Miscellaneous expenses - - - -	37	14	9
Total - -	£. 126	15	3

These expenses, together with the charge of 21·693 per cent. upon the 12 *l.* 13 *s.* 3 *d.* collected, (for agent's and other expenses of collection and management,) must be taken into account, in balancing the receipts and expenses of the seigniory and its constituent properties.

It will be remembered, then, that, as in the preceding seigniory so in this, the real per centage of the expenses upon the receipts for each property is somewhat heavier than is stated in the table (F. 2.) owing to the additional charge of these expenses. In this seigniory the excess of miscellaneous expense over receipt is 116 *l.* 18 *s.* 6·54 *d.* Cy., being 6·928 per cent. on the total gross receipts of the seigniory. This sum, then, requires to be added to the per centage before stated for the concessions and mills. In the seigniory of Sillery the addition of the miscellaneous expenses made but a trifling difference. Here it is more important.

The expenses on the concessions are raised by it to - 28·621 per cent. } on the gross receipts
And those on the mills to - - - - - 67·591 „ } from each.

The total gross receipts for this seigniory have amounted—

For the six years to - - - -	£. 1,687	15	2·25	Cy.
Or on an average, yearly, to - - -	281	5	10·37	

A gross yearly receipt, which gives an average of 1·626 *d.* Cy. per alienated arpent in the whole seignory.

The expenses have amounted in all to 44·803 per cent. on the gross receipts, not far from the half.

The total net receipts have been—

For the six years - - - - -	£. 931	10	7·32	Cy.
Being a yearly average of - - - -	155	5	1·22	

And at the average yearly rate per alienated arpent of ·925 *d.* Cy. only.

The total increase of arrear within the six years is unascertainable, as there is no return made or attempted of arrears on account of lods et ventes.

The increase of arrear on cens et rentes and on the mills can be ascertained, or nearly so. The returns make it 462 *l.* 1 *s.* 9·5 *d.* currency. We have seen, however, that two out of three of these returns are in error; the return for the old concessions being considerably under, and that for the new above the mark. Corrected, they give us a result of, perhaps, a little less than 439 *l.* 13 *s.* 4·75 *d.* being not far from 37 per cent. upon the actual gross receipts for the period from those sources of revenue alone.

Exclusive, then, of lods et ventes, it appears that of the entire amount falling due within the six years in this seigniory, 27·007 per cent. has been left uncollected, and 32·703 per cent. (nearly) expended upon collection, management and repairs; the net actual revenue thus falling 59·71 per cent. short of the gross estimated income.

For the year 1838–9, the gross estimated revenue of St. Gabriel, exclusive of lods et ventes, is returned at 268 *l.* 15 *s.* 6·5 *d.* Cy.

For the 65,564 arpents as yet undisposed of, it is not easy to assign a value. About one-fiftieth part of it only is surveyed. The unsurveyed portion of it is wholly in rear of the surveyed part of the seigniory, according to Mr. Stewart; and even the surveyed part lies in rear of the conceded tract. According to this statement the nearest part of it should be not quite five leagues and a half distant in a direct line from the St. Lawrence; while in its remoter portions it extends above six leagues further back, with a breadth of one league and a half throughout. Of its quality as good land or bad, I could learn nothing from Mr. Stewart, except that the concession of some lands on the St. Anne's, lying quite far back in the ungranted tract, had been applied for within the last two years "by a few individuals." The application was refused, because the intermediate lands were not granted, and it was not worth while to survey land so far back for so limited an extent of concession. The small amount of surveyed land in the seigniory open to settlement Mr. Stewart stated to be the consequence of the very trifling demand for land in that quarter, and the very poor return from it if granted; from which causes, taken together, it was not worth while to expend money upon further surveys, to lay out land for concession.

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§ 3.—NOTRE DAME DES ANGES.

The seigniory of Notre Dame des Anges, or Charlesbourg, is next in order.

Information in reference to it is contained in the returns (A. 1.), (A. 2.), (A. 3.), (A. 4.), (A. 6.), (A. 7.), (B. 3.) and (C. 3.) In tables (F. 1.), (F. 2.) and (F. 3.) it follows next after St. Gabriel.

Position, Extent, &c.—This seigniory is close to Quebec, lying to the N. and N. E., and separated from the St. Roch suburb only by the River St. Charles. It fronts partly on the St. Charles, and partly on the St. Lawrence, and its side lines run back in a N. W. direction, the N. E. line dividing it from the seigniory of Beauport, and the S. W. line from that of Dorsainville. The land in rear is laid out in township.

It is returned as extending one league in front by four leagues in depth; and its gross area is therefore about 28,234 arpents. The whole of this extent is surveyed and disposed of by concession or otherwise.

Arriere Fief.—The Arrière Fief of Grandpré, containing (*see* A. 2.) 2,498 arpents, is omitted in (A. 1.)

Lands disposed of, otherwise than as Arriere Fiefs or Concessions.—These may be specified under three heads.

1. Three farms and a meadow (the "Meadows of Auvergne").—The return (A. 1.) specifies only one farm, the "Domain Farm," covering "272 arpents." (A. 3.) returns three farms, one of which is called the "Domain Farm," and is leased for seven years, ending in 1845. Its extent is not stated in (A. 3.) The other two farms, which are mentioned in (A. 7.) as well as in (A. 3.), have been sold en constitut, but their extent is not stated. Whether all three together make up the 272 arpents of the original "Domain Farm," or whether the leased farm so called covers the whole, I have no means of judging. In the tables (F. 1.), (F. 2.) and (F. 3.), I have supposed the former, to keep as near the returns as I could. The meadows of Auvergne, 28 arpents, are under lease for seven years, ending in 1843.

2. For two mills there are returned as reserved 180 arpents.

3. And four arpents have been granted for a Roman Catholic parish church in the seigniory.

The Concessions.—These are stated in (A. 1.) to cover—

The old concessions - - - - - - -	22,744	arpents.
„ new „ - - - - - - -	5,000	„
In all - - -	27,744	„

All three amounts may easily be proved from the other returns to be incorrect. It is not equally easy so to correct them as to make it certain that the results are perfectly accurate.

The alienations already mentioned cover 2,982 arpents, leaving only 25,242 arpents for the "concessions," instead of 27,744 arpents.

Of the other two amounts, that set down to the new concessions is clearly set aside by the return (C. 3.) in which their present holders are reported to be 47 in number, 34 of these holding 2,708 arpents only. The remaining 13 are entered at rentals which average no higher than those of the 34, and the extent of their holdings (though not reported) clearly cannot raise the whole to 5,000. This number, it is evident, has been written at a guess in (A. 1.), to make the numbers for once look upon the face of the return correct. The Fief Grandpré having been omitted, its extent, with a few arpents over (the four arpents returned for the church), has been added in under the concession column, and shared hap-hazard apparently between the old and new concessions.

I can make no better correction of these amounts than by allowing to the new concessions a gross extent of - - - - - - - - - -	3,700	arpents.
A conclusion which is, I think, warranted by the return (C. 3.)		
For the old concessions there will then remain an extent of - - -	21,542	„
Thus making the concessions in all cover the required - - -	25,242	„

The territorial division of the seigniory, then (which, if not correct, is at least as near the truth as the returns enable me to make it), is as follows:

Total extent - - - - - - - - -	28,224	arpents.
Unalienated - - - - - - - - -	none.	
Arrière Fief, 1 - - - - - - - -	2,498	„
Farms, 3 - - - - 272 arpents ? } Meadow, 1 - - - - - 28 „ }	300	„ ?
Reserved for two mills - - - - - -	180	„
Granted for a Roman Catholic church - - -	4	„
Concessions, old - - - - - - - -	21,542	„ ?
„ new - - - - - - - -	3,700	„ ?

The

The Revenue of the seigniory is drawn as follows:

I. The Arriere Fief, Grandpre, is held under the condition of paying to the estates "one year's revenue every mutation." This, however, can hardly be said to take it out of the class of unproductive alienations.

II. The Concessions.—The return (C. 3.) is not much less defective than the two other returns of its class already noticed. For the old concessions, it gives neither date of grant, original grantee nor extent. For the new, it gives the dates of concession (between 10 January 1825 and 9 October 1835), and the amount conceded to 34 out of 47 censitaires.

1. Old concessions.—The 21,542 arpents, more or less, constituting the gross extent of the old concessions, are occupied (C. 3.) by 229 censitaires, under a gross yearly charge of 72 *l.* 3 *s.* 0·75 *d.*, for cens et rentes, which gives an average rate of rather more than ¾ *d.* Cy. an arpent (·802 *d.* Cy.), and gives 6 *s.* 3·62 *d.* Cy. (about a dollar and a quarter) as the average yearly rental of each censitaire.

The actual collections (*see* B. 3.) have been as follows:—

	For the Six Years.	Average per Annum.
For cens et rentes	£. 485 16 9·75 Cy.	£. 80 19 5·62 Cy.
„ lods et ventes	500 18 2·25	83 9 8·38
In all	£. 986 15 –	£. 164 9 2

The whole sums, then, paid on an average yearly, for these six years, have amounted to a rate of rather more than 1¾ *d.* Cy. (1·832 *d.*) per arpent; or to a payment by each censitaire of nearly three dollars (14 *s.* 3·79 *d.*) yearly. The lods et ventes on this seigniory, as in that of Sillery, have exceeded the cens et rentes in value, though not in as great a proportion.

The arrears on cens et rentes, it is clear, must have been in process of diminution during this period:

Actual yearly receipt, on an average	£. 80 19 5·62 Cy.
Estimated yearly rental	72 3 0·75
Consequent yearly decrease of arrears	8 16 4·87
And in the six years	£. 52 18 5·25

The return (C. 3.), though not quite in agreement with this result, comes much nearer to it than those of the two preceding seigniories:—

Arrears of cens et rentes on old concessions, on 30 Sept. 1831	£. 1,585 3 0·25 Cy.
„ „ „ „ 1837	1,547 19 8·75
Consequent decrease in the six years	£. 37 3 3·5

The return of arrears on lods et ventes is, I presume, defective. Only two small amounts of arrear are specified for 1831, and one for 1837, to the following amounts:—

Lods et ventes due on old concessions, on 30 September 1831	£. 32 10 – Cy.
„ „ „ „ 1837	29 3 4
Decrease in the six years	£. 3 6 8

It is scarcely possible that the collections should have been so much more punctual here than in any other of the seigniories under the same management, as to have left only these trifling arrears due at either of these periods; especially in view of the heavy amounts of arrear on cens et rentes acknowledge to have been and to continue due upon these very concessions themselves.

2. The new concessions (estimated at 3,700 arpents) are held by 47 censitaires, at a gross rental of 16 *l.* 11 *s.* 1·25 *d.* cy., which amounts to a small fraction above 1 *d.* cy. (1·074) per arpent, and on an average to about 7 *s.* 0½ *d.* cy. (not a dollar and a half) from each censitaire.

The actual receipts show a very heavy accumulation of arrears. There has been collected only,—

	For the Six Years.	Average per Annum.
For cens et rentes	£. 5 2 7·75 Cy.	£. – 17 0·12 Cy.
„ lods et ventes	2 18 11·5	– 9 9·92
In all	£. 8 1 0·25	£. 1 6 10·04

As 20 out of the 47 holdings appear to have been granted between 30 September 1831 and 9 October 1835, the gross rental of the whole has varied in amount during the six

years, having for four years of the six been somewhat less than it is now. The amount which has run into arrear on cens et rentes has, however, been very large, as the following apparently correct return from (C. 3.) shows:—

Arrears on cens et rentes on new concessions, on 30 Sept. 1831	£.	32	4	2·75 Cy.
" " " " 1837		120	13	11·5
Increase of arrear in the six years	£.	88	9	8·75

No return is made of any arrear of lods et ventes on these concessions. It is possible enough that there may have been none at either date.

The expenses directly chargeable upon these concessions (old and new) are to the usual amount, 21·693 per cent. on the gross receipts, for agent's and commissioner's office allowances. The addition to be made on account of "miscellaneous expenses" in this signiory is small.

III. Lands otherwise disposed of: viz.—

1. The three farms and meadow (supposed to occupy 300 arpents) are at present thus disposed of:—

1 farm (sold en con. for 1,500 *l.* cy. interest payable at 6 per ct.)	£.	90	–	– Cy. yearly.
1 ditto (sold en con. for 2,200 *l.* cy. interest payable at 5 per ct.)		110	–	– "
1 ditto (leased for 7 years, lease to expire in 1845)		120	–	– "
Meadows (leased for 7 years, lease to expire in 1843)		20	–	– "
Total gross yearly revenue	£.	340	–	– "

How and at what rates these properties were disposed of in the earlier years of the six, I have no means of judging. I cannot, therefore, apply any test to the accounts given of actual receipts and arrears.

The gross receipts are thus returned:—

For the six years from the whole (leased and sold)	£.	1,010	1	– Cy.
Average per annum		168	6	10

The increase of arrears returned (*see* A. 6.) is very considerable, as might have been expected:—

Due on 30 September 1831:				
On the leased properties	£.	510	–	– Cy.
On those sold en con.		–	–	–
		510	–	–
Due on 30 September 183-:				
On the leased properties		937	10	–
On those sold en con.		685	–	–
		1,612	10	–
Increase of arrears in the six years	£.	1,102	10	–

Considerably more than three years' revenue fallen into arrear in six years!

The expenses chargeable upon these properties are the same as upon the concessions.

2. The two mills, with their 180 arpents, are under lease at a rental of 134 *l.* 10 *s.* per annum; the one lease for 27 *l.* 10 *s.* expiring in 1839; the other for 107 *l.* in 1844; both leases being for the term of seven years.

The gross receipts are returned at the following amounts:—

For the six years	£.	350	–	– Cy.
Average per annum		58	6	8

The increase of arrears, however, in the six years is returned only at the following sum:—

Arrear due on 30 September 1831	£.	6	–	– Cy.
" " " 1837		81	–	–
Increase in the six years		75	–	–

The expenses on these mills have much more than equalled the receipts; so that during the six years, the estates have sustained a positive loss from them. The "repairs" alone amount to 416 *l.* 10 *s.*; 119 per cent. on the receipts. Allowing for the other charges to be made on account of the receipts for expenses of agent and commissioner, the per centage is raised to 140·693 per cent. besides "miscellaneous expenses" to be mentioned presently.

3. The church grant is of course unproductive.

Summary.

SUMMARY.

The miscellaneous receipts and expenses are small, on this seigniory 2*l.* are returned as proceeds of "Procès Verbals," and 39*l.* 17*s.* 3·5*d.*, as "miscellaneous expenses." The balance 38*l.* 5*s.* 7·63*d.* (*see* Table F. 2.) is 1·624 per cent. on the total gross receipts of the seigniory. This raises the total expenses, therefore, chargeable on the several productive properties, as nearly as may be,

On the concessions, to	- - - - - -	23·317 per cent.	on their gross receipts respectively.
„ farms	„ - - - - - -	23·317 „	
„ mills	„ - - - - - -	142·317 „	

The total gross receipts of the seigniory have amounted—

For the six years, to - - - - - - - -	£.	2,356 17	0 25 Cy.
Being an average yearly of - - - - - - -		392 16	2·04
And at an average yearly rate, therefore, per alienated arpent, of	£.	- -	3·34 Cy.

The expenses have amounted in all to 41·003 per cent. upon the gross receipts.

And the total net receipts have therefore been—

For the six years - - - - - - - - -	£.	1,389 4	4·49 Cy.
Being a yearly average of - - - - - - -		231 10	8.75
And showing an average yearly rate per alienated arpent, of	£.	- -	1·969 Cy.

The total increase of arrears on this seigniory in the six years, according to the returns, is - - - - - - - - £. 1,235 9 9.25

The return, however, of the arrears on cens et rentes, I have shown to be in error, making the diminution of arrears on that account too small by - - - - - - - - - - - 15 15 1·75

Deducting for this, we have - - - - - - - £. 1,219 14 7·5

as the true total. This result is by no means certain, however, owing to the apparent deficiencies of the arrear returns of lods et ventes. It is not probable, however, that the arrears on lods et ventes have either increased or diminished so as materially to affect it.

If so, we have an increase of arrear, in the six years, equal to 51·75 per cent. (or more than half) of the entire gross receipts of the six years; and thus of the entire amount which has fallen due in that period, 34·102 per cent. has been left uncollected, and 27·02 per cent. more expended in collection, management and repairs; the actual net receipts being (61·122 per cent. under) less than two-fifths (38·878 per cent.) of the gross estimated income.

For the year 1838–9, the estimated gross income (exclusive of lods et ventes) is returned at - - - - - - - - - - - - - £. 563 4 2

§ 4.—BELAIR.

The next seigniory in order is that of Belair, or La Montagne au Bonhomme.

Information in regard to this seigniory is contained in the returns (A. 1.), (A. 4.), (A. 6.), (A. 7.), (B. 4.) and (C. 4.) It follows the seigniory of Notre Dame in the tables, (F. 1.), (F. 2.) and (F. 3.)

POSITION, EXTENT, &c.—It lies in a westerly direction from the seigniory of St. Gabriel, already described, being separated from it by the seigniory of Godarville, and is at some distance back from the St. Lawrence, the seigniory of Demaure or St. Augustin intervening between them. Its front line is the rear line of this last-named seigniory, and its rear line is on the river Jacques Cartier. On the north-east the seigniory of Godarville, and on the south-west that of Pointe aux Trembles, form its side-lines.

The return (A. 1.) states this seigniory to be one league in front by two leagues in depth, half the size of Notre Dame, but rather larger than Sillery. In the warrant for the occupation of the estates by the Crown officers in 1800, I find its dimensions set down as "one and a half leagues front by two leagues or thereabout in depth." It is to be presumed however, that on this point the return is correct. Of the 14,112 arpents returned as the gross contents of the seigniory, the whole have been surveyed, and all but 210 arpents disposed of.

There are no Arrière Fiefs, mills or lands otherwise disposed of than by concession in this seigniory.

CONCESSIONS.—These are thus returned in (A. 1.):

Old concessions - - - - - - - - - -	9,187 arpents
New „ - - - - - - - - - -	4,715 „
In all - - - - -	13,902

In (C. 4.), where the extent of the new concessions is stated in detail, only 4,028 arpents are allowed for them. I have not, however, made any change on this account. The difference may be only, that the gross extent is given in the larger, and the roads, &c. not allowed for in the smaller. If this be the case, the distinction has not been kept in view in other places.

Leaving these numbers, then, as they stand, though certainly they have no claim to be considered any thing more than an approach to a correct statement, the seigniory is thus disposed of:—

Total extent	14,112 arpents.
Of which there remain undisposed of	210
Concessions, old	9,187
„ new	4,715

The old concessions, according to the return (C. 4.), (which in regard to them is as defective as any of the preceding returns of this class yet noticed) are held by 130 censitaires, and their aggregate of cens et rentes, yearly, is 27*l.* 7*s.* 11*d.*, being at the rate of not quite ¾*d.* Cy. (·715*d.*) per arpent on the number of arpents reported, and on an average 4*s.* 2·57*d.* Cy. per censitaire.

The gross receipts on them are reported (B. 4.) to have been—

	For the Six Years.	Average per Annum.
For cens et rentes	£. 138 14 1·5 Cy.	£. 23 2 4·25
„ lods et ventes	21 – 10	3 10 1·67
In all	£. 159 14 11·5	£. 26 12 5·92

The whole actual receipt from both sources of revenue falling a little short of the estimated revenue from one. The lods et ventes, however, from the situation, &c. of the seigniory are worth little in this case.

The increase of arrear on the cens et rentes, it follows, though not very great, has yet not been inconsiderable during this period:—

The average yearly receipt has been	£. 23 2 4·25 Cy.
„ estimated rental	27 7 11
Average yearly arrear	4 5 6·75
Increase of arrear in six years	£. 25 13 4·5

The return (C. 4.) gives a very different result:—

Arrears of cens et rentes on old concessions, on— September 30, 1831	£. 620 7 6 Cy.
Ditto ditto, September 30, 1837	621 12 10
Increase of arrear in the six years	£. 1 5 4 only.

The new concessions are held by 71 censitaires, at a rental of 18*l.* 9*s.* 9·25*d.*, nearly 1*d.* Cy. (·948*d.*) per arpent, (taking the larger of the two numbers of arpents reported,) and 5*s.* 2·5*d.* Cy. on an average per censitaire. Of the 71 holdings, 44 have been conceded since September 30, 1831, between March 9, 1833, and July 20, 1835,) and 27 only before that time.

For the six years nothing has been collected on these concessions, either for cens et rentes or lods et ventes.

The increase of arrear on cens et rentes is thus reported in (C. 4.):

Arrears of cens et rentes on new concessions, on— September 30, 1831	£. 31 4 5·25 Cy.
Ditto ditto September 30, 1837	150 10 3·75
Increase in the six years	£. 119 5 10·5

This return, however, is obviously inaccurate. Had all the 71 concessions been held for the six years (instead of our having 44 of them held only from 2¼ to 4½ years), the whole six years' accumulated rental would have formed an arrear of no more than | £. 110 18 7·5
The increase of arrear indeed should have been about | 90 – –

No account of arrears on lods et ventes is attempted for old or new concessions. On the new, I presume, no lods et ventes have ever accrued; on the old, it is not likely that in the course of the six years they can have amounted to any considerable sum.

The expenses directly chargeable on these concessions are, as usual, 21·693 per cent. on the receipts.

SUMMARY.

SUMMARY.

Miscellaneous Receipts and Expenses.—A sum of 34*l.* 6*s.* 3*d.* has been collected in the six years (B. 4.) from the censitaires, for expenses of a survey ("Procès verbal"), and the expenses of a survey (39*l.*), and some miscellaneous items (2*l.* 5*s.* 7·5*d.*), are to be charged against it. The excess of expense over receipt, 11*l.* 8*s.* 6·41*d.* (*see* Table F. 2.) is 5·673 per cent. upon the total gross receipts of the seigniory, and raises the total expenses which are to be charged upon the concessions, as nearly as may be, to 27·676 per cent. on their receipts.

The total gross receipts for the seigniory have amounted—

For the six years to - - - - - -	£. 197	17	5·5 Cy.
Or on an average yearly to - - - - -	32	19	6·92

A gross yearly receipt, which gives an average, per alienated arpent, of 569*d.* Cy., little more than ½ *d.* Cy. per arpent.

The expenses amount in all to 46·003 per cent. on the total receipts.

The actual net revenue has been reduced by them—

For the six years, to - - - - - -	£. 113	13	4·56 Cy.
Being a yearly average of - - - - -	18	18	10·76

And at a rate per alienated arpent of ·327 *d.* Cy.

The total increase of arrear in the six years cannot be exactly ascertained, owing to the want of returns of arrears on lods et ventes. These, however, probably would not materially affect the result.

Exclusive of lods et ventes, the arrears have increased (according to return C. 4.), in the six years - - - - - - - - - - - £. 120 11 2·5 Cy.

Though both the items in (C. 4.) are, as I have shown, in error, the errors in this case as nearly as possible balance one another, so as to leave the result of the addition of the two items the same. This sum, then, is rather more than 60 per cent. on the total gross receipts of the seigniory for the six years. Taking this estimate we arrive at the conclusion, that of the entire amount which has fallen due in the six years, about 37 per cent. has run into arrear; and another 28 per cent. has been expended in collection and management, showing a difference of about 65 per cent. between the gross dues and the net receipts of the seigniory.

For the year 1838–9, the gross computed revenue of Belair (exclusive of lods et ventes) is returned at 45*l.* 17*s.* 8·25*d.* Cy.

The 210 arpents not yet disposed of may be considered, Mr. Stewart says, as worthless. In fact, all the "new concessions" he states to be poor land, taken up by those who hold them, not for settlement, but as wood-land. The fact of the non-collection of cens et rentes on the new concessions is, I presume, to be ascribed mainly to this cause.

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§ 5.—ISLE AUX REAUX.

The last seigniory to be noticed in the district of Quebec is that of Isle aux Reaux.

It is mentioned only in returns (A. 1.), (A. 6.) and (A. 7.). In the tables (F. 1.), (F. 2.) and (F. 3.), it follows next after Belair.

This property is hardly worth calling a seigniory, and indeed may almost be called an unproductive property. It is an island in the St. Lawrence, below the island of Orleans, and containing only 336 arpents. Mr. Stewart informed me that the whole island was long ago granted in a single concession, and that lods et ventes had been paid upon it on the sale of the concession, though no payment of cens et rentes had been made, he believed, for some 20 years past, on account of the impossibility of collecting the trifle chargeable upon it yearly, at such a distance from Quebec and the other properties.

In (A. 7.) the amount of cens et rentes yearly due upon the island is returned as - - - - - - - - - - -	£. –	13	10·5 Cy.

The arrears of cens et rentes are thus returned in (A. 6.):—

Due on September 30, 1831 - - - - - -	£. 15	19	7
„ „ „ 1837 - - - - - -	20	2	11·5
Increase in the six years - - -	£. 4	3	4·5

(*b.*) In the District of THREE RIVERS.

§ 1.—BATISCAN.

In the district of Three Rivers, the first seigniory in order is that of Batiscan, mentioned in returns (A. 1.), (A. 2.), (A. 3.), (A. 4.), (A. 6.), (A. 7.), (B. 8.), and (C. 7.), and in tables (F. 1.), (F. 2.) and (F. 3.), first under letter (*b.*)

POSITION, EXTENT, &c.—This is the largest seigniory but one belonging to the estates. It forms the north-east part of the county of Champlain, its front line extending along the north bank of the St. Lawrence, its north-east side line being the line which divides the district of Three Rivers from that of Quebec, and the county of Champlain from that of Portneuf, (in the remote portion of which lies the seigniory of Belair already nmaed,) its south-west side line separating it from the seigniory of Champlain, and its rear line (which with a great part of the side lines are as yet unsurveyed) dividing it from lands not yet granted by the Crown. The river Batiscan falls into the St. Lawrence within the limits of the seigniory, and its course, for a considerable diatance from its mouth, lies within the seigniory.

Its recorded dimensions are two leagues along the St. Lawrence, by 20 leagues in depth. With what degree of accuracy the two leagues have been laid off, I have no information. The 20 leagues in the other direction have never been measured at all.

In (A. 1.) its contents in square arpents are returned as precisely 40 square leagues, viz. 282,240 arpents, of which 70,054 (nearly 10 square leagues, a tract extending on an average, therefore, five leagues into the interior) is surveyed. The unsurveyed remainder, with a small part of the surveyed portion, remains ungranted and unproductive.

ARRIERE FIEF.—An unnamed Arrière Fief, held by the seignior of Champlain, is returned in (A. 2.), but omitted in (A. 1.), where it ought also to have appeared. It is a quarter of a league in front by one league deep, and contains, therefore, 1,764 arpents. The pecuniary return from it is nothing.

The Land disposed of otherwise than as Arrière Fief or by Concession, is divided between the following properties, of which I find mention made in others of the returns, though not in (A. 1.) where they ought also to have appeared.

1. The Domain Farm (under lease) is returned (in a first* draft of A. 1.) as containing 360 arpents, an extent, however, which I think includes another property besides this, to be mentioned presently.

2. The Four Mills, returned in (A. 3.) have (according to the first draft of A. 1.) a reserve of 125 arpents attached to them.

3. Three Ferries are returned in (A. 3.) as a source of revenue; but I find no return of the amount of land (if any) leased with them.

4. Saw Logs are also mentioned in the same way, but without any return of land for them.

5. A piece of land, sold en constitut, is also returned in (A. 3.) and no mention made of its extent. I presume it is in reality a part of the domain farm, and the leased farm above mentioned the remainder. This conclusion is confirmed by the low price returned for the one (160 *l.* 10 *s.* 9 *d.* Cy., yielding an interest of only 8 *l.* 0 *s.* 6 *d.*) and the lowest rental (15 *l.* only) paid for the other.

The CONCESSIONS are returned in (A. 1.) at the following amounts:—

Old concessions - - - - -	41,078 arpents.
New „ - - - - -	25,361 „
In all - - - -	66,439 „

These amounts are copied from the detailed return (C. 7.) the only one of its class which approaches the character of a complete return, made in the form required.†

The unalienated remainder of the seigniory is estimated in (A. 1.) at 209,937 arpents; but no reason appears why this number is given, as it does not square in any way with the other amounts returned. The remainder indicated by the reported extent of the preceding alienated tracts is 213,552 arpents. According to the return (A. 1.) it would seem as though another alienation of 3,615 arpents in extent (of which 2,249 arpents, or more, must lie in the unsurveyed portion of the seigniory) had been omitted in the returns. Possibly, a tract of this character may be leased with the saw logs; but the returns do not in any other way vindicate any thing of the kind.

The

* See accompanying paper, marked (I.) The return (A. 1.) as first rendered to the commission, stood, as is there stated, differing in a few particulars from its present form. Having remarked a number of its defects (as pointed out in this report), I drew the attention of the commissioner to them, and suggested their correction. The return was altered by him, so as to read as it now does; its errors and omissions, by some unaccountable misunderstanding, being almost all left untouched; and the few changes made, in almost every instance (as in the case of this seigniory), adding to their number. These changes were made only a few days before the inquiries of the commission closed, too late for further conference with the commissioner on the subject.

† These amounts appear, on the face of the return (C. 7.) to be the actual extent of the concessions themselves, and not the gross extent of the tract they cover, roads, &c. included. In the preceding seigniories, the return is obviously of the latter class. I do not know that this is not, and therefore have made no allowance for the supposed difference of the returns in character, in the tables (F. 1. 2. and 3.) If the 66,439 arpents be the net and not the gross extent of the concessions, the unalienated tract should be set down at somewhat less than the estimate in the text.

The territorial disposition of this seigniory, then, appears to be as follows:

Total extent, about	282,240	arpents.
Unalienated, a tract in rear (212,186 arpents of which are unsurveyed) about	213,552	(very possibly less.)
Arrière Fief, 1	1,764	
Domain Farm	360	(or less.)
Reserved for 4 Mills	125	
„ „ 3 Ferries	(?)	
„ „ Saw Logs	(?)	
Sold en constitut	(?)	(probably a part of the 360 arpents above mentioned.
Concessions, old	41,078	(perhaps more in their
„ new	25,361	gross extent.)

The revenue of this seigniory is derived from a number of sources.

I.—The Arriere Fief is the only unproductive alienation of territory mentioned in the returns.

II.—The Concessions.

1. The old concessions, covering 41,078 arpents, are held (C. 7.) and (A. 7.) by 581 censitaires, subject to a gross yearly payment of cens et rentes, which I have stated in table (F. 2.) as 114 *l.* 17 *s.* 3 *d.* The returns (A. 7.) and (C. 7.) are slightly at variance on this point, and this amount is in a very slight degree conjectural. (A. 7.) makes no distinction between old and new concessions, but merely reports as follows:

Cens et rentes	£. 203	6	2
29⅝ minots wheat at 5 *s.*	7	8	1
Total	£. 210	14	3

The following is the return in (C. 7.):—

On old concessions, for cens et rentes, 29⅝ minots wheat (not valued) argent	£. 97	–	2
On new ditto ditto	105	17	–
In all	£. 202	17	2 besides 29⅝ mts. wheat.

It is, however, obvious, from a very slight examination of (C. 7.) that the former of these two sums is the result of an erroneous addition, and that the mistake is one of at least 10 *l.* At the top of the eighth page there is summed up an apparently correct amount of 82 *l.* 3 *s.* 6 *d.* which is duly carried over; at the foot of the ninth page, and correctly carried over to the tenth, is 98 *l.* 1 *s.* 10·5 *d.*; at the foot of this page, the last but one, is 87 *l.* 11 *s.* 1·5 *d.*; and on the last page (on which there stand only 10 *s.* 9·5 *d.* of additional rental) the whole is summed up at 97 *l.* 0 *s.* 2 *d.*! Between the top of the ninth page and the close of the table there is more than enough rental entered in small sums to raise the final sum total to 10 *l.* beyond the sum total given. At the same time, where clerical errors so evidently abound, it is useless to attempt an exact correction of the addition. The amount given in (C. 7.) for the "new concessions" has the appearance of being correct, though here also there are clerical errors discernible. I have added, therefore, 10 *l.* to the total rental of the concessions given in (A. 7.) and kept the amount assigned to the new concessions in (C. 7.): thus—

On old concessions, argent	£. 107	9	2
„ wheat 29⅝ minots	7	8	1
	114	17	3
On new concessions	105	17	–
In all	£. 220	14	3

According to this calculation the old concessions are charged to the censitaires, at a rate of ·671 *d.* Cy. per arpent, and on an average of 3 *s.* 11·45 *d.* Cy. a piece.

The actual receipts are thus stated in (B. 8.):—

	For the Six Years.	Average per Annum.
Cens et rentes	£. 650 18 10 Cy.	£. 108 9 9·67 Cy.
Lods et ventes	111 12 1·5	18 12 0·25
In all	£. 762 10 11·5	127 1 9·92

Showing a very small receipt from lods et ventes, and from cens et rentes a receipt very little less than the whole amount falling due on that account.

The increase of arrear on cens et rentes is shown by this part of the returns to have been as follows:—

Actual average receipt yearly - - -	£. 108	9	9·67
Estimated rental - - - - -	114	17	3
Yearly increase of arrear - - - -	6	7	5·33
Six years ditto ditto - - - -	38	4	8

In striking contradiction to this result is the statement of arrears in (C. 7.):—

Arrears of cens et rentes on old concessions on 30 Sept. 1831 -	£. 468	1	10	Cy.
Ditto - - - - - - - - ditto - on 30 Sept. 1837 -	824	7	5·5	
Increase in the six years -	£. 356	5	7·5	

More than nine times the utmost amount which the other returns show to have been possible! If the smaller rental given in (C. 7.) had been followed, the discrepancy would have been greater still.

The increase of arrears on lods et ventes is stated thus:—

Arrears of lods et ventes on old concessions on 30 Sept. 1831 -	£. 240	–	10	Cy.
Ditto - - - - - - - ditto - - on 30 Sept. 1837 -	519	8	5	
Increase in the six years - -	£. 279	7	7	

If this result be correct, the amount of lods et ventes collected in the six years has been considerably less than one-third part of the amount falling due.

2. The new concessions, 25,361 arpents, are held by 387 censitaires, at a rental of 105 *l.* 17 *s.*, which is at the rate of very nearly 1 *d.* Cy. (·954 *d.* Cy.) per arpent, and of 5 *s.* 5·64 *d.* Cy. on an average a piece.

The receipts for the six years have fallen very far short of this amount. They are thus returned in (B. 8.):

	For the Six Years.			Average per Annum.		
For cens et rentes - - -	£. 200	4	3 Cy.	£. 33	7	4·5 Cy.
„ lods et ventes - - -	27	2	0·5	4	10	4·08
In all - -	£. 237	6	3·5	£. 37	17	8·58

Ths increase of arrear on cens et rentes is thus returned in (C. 7.):—

Arrears of cens et rentes, on new concessions, on 30 Sept. 1831 -	£. 132	12	8·5	Cy.
Ditto - - - - - - - - ditto - - on 30 Sept. 1837 -	435	16	4·5	
Increase in the six years - -	£. 303	3	8	

This result cannot easily be tested by comparison of the rental with the receipts. About one-third part of the 387 new concessions appear from (C. 7.) to have been granted since 1831, and a few of them, indeed, since 1837. Taking this fact into account, the increase of arrear, as above reported, would seem to be only a trifle less than the other returns indicated. Two fifths, or rather less, of the cens et rentes falling due have been collected.

The arrears of lods et ventes are returned as having increased to the following amount:—

Arrears of lods et ventes, on new concessions, on 30 Sept. 1831 -	£. 6	4	7	Cy.
Ditto - - - - - - - - ditto - - on 30 Sept. 1837 -	78	3	5	
Increase in the six years - -	£. 71	18	10	

If this result be correct, it would follow that little more than one-fourth part of the lods et ventes falling due has been collected.

The expenses directly chargeable upon the concessions are the same as in the other seigniories.

III. The LANDS OTHERWISE DISPOSED OF.

1. The domain farm (the whole or part of the 360 arpents reported) is leased for a term of seven years ending in 1841, at a yearly rental of 15 *l.* only. During the six years, the receipts from it amounted only to 49 *l.* 7 *s.* 6 *d.*, being at the rate of 8 *l.* 4 *s.* 7 *d.* yearly; not much more than half its present rental. In (A. 6.) the increase of arrear upon it is returned at only 10 *l.* 9 *s.* 6 *d.*, no arrear being due in 1831. This return must be too low, unless we suppose the rental to have been raised by the present lease in 1834 from 5 *l.* to 15 *l.*

The expenses on this farm have been quite heavy; (B. 8.) exhibits a number of charges for "fences, &c.," amounting in the six years to 28 *l.* 6 *s.* 9·5 *d.*, 57·4 per cent. on the receipts. Exclusive of its share of the "miscellaneous expenses," the charges on this property amount to 79·093 per cent. on its receipts.

2. Of the four mills, with their 125 arpents attached, three are leased to tenants for terms of seven years, ending, one in 1841, another in 1842, and the third in 1843. In these

these leases it appears that no specified rental is named, but the lessee shares with the estates the receipts of his mill. The share falling to the estates, the return (A. 3.) rates at "say two-thirds of the monture." The fourth mill is occupied (since 1832) under a "deed of permission to grind, on payment of 25 minots of wheat annually." (A. 7.) values this wheat at 5 *s.* per minot, 6 *l.* 5 *s.* currency. The deed seems to be unlimited in respect of time.

The gross receipts from the four mills are thus returned:

For the six years - - - -	£. 1,297	11	11 Cy.
Average, yearly - - - -	216	5	3·83

(A. 6.) gives an arrear of 8 *l.* 6 *s.* 8 *d.* as due on 30th September 1837. This sum, I suppose, is the arrear due on the fourth mill, the only one for which a determinate rental is payable. How far the shares exigible from the occupants of the other three have been faithfully collected or paid in, there are no means of judging from the returns.

The expenses charged are enormous. For "repairs, &c." alone, there has been expended in the six years 918 *l.* 15 *s.* 11·5 *d.*, 76·83 per cent. upon the gross receipts. With the additional charges incidental to collection, &c. (the item of "miscellaneous expenses" not included), we have an outlay of 98·523 per cent. on the receipts.

3. The Three Ferries yield but a very trifling revenue. Their aggregate rental is returned at 2 *l.* 10 *s.*; neither term nor date of the leases by which they are held stated. Their receipts are only to the amount of 4 *l.* 5 *s.*; no receipts being returned, except for the years 1836 and 1837. No arrears are returned, and the expenses are only those incidental to the collection of the receipts of the seigniory in general.

4. The Saw Logs are returned (A. 3.) as leased for 27 *l.* 5 *s.* yearly for seven years, but neither the date of the lease nor that of its expiration is given. The receipts for the six years (or rather for four of them, 1833, 1835, 1836 and 1837, apparently,) are returned at 216 *l.* 16 *s.* 4 *d.*, a much larger sum than the rental stated. No arrears are returned. Besides the expenses incidental to collection, an amount of 6 *l.* 10 *s.* 6 *d.* (about three per cent. on the receipts) is returned in (B. 8.) as expended upon this property.

5. The Land sold en con., which I suppose to be a part of the 360 arpents of the domain, though not so returned, has been sold for 160 *l.* 10 *s.* 9 *d.* currency, interest payable at five per cent., and amounting therefore to 8 *l.* 0 *s.* 6 *d.* yearly; neither date of sale nor extent of land returned. No receipts are returned on account of it for the six years. For 30th September 1837 an arrear of 14 *l.* 5 *s.* 9 *d.* is reported, from which it would appear that the sale took place nearly two years before; the expenses are, of course, like the receipts, nothing.

Summary.

The miscellaneous receipts and expenses remain to be taken into account. Of these, the former amount only to 4 *l.* 5 *s.* in the six years; while the latter (exclusive of the charge of 21·693 per cent. on the above receipt) are

For surveys - - - - -	£. 26	3	10 Cy.
Miscellaneous - - - - -	55	19	8.5
	£. 82	3	6·5

The total excess of expense over receipt on this account is (*see* F. 2.) 78 *l.* 16 *s.* 11·77 *d.*, a little over 3·077 per cent.* of the total receipts of the seigniory. Allowing for this, we have the total expenses on each of the properties above named which have yielded any revenue:

On the concessions - - - - -	24·77 per cent.	on their gross receipts respectively.
„ farm - - - - - -	82·17 „	
„ mills - - - - - -	101·6 „	
„ ferries - - - - - -	24·77 „	
„ saw logs - - - - - -	27·77 „	

The total gross receipts from Batiscan have amounted—

For the six years to - - - - - - -	£. 2,561	19	– Cy.
being an average yearly of - - - - -	426	19	10

which gives as the average yearly rate per alienated arpent 1·492 *d.* currency.

The

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* This division is not perfectly exact, either in this or in the other seigniories, but it is as nearly correct as it was worth while to make it.

The expenses have amounted to to 62·123 per cent. on the receipts; and the total net receipts have been—

For the six years - - - - - - -	£. 970	6	11·49 Cy.
thus averaging, yearly - - - - -	161	14	5·91

being at the rate per alienated arpent of ·565 *d.* currency.

The total increase of arrear in the six years is returned at 1,043 *l.* 17 *s.* 7·5 *d.* currency. We have seen, however, that the return of arrears on cens et rentes in the old concessions shows an increase much beyond the truth, and that the corresponding return for the new concessions shows an increase a little below the truth. Correcting these two errors, as well as the data given will allow, the sum total is about 750 *l.* currency, an amount requiring, probably, to be increased on account of omissions in the return of arrears of lods et ventes. This sum is about 29 per cent. on the gross receipts for the same period.

Of the entire amount then falling due on the six years, it would seem that (at the lowest calculation) about 22½ per cent. has been left uncollected, and 48 per cent. more expended in collection, management and repairs, the net receipts of the seigniory being less than 30 per cent. of its gross revenue.

For the year 1838–9, the gross computed revenue of Batiscan (exclusive of lods et ventes, and computing the rental of the mills at the average of the six years from 1831–7) is returned at 496 *l.*

Of the value of the 30 square leagues or more (out of the 40 leagues constituting the seigniory) from which no revenue has yet been drawn, little seems to be known; nearly the whole of it is unsurveyed, and a great portion of it is wholly unexplored; of its quality as good land or bad, Mr. Stewart stated himself to be ignorant. It commences about five leagues back from the St. Lawrence, and extends 15 leagues or thereabouts in a north-west direction further inland. Mr. Stewart states, that of the conceded lands of the seigniory, the best portion is that situate upon the Rivière des Envies, a branch of the Batiscan, in the more remote part of the conceded tract; much of the land lying beyond it is, doubtless, equally good. In the concessions nearest the St. Lawrence, the soil is sandy and of an inferior quality.

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§ 2.—CAP DE LA MAGDELEINE.

The second seigniory in the district of Three Rivers is that of Cap de la Magdeleine; mentioned in the returns (A. 1.), (A. 2.), (A. 3.), (A. 4.), (A. 7.), (B. 9.) and (C. 8.); and following next after the seigniory of Batiscan in tables (F. 1.), (F. 2.) and (F. 3.)

Position, Extent, &c.—This seigniory, like the preceding, fronts on the north bank of the St. Lawrence, a little higher up the stream, and immediately below the town of Three Rivers, from which it is separated by the river St. Maurice. It forms the south-west, as Batiscan does the north-east, side of the county of Champlain; the seigniory of Champlain, with its augmentation, and the wild lands in its rear, lying between them. The rear-line and a great part of the side-lines of the seigniory are still unsurveyed.

Nominally, this seigniory is of the same dimensions with that of Batiscan, two leagues in front by 20 leagues in depth. In reality, it is considerably larger, as a glance at the following rough sketch will explain.

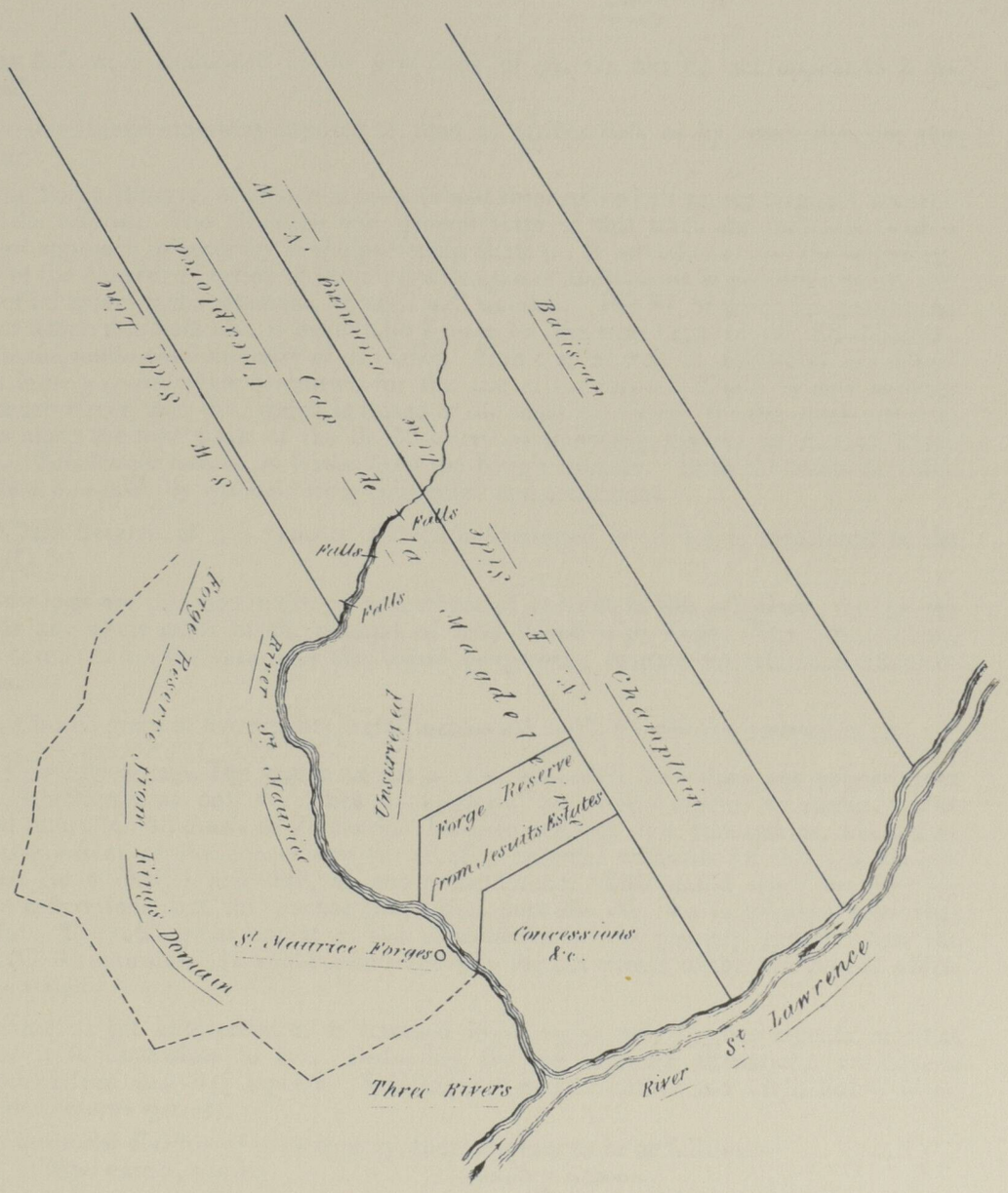
[*See* Plan.]

From some ambiguity in the original grants the south-western side-line of the seigniory has been held to run, not directly from the bank of the St. Lawrence at the distance of two leagues from the north-east line, but along the river St. Maurice, till it comes within that distance of the north-east line, and then along a line running parallel to the north-east line. For a distance of about six leagues, herefore, from the front line, the seigniory is considerably more than two leagues (two and a half I should think, from recollection of the plan,* on an average, or perhaps more), in width.

In (A. 1.), notwithstanding this difference in form between the two, the contents of this seigniory are returned as equal only to those of Batiscan, 282,240 arpents. In (F. 1.) and the

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* I am obliged to give these estimates and the sketch illustrating them, from recollection only of the MS. Map of the seigniory, which was returned to the commissioner before I left Quebec.



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James Luke & Luke J. Hansard, Printers.

the other tables I have set it down at 300,000 arpents, an increase more than justified, I think, by the size of this additional tract.

Of this entire extent, roughly estimated at 300,000 arpents, or rather over 42½ square leagues, only 63,000 arpents (less than nine square leagues) are returned in (A. 1.) as surveyed. More than half the extent of the seigniory is still wholly unexplored.

The ARRIERE FIEFS are four in number, viz.:—

Hertel, containing	1,100	arpents.
Marsolet „	1,520	„
La Pierre „	860	„
La Poterie „	100	„
In all	3,580	„

These fiefs were mentioned in the first draft of (A. 1.), but do not appear in it as amended.

The tracts of land otherwise disposed of than as arrière fiefs or by concession are the following:—

1. The Forge Reserve, of 25,940 arpents (about three and a half square leagues), according to the returns. The situation and general form of this tract are indicated with a sufficient approach to accuracy in the preceding sketch. It stretches across the seigniory, in rear of the conceded portion of it, and is a league or thereabout in breadth; nearly the whole of its extent is mountainous, though well wooded. The St. Maurice Forges (to the lessee of which this tract also is leased) are situate on the west bank of the St. Maurice, opposite the south-west extremity of this tract. Iron ore, as well as fire-wood, are drawn from it in very considerable quantities, for the use of the forges. There is also another tract (much larger than this, which is leased to the same individual, for the same purpose, and lies along the west bank of the St. Maurice, commencing not far in rear of Three Rivers. This larger reserve is leased from the King's Domain. Both the tracts thus disposed of are necessarily withheld from cultivation and settlement.

2. A Mill Reserve, of 30½ arpents, though not returned in (A. 1.), is mentioned in the return (C. 8.)

3. Saw-logs are returned in (B. 9.) as a source of revenue in this seigniory, though no return is any where made of the amount of land leased with them. The other tables, indeed (even (A. 3.), the return of the leased properties), contain no reference whatever to them.

4. A Church grant of five arpents is also mentioned in (C. 8.), though omitted in (A. 1.)

The CONCESSIONS.—The entire extent of the conceded land does not appear from (A. 1.), which returns only the "new concessions," as 26,000 arpents in extent. The detailed return (C. 8.) draws no distinction between old and new concessions, but states the entire extent of the concessions at 46,180¼ arpents, exclusive of the 35½ arpents reserved for a church and mill, as above mentioned. This would leave 20,180¼ for the old concessions, but the precise proportion between the two is perhaps somewhat doubtful. The total gross extent of the concessions is very possibly greater than the return (C. 8.) indicates. It would seem to be only the net extent of the concessions which is there stated.

The tract as yet undisposed of is returned in (A. 1.) as only 193,000 arpents, on what account it is impossible to see. Deducting for the reported alienations, we have a remainder left of 224,264¼ arpents. This amount may be rather too high, but it is no more than returns warrant.

The territorial division of the seigniory, then, appears to be as follows:—

Total extent, about		300,000	arpents.
Unalienated, about		224,264¼	arpents (perhaps less.)
Arrière Fiefs, four		3,580	„
Forge reserve		25,940	„
Reserved for a mill		30½	„
„ „ the saw-logs		(?)	„
„ „ a church		5	„
Concessions:—			
Old	20,180¼ (?)	46,180¼	„ (perhaps more in their gross extent.)
New	26,000 (?)		

Revenue.

I. The Arriere Fiefs, as usual, yield no income.

II. The Concessions. In (C. 8.) these are returned as covering in all 46,180¼ arpents, and held by 503 censitaires, subject to a yearly payment of cens et rentes to the amount of 187 *l.* 4 *s.* 10·25 *d.* The average yearly rate per arpent is thus ·973 *d.* Cy., and the average amount payable by each censitaire, 7 *s.* 5·34 *d.* Cy., almost a dollar and a half.

In (A. 7.), the amount of cens et rentes is guessed at 200 *l.* Cy. The return (C. 8.) however, made at a later date, is to be considered the more correct statement of the two.

The return of actual receipts is thus stated in (B. 9.):—

		For the Six Years.	Average Yearly.
For cens et rentes:			
On old concessions -	£. 135 11 0·5 Cy.	£. 275 - 2 -	£. 45 16 8·33
„ new „ -	139 9 1·5 „		
For lods et ventes:			
On old concessions -	£. 49 16 8·5 -	£. 92 4 11·5 -	£. 15 7 5·92
„ new „ -	42 8 3 -		
In all - - -		£. 367 5 1·5 -	£. 61 4 2·25

The increase of arrears on cens et rentes, during the six years, is thus stated in (C. 10.):—

Arrears of cens et rentes:—

On old and new concessions, on 30 September 1831 -	£. 214 8 8½
„ „ „ „ „ „ „ 1837 -	480 17 3½
Increase in the six years - - -	£. 266 8 7

As a considerable portion of the conceded tract has been granted since 1831, the gross estimated revenue above stated does not, in the case of this seigniory, serve as a test of the correctness or incorrectness of this statement of arrears. It becomes necessary to make allowance for the varying amount of revenue falling due at each half-year, from 30 September 1831 to 30 September 1837.

From a careful examination of the return (C. 9.), I find that for each of the periods below named, the number and rental of the concessions granted is returned as follows:—

	Concessions.	Rental.
		£. s. d.
(*a.*) Before 30 September 1831 - - - - -	134	39 15 6·25 Cy.
(*b.*) Between 30 Sept. 1831 and 30 March 1832 - -	188	66 9 0·25
„ 30 March 1832 and 30 Sept. 1832 - -	46	20 7 8·75
„ 30 Sept. 1832 and 30 March 1833 - -	3	1 2 0
„ 30 March 1833 and 30 Sept. 1833 - -	13	7 6 6·5
„ 30 Sept. 1833 and 30 March 1834 - -	20	12 16 4
„ 30 March 1834 and 30 Sept. 1834 - -	4	3 5 1
„ 30 Sept. 1834 and 30 March 1835 - -	—	—
„ 30 March 1835 and 30 Sept. 1835 - -	39	11 5 7
„ 30 Sept. 1835 and 30 March 1836 - -	—	—
„ 30 March 1836 and 30 Sept. 1836 - -	15	6 17 0·5
„ 30 Sept. 1836 and 30 March 1837 - -	5	2 11 6·5
„ 30 March 1837 and 30 Sept. 1837 - -	8	2 0 9·5
(*c.*) Since 30 Sept. 1837 - - - - - -	8	3 14 4
(*d.*) Undated - - - - - - - -	20	9 13 4
Total - - - - - -	503	187 4 10·25

The 134 concessions (*a.*) have, then, been held during the whole period. Of the 349 granted during the six years, 188 have been held five years and a half and upwards; 46, five years and upwards, &c.; the last eight only having been held less than six months. The eight concessions (*c.*) do not enter at all into the calculation, and the 20 undated concessions (*d.*) appear to have been held for various periods, some of them for more, and some for less than the six years.

The following calculation of the gross revenue of the six years is certainly within the truth; as it takes no account of the fractional parts of the half-year for which the 349 concessions

concessions have been held, over and above the time calculated for, and estimates the 20 undated concessions at an average of three years out of six.

(*a.*)	134	concessions, for 6 years - - -	£. 238	13	1·5	Cy.
(*b.*)	188	„ „ 5½ „ - - -	365	18	7·25	
	46	„ „ 5 „ - - -	101	18	7·75	
	3	„ „ 4½ „ - - -	4	19	–	
	13	„ „ 4 „ - - -	29	6	2	
	20	„ „ 3½ „ - - -	44	17	2	
	4	„ „ 3 „ - - -	9	15	3	
	39	„ „ 2 „ - - -	22	11	2	
	15	„ „ 1 „ - - -	6	17	0 5	
	5	„ „ 6 months - -	1	5	9·25	
(*d.*)	8	„ „ 3 years - - -	29	–	–	
		TOTAL - - - - -	£. 855	1	11·25	
		Deducting from this the actual six year's receipt -	275	–	2	
		We have remaining, as the increase of arrear for that period - - - - - - - - - -	£. 580	1	9·25	

A sum considerably more than double the amount reported.

The return of arrears in lods et ventes is as follows:—

On old and new concessions, on 30 September 1831 -	£.	70 2 9	
„ „ „ „ „ „ „ 1837 -		204 11 1·5	
Increase in the six years - - -	£.	134 8 4·5	

III. The LANDS otherwise disposed of have yielded a much smaller amount of revenue than their extent would apparently warrant one in conjecturing.

1. The Forge Reserve, of 25,940 arpents, is leased to the Hon. Mr. Bell, the lessee of the St. Maurice Forges, and a member of the late legislative council of the province, for a term of 10 years, expiring in 1844, and at a yearly rental of 75 *l.*, being at the rate of considerably less than ¾ *d.* currency (·694 *d.*) per arpent. This land is leased, not for settlement or building, but only for the purpose of cutting fire-wood, making charcoal and drawing iron ore from it, for the use of the forges. It appears that a very considerable portion of the charcoal and ore made use of at present in the forges is drawn from this tract; the more accessible wood and ore in the reserve on the west of the St. Maurice being now to a great extent exhausted. The terms of this lease have been made matter of complaint by the committee of the House of Assembly; but the question of their fairness or unfairness belongs rather to another portion of this report than to the present, and, in fact, requires a more minute investigation on the spot than I have been able to make, to enable me to satisfy myself in regard to it.

The actual receipts from the reserve, during the six years, are returned in (B. 9.) as only 150 *l.*; being the rental for the two years ending 30 September 1836, and 30 September 1837, respectively. No entry is made of any receipt from this source before this period; and no arrears are reported due in (A. 3.) or (A. 6.) The lease, however, under which Mr. Bell at present holds the land bears date, according to (A. 3.) 24 April 1834, and rental must therefore have accrued upon it for almost 3½ years instead of two, between that time and 30 September 1837. In point of fact, the forge reserve was held by the same individual for a number of years before the present lease was signed (for how many I have no memorandum informing me, but certainly for several years), at a rental either the same as at present, or, at lowest, of 50 *l.* per annum. In the course of the inquiries made on this subject by a Committee of the House of Assembly, both before and after the granting of the present lease, it was stated in behalf of Mr. Bell's claim for a renewal, that he had always made punctual payment. The only explanation I can offer of the apparent shortcoming of the receipts from this score, is to be found in the circumstances under which the grant in question was first made to Mr. Bell. The forge reserve, as originally leased with the forges, lay wholly on the west side of the St. Maurice, and formed part of the King's domain. A portion of this tract, lying near the town of Three Rivers, was taken off from the reserve, surveyed and conceded in consequence of urgent representations made by a number of the residents of Three Rivers and the vicinity. As a compensation to the lessee, this new reserve, on the east side of the river, was then set off and granted to him. The whole rental paid by him seems, however, to have been still set down to the account of the King's domain, though from this time a portion of it was really paid for the occupancy of part of the Jesuits' estates. This false entry, I presume, continued till March 1836, when for the first time (two years after the signing of the present lease) the payment made for this part of the property held by the lessee was entered on the books of the Jesuits' estates, where it ought to have been entered from the first day on which rental was in any way paid for it.

The amount of rental paid for this tract, before March 1836, is to be regarded as an arrear due to the estates, not indeed from the lessee, but from that branch of the revenue, to the account of which it was up to that date erroneously entered.

2. The mill, with its 30½ arpents, is leased (A. 3.) for seven years ending in 1844, at a yearly rental of 146 *l.*

The actual receipts for the six years have been 654 *l.*, showing an average yearly payment of only 109 *l.* Of arrears, no return is offered, and the date of the present lease (Oct. 10, 1837) affords no indication of the amount of the rental for the six years, and the sufficiency or insufficiency of the sum received to cover it.

The expenses on this mill are less in proportion to its receipts than on the mills of any of the preceding seigniories. The item of "repairs, &c." amounts to 81 *l.* 17 *s.* 1·5 *d.* for the six years, being 12·52 per cent. on the gross receipts.

3. The saw logs.—The only information given on this topic is in (B. 9.), when a receipt of 20 *l.* 2 *s.* is entered to this account, for the year ending in 1837. It is not mentioned in (A. 7.) even, the return of the computed revenue for 1838-9, so that I cannot be certain that it still continues to be a source of revenue at all.

An "expense" of 7 *s.* 6 *d.* (1·862 per cent. on the receipts) is returned, over and above the agent's allowance, &c.

4. The church grant of five arpents is of course unproductive.

SUMMARY.

The miscellaneous receipts and expenses for this seigniory have been heavy. Of the former, there are returned, under the head of "Proces Verbals," 126 *l.* currency. Of the latter (besides the charges incidental to the above receipt)

For roads and bridges - - -	£.	170	17 6
„ surveys - - - - -		151	5 6
„ miscellaneous - - - -		14	9 4
	£.	336	12 4

The total excess of expense over receipt on this account is (*see* F. 2.) 237 *l.* 18 *s.* 11·96 *d.* as nearly as may be; being 18·062 per cent. on the total gross receipts of the seigniory for the period.

By the addition of this item, the total expenses on the several productive properties of the seigniory stand thus:—

For the concessions - - -	39·755	per cent. on their gross receipts, respectively.
„ forge reserve - - - -	39·755	
„ mill - - - - -	52·275	
„ saw logs - - - -	41·617	

The total gross receipts from Cap de la Magdeleine have been—

For the six years - - - - - -	£.	1,317	7 1·5 Cy.
Being an average, yearly, of - - - -		219	11 2·25

Which gives an average rate per alienated arpent of ·694 *d.* Cy.

The expenses have amounted to 53·487 per cent. on the gross receipts.

And the net receipts have been—

For the six years - - - - - -	£.	612	14 9·77 Cy.
Or on an average yearly - - - - -		102	2 5·63

Showing an average net yearly receipt per alienated arpent of ·324 *d.* Cy.

The total increase of arrear for the six years cannot be stated with exactness, owing to the defective character of the returns, which make no mention of arrears on the mill and saw logs. Exclusive of these two sources of revenue the arrears are reported to have increased 400 *l.* 16 *s.* 11·5 *d.*, the whole arrear due being upon the concessions. It has been seen, however, that the real increase of arrear on this score must have been at least 580 *l.* 1 *s.* 9·25 *d.*, and, indeed, rather more on cens et rentes alone, which (supposing no similar deficiency in the return of the arrears on lods et ventes) gives a sum total of 714 *l.* 10 *s.* 1·75 *d.* This sum is more than 54 per cent. upon the gross actual receipts. The increase of arrear on the mill and saw logs is probably small.

Besides this, however, we have seen that there is another arrear of a different character to be considered,—the sum due from the general revenue on account of the payments made (but not entered on the books of the estates), from March 1832 to March 1836, for the use of the forge reserve. For the last year and a half of this period the rental is shown to have been 75 *l.* per annum. For the earlier two years and a half, I set it down at 50 *l.* The arrear thus computed amounts to 237 *l.* 10 *s.*, rather more than 18 per cent. upon the total gross receipts, as they stand on the books of the estates, for the seigniory.

Of the entire amount, then, which has fallen due from this seigniory within the six years, it appears that about 31·4 per cent. at the least has been allowed to run into arrear; about 10·4 per cent. more, though collected, has been lost to the estates by being entered to the account of another branch of the revenue; and about 31·1 per cent. more has been expended upon collection, management and repairs. The net amount received has been only about 27·1 per cent. of the gross sum which has fallen due.

Exclusive

Exclusive of lods et ventes and of the saw logs, the gross estimated revenue of the seigniory for the year 1838–9, is returned at 408*l.* 4*s.* 10·25 Cy.

The returns show 224,000 arpents and more (upwards of 31 sq. leagues) to be undisposed of. In 1844, when the lease of the forge reserve determines, nearly 30,000 arpents more will be at the disposal of the administration of the estates. Very nearly all the land south of the reserve has been conceded; and of the unconceded tract beyond the reserve, a small portion only has been explored, and no portion regularly surveyed and laid out for settlement. The side-lines of the seigniory have been run for some miles beyond the place where the St. Maurice crosses the seigniory, and the course of the St. Maurice, as it passes through the seigniory, and also a straight line across the seigniory just above the course of the St. Maurice, have been surveyed and are laid down on the latest plan of the seigniory. From this very partial survey it appears that there are some very considerable falls of the St. Maurice within the seigniory limits, and that much good land is to be found in that vicinity. In the conceded portion near the St. Lawrence, the soil is sandy and poor. Further back, as we approach the mountainous region of the forge reserve, the soil improves. Within the limits of the reserve it would seem from the character of the timber growing there that much of the soil is good and fit for cultivation.

(*c.*) In the District of Montreal.

The only seigniory in the district of Montreal is that of La Prairie de la Magdeleine, mentioned in returns (A. 1.), (A. 3.), (A. 4.), A. 6.), (A. 7.), (B. 11.) and (C. 9.) In the tables (F. 1.), (F. 2.) and (F. 3.) it follows next after the seigniories in the district of Three Rivers.

Position, Extent, &c.—This seigniory fronts on the south bank of the St. Lawrence, almost opposite the city of Montreal. Its side-lines are run in a south-east direction towards the Richelieu. On the south-west side it is bounded by the seigniory of Sault St. Louis, now held by the Iroquois Indians, and formerly by the Jesuits, and on the north-east side by that of Longueuil.

It is returned in (A. 1.) as extending two leagues in front by four leagues in depth, and as containing therefore 56,448 square arpents. These are its dimensions in the original grant. How nearly the survey may have followed the letter of the grant does not appear. From the curved front line which the course of the St. Lawrence gives to the seigniory, it is apparent that its directions cannot have been literally followed, and the reported area of the seigniory be the result.

The whole of the seigniory has been surveyed, and, with the exception of a few arpents reserved for a particular purpose, granted.

A controversy has long been pending as to the true site of the dividing line between this seigniory and that of Sault St. Louis. It has been contended that the line as heretofore traced includes, besides the seigniory of La Prairie, a strip of three arpents in width by four leagues in depth, which of right belongs to the seigniory of Sault St. Louis, and was granted from that seigniory to the Jesuits in consideration of their erecting and repairing a parish church, and serving as parish clergy for the Indians. This step, as the Indians have urged, was not returned to them when the rest of the seigniory was taken out of the hands of the Jesuits and placed in theirs; and they have claimed it accordingly, on the ground that the services in consideration of which it was granted are not and cannot be any longer rendered in return for it. This claim was brought under the notice of the education commission by the Rev. Mr. Marcoux, the curé officiating among the Indians. It was not, however, in my power, for want of time, to give such attention to it as to be able to form an opinion of its merits. The documents transmitted by Mr. Marcoux to sustain it are filed in the office of the commission in Quebec.

There are no arrière fiefs in the seigniory; nor is there, indeed, so far as the return (A. 1.) indicates, any land in it, otherwise disposed of than by concession. One mill is reported as a source of revenue, but no return is made of any land reserved for it. In (A. 7.) mention is made of some land sold en constitut for 361*l.* 11*s.* 5*d.*; but the time of sale and the quantity and situation of the land are nowhere stated.

Concessions.—These occupy almost the entire seigniory, and with the exception of a small tract of 43 arpents (A. 1.) in the village of La Prairie, returned as new concessions, have all been long granted. The old concessions are returned in (A. 1.) as covering an extent of 56,400 arpents.

The land undisposed of (according to (A. 1.) 2,585 toises) is in the village of La Prairie, and is reserved for a college and market-place.

Revenue.

I. The Concessions. The greater part of the revenue of the seigniory is drawn from—

1. The old concessions. Of these, no detailed return whatever is so much as attempted, the agent stating his papier terrier to be too old and defective to enable him to make out a report of the number, extent and rental of the several farms into which they are at present divided. In (A. 7.) the aggregate amount of cens et rentes due yearly from

them is returned at 373 *l.* 5 *s.* 10 *d.*, being at the rate of 1·588 *d.* currency per arpent yearly.

The actual receipts are thus returned in (B. 11.):

	For the Six Years.	Average per Annum.
For cens et rentes	£. 1,644 12 3·5 Cy.	£. 277 8 8·58 Cy.
„ lods et ventes	1,298 14 2·25	216 9 0·38
In all	£. 2,963 6 5·75	£. 493 17 8·96

showing a payment of rather more than 1 *d.* currency per arpent for cens et rentes, and rather less than that sum for lods et ventes; 2·101 *d.* currency in all.

No direct return is made of the arrears of cens et rentes due on these concessions; but (A. 6.) contains the following statements of arrears due on all the concessions, old and new together:

	Ascertained.	Conjectured.*
Arrears of cens et rentes on old and new concessions on 30 Sept. 1831	£. 332 4 3 Cy.	500 – – Cy.
„ „ „ 1837	534 1 11	700 – –
Increase in the six years	£. 201 17 8	£. 200 – –

I cannot suppose, from the return, that it is intended to represent the whole amount "conjectured" as a sum to be added to the "ascertained;" it is possible, however, that it may be. In either case we shall see that this return is altogether at variance with the results derivable from the other returns. The increase of arrear on cens et rentes from the new concessions is returned in (C. 9.) at 292 *l.* 1 *s.* 1 *d.* Compared with the foregoing return, this would imply a diminution of arrear on the old concessions under this head of more than 90 *l.*; or, at most, (if we add together the sums "ascertained" and "conjectured"), an increase of less than 110 *l.*

The comparison of the computed rental with the receipts gives a result widely at variance with both of these:

The annual rental is	£. 373 5 10 Cy.
„ „ receipt	277 8 8·58
„ „ increase of arrear	£. 95 17 1·42
The six years	£. 575 2 8·52

On account of lods et ventes, we have returns of arrears which are similarly defective and ambiguous:

	Ascertained.	Conjectured.
Arrears of lods et ventes on old and new concessions on 30 Sept. 1831	£. 507 8 4 Cy.	£. 600 – – Cy.
„ „ „ 1837	1,367 2 10	2,000 – –
Increase in the six years	£. 859 14 6	£. 1,400 – –

Of these amounts, the sum of 31 *l.* 17 *s.* 11 *d.* is returned in (C. 9.) as the increase of arrears on the new concessions, leaving a remainder of 827 *l.* 16 *s.* 7 *d.*, or of 1,368 *l.* 2 *s.* 1 *d.*, or of 2,227 *l.* 16 *s.* 7 *d.*, as the increase upon the old concessions, according as we adopt the "ascertained" return, or either of the two explanations already suggested of the "conjectured."

2. The new concessions are returned in detail in (C. 9.) They are held by 262 censitaires, in village lots for building, and form part of the village of La Prairie. The aggregate of rental due from them is 63 *l.* 15 *s.* 2 *d.* The latest of them in point of time was granted in 1829.

The actual receipts from them have been only—

	For the Six Years.	Average per Annum.
For cens et rentes	£. 40 14 1·5 Cy.	£. 6 15 8·25 Cy.
„ lods et ventes	35 13 10	5 18 9·67
In all	£. 76 7 11·5	£. 12 14 5·92

The

* It was requested in the call made upon the commissioner for information, that the amount of "conjectured," as well as that of "ascertained" arrear, should be returned in all cases. This is the only seigniory for which any uncertainty as to the amounts returned as "ascertained" is admitted.

The increase of arrear on cens et rentes at least, it should follow, must have been very great:

The annual rental is - - - - -	£. 63	15 2	Cy.
„ receipt - - - - - -	6	15 8·25	
„ increase of arrear - - -	£. 56	19 5·75	
The six years - - - - - -	£. 341	16 10·5	

The following report from (C. 9.) is at variance with this, as usual:

Arrears of cens et rentes on new concessions on 30 Sept. 1831 -	£. 151	6 1	Cy.
Ditto - - - - - - ditto - - - - - on 30 Sept. 1837 -	443	7 2	
Increase in the six years - -	£. 292	1 1	only.

The arrears on lods et ventes are thus returned in (C. 9.):

Arrears of lods et ventes on new concessions on 30 Sept. 1831 -	£. 22	19 1	Cy.
Ditto - - - - - - ditto - - - - - on 30 Sept. 1837 -	54	17 –	
Increase in the six years - -	£. 31	17 11	

II. The other properties in the seigniory are—

1. The mill, rented for a term of seven years ending in 1841, subject to a payment of "1,100 minots of wheat annually."

The gross receipts from this source have been:

For the six years - - - - - - -	£. 1,809	17 10	Cy.
On an average, yearly - - - - -	301	12 11·67	

No arrears are returned due either in 1831 or 1837, and in the statement of "computed revenue" for 1838–9 (A. 7.) the sum of 301 *l.* 13*s.* appears as the estimated proceeds of the "1,100 minots" for that year, being their average value for the six years ending in 1837.

Besides the charges incidental to collection and management, there is returned an item of 144 *l.* 16*s.* 0·75*d.* for "repairs" during the six years, which falls upon the mills exclusively. This sum is about eight per cent. on the gross receipts of the mill.

2. The land sold en constitut, according to (A. 7.) should bring in 21 *l.* 13*s.* 10*d.* yearly, as interest on the capital due. It is not, however, mentioned in any of the other returns; and nothing, therefore, can be supposed to have been collected on account of it. No arrears are stated to be due upon it; nor is the date of the sale reported, so as to enable me to calculate the arrears, if any.

SUMMARY.

The miscellaneous expenses on account of this seigniory have been heavy, and there are no receipts from "Procès verbals" returned as an offset to them. They have amounted in the six years—

For "surveys and expenses of papier terrier," to -	£. 234	– –	Cy.
"Miscellaneous" to - - - - - - -	85	8 6	
In all - - - - - -	£. 319	8 6	

being 6·587 per cent. upon the total gross receipts of the seigniory. Adding in this item, the amount of expense chargeable on each of the properties appears to be—

On the concessions - -	28·28 per cent.	on their gross receipts
„ mill - - - -	36·28 „	respectively.

The total receipts of the seigniory are returned—

For the six years, at - - - - -	£. 4,849	11 3·25	Cy.
On an average, yearly - - - - -	808	5 2·54	

at the rate per alienated arpent, of 3·436 *d.*

The total expenses have been 31·265 per cent. on the gross receipts.

And the net receipts have been—

For the six years - - - - -	£. 3,333	6 6·73	Cy.
And on an average, yearly - - - -	555	11 1·12	

which is at the rate per alienated arpent, of 2·362 *d.*

The increase of arrears in the six years can only be guessed at. The returns speak of the arrears as due only on the concessions; though it is almost certain that some arrear (perhaps not a large one) must have accrued on the land sold en constitut, if not on the mill.

From a comparison of gross income with receipts, we have seen that on the score of cens et rentes alone, an arrear has accrued of 916 *l.* 19 *s.* 7 *d.* cy., though the return (A. 6.) gives it at about 200 *l.* only, if we follow either the "ascertained" or the "conjectured" estimate, and about 400 *l.*, if (contrary to the *apparent* meaning of the table) we add the two together.

On the score of lods et ventes, the "ascertained" increase is reported at 859 *l.* 4 *s.* 6 *d.*, and the "conjectured" at 1,400 *l.* Supposing, as I do, that the latter sum is intended to include within it the former, and not to be added to it, the returns taken together indicate a total increase of arrear of about 2,316 *l.* 19 *s.* 7 *d.*, more than 47¾ per cent. upon the gross receipts.

Of the gross amount, then, falling due within the six years, it would seem that more than 32 per cent. has run into arrear, and rather more than 21 per cent. been expended in collection, &c.; the *actual net revenue* being thus less than 47 per cent. of the *gross computed revenue.*

Exclusive of lods et ventes (a source of revenue which, in this seigniory, ought to be very productive), the *gross computed rental* for 1838–9 is returned at 760 *l.* 7 *s.* 10 *d.* cy.

Part 2.—The Properties not constituting Seigniories.

(*a.*) In the District of Quebec.

§ 1.—LA VACHERIE.

La Vacherie is mentioned in the returns (A. 1.), (A. 3.), (A. 4.), (A. 6.), (A. 7.), (B. 5.) and (C. 5.); and in the tables (G. 1.), (G. 2.) and (G. 3.).

Position, Extent, &c.—This property forms part of the St. Roch's suburb of the city of Quebec. Mr. Stewart stated it to occupy from one-third to one-half of the suburb. It was originally held by the Jesuits, *en roture*, of the King's domain, within which it is situate.

The return (A. 1.) is inconsistent with itself, as to the exact dimensions and disposition of this property, small as it is, and close as it is to the city of Quebec. It states the whole extent to be, "from an original survey, exclusive of streets," - 88¼ arpents.

Of which there are, unalienated - - - - - -			9
Free grants to the Roman Catholic Church of St. Roch's -	1½		
„ „ „ Protestant Episcopal Church - -	1		
„ „ „ Marine Hospital - - - -	2½		
			5
Under lease, Hare Point - - - - - - -	53		
„ Beach Lot - - - - - - -	3½		
		56½	arpents.
Sold en constitut, (entered in (A. 1.) as "new concessions") -		22¾	„
Making a sum total of - - - - - - -		93¼	arpents.

which is five arpents more than the whole. It can hardly be supposed that the "streets" are included in the detailed, any more than in the general statement of extent. I have no means of ascertaining which estimate, or whether indeed either of them, is correct. I was not aware of the inconsistency between the two when I last saw Mr. Stewart.

The nine arpents still unalienated are scattered up and down the suburb, Mr. S. stated, in house-lots, some contiguous and some not. Applications for them were rare, in consequence of the state of the times. They are all offered for sale, en constitut, as building lots.

The grants to the churches and hospital, Mr. Stewart stated to be "in perpetuity." Their dates varied, and he did not remember them. They were to have been furnished; but the time did not allow me to call for them a second time. The grant to the Catholic Church was probably made by the Jesuits. The other two were doubtless made since the Crown took possession of the estates.

The two leased tracts, Mr. Stewart informed me, are not, in his opinion, suitable for building lots, and are therefore quite advantageously disposed of under the present arrangement. It was not in my power, for want of time, to make any further inquiry on this point.

Hare Point is leased (A. 3.) for a term of 21 years, to expire in 1850, at the rate of 40 *l.* per annum. No arrears are returned as due, either in 1831 or 1837; but as (B. 5.) shows that only 220 *l.* had been paid in the six years, instead of 240 *l.*, it is evident that one-half year's rent must have fallen into arrear.

The beach lot is leased (A. 3.) for seven years ending in 1843, at the rate of 28 *l.* yearly. No receipt from it is returned for the entire period of six years; and yet in (A. 3.) the increase of arrear due upon it is returned at only 28 *l.*; 28 *l.* having been due on September 30, 1831, and 56 *l.* on September 30, 1837. As the present lease dates only from 1837, I cannot tell at what rate the lot may have been leased during the six years; but it is not easy to see how

how the absence of all receipt from this source, and the accumulation of so small an arrear as 28*l.*, can be reconciled together.

The return of arrears on La Vacherie in (A. 6.) is irreconcilable with those in (A. 3.) and (C. 5.); but it throws no light on this point.

The land sold en constitut, 22¾ arpents (A. 1.), has been disposed of in 135 lots of various sizes, most of them mere house-lots, and at different times, but most of them since 1831. These lots have been sold, as Mr. Stewart stated, subject to payment of a "nominal cens," to carry lods et ventes to the Crown, in its capacity of seigniory. The only revenue drawn from them by the estates is the interest on the purchase money, which may be considered as almost equivalent to a ground rent, redeemable at a specified rate, at the pleasure of an irremovable occupant.

The aggregate amount of interest at present payable yearly on these lots is	£. 404	3	3 Cy.
being at a rate per arpent of	17	15	3·692

The actual receipts during the six years have fallen far short of this, being—

For the six years	£. 837	–	3 Cy.
Or, on an average, yearly	139	10	5

As a great part of the property, however, has been sold between 1831 and 1834, the difference between these amounts is not all to be set down as arrear. The return of arrears in (C. 5.) is as follows:—

Arrears on September 30, 1831	£. 215	5	4
Ditto – – – 1837	1,596	3	3
Increase in the six years	1,380	17	11

An amount quite sufficient to demonstrate extreme remissness, from some cause or other, in the collection of the rental.

Under the "Miscellaneous" head in (G. 2.) I have entered the sum of two amounts returned as received in (B. 5.); viz.—

"Capital paid in," on land sold en con.	£. 32	12	8 Cy.
"Procès Verbals," being a return of part of a survey charged to censitaires	43	17	6
Total	76	10	2

These receipts are to a greater amount than the miscellaneous expenses, which are thus reported:—

"Surveys"	£. 1	12	6 Cy.
"Miscellaneous"	13	18	6
Total	15	11	–

As, however, the expense of the survey, for which the 43*l.* 17*s.* 6*d.* is a "part" repayment, must have fallen on the estates just before 1831, it is not fair to estimate by this return the proportion between the miscellaneous receipt and expenditure.

The total gross receipts for La Vacherie have been—

For the six years	£. 1,133	10	5
Or, on an average yearly	188	18	4·83

Which is at the rate per alienated arpent (taking the larger estimate of the extent of La Vacherie) of 2*l.* 4*s.* 10·17*d.*

The expenses on the whole property (and they may be said to have fallen equally on each of its component parts) have amounted to 23·0₂ per cent. on the gross receipts; very little more than the rate of allowance for agent and commissioner's office.

The net receipts have been for the six years	£. 872	1	7·28 Cy.
Being on an average yearly	145	6	11·21
And at the rate per alienated arpent of	1	14	6·044

The exact increase of arrears cannot be stated. From (A. 3.) and (C. 5.) it would appear have been—

On the beach lot	£. 28	–	– Cy.
„ lots sold en con.	1,380	17	11
Adding to which the amount shown by (B. 5.) upon Hare Point	20	–	–
We have as a sum total	1,428	17	11

26 per cent. more than the whole sum collected in the period.

Of the amount due within the six years, we find that (at least) 55·75 per cent. has fallen into arrear, and 10·19 per cent. more been expended on collection, management, &c. The net receipts have been less than 34·06 per cent. of the gross computed revenue.

For 1838–9, the gross computed revenue is 472*l.* 3*s.* 3*d.* Cy.

§ 2.—LANDS in the City of Quebec.

The property in the city of Quebec is mentioned in the returns (A. 1.), (A. 4.), (A. 6.), (A. 7.), (B. 6.) and (C. 6.), as well as in tables (G. 1.), (G. 2.), and (G. 3.).

Position, Extent, &c.—This property consists of several lots of land (none of them large, and most of them quite small) which were held by the Jesuits under various titles of the King's domain, within which they lie. They are all situate in the Upper Town of Quebec, and are contiguous, or nearly so, to the building known as the Jesuits' Barracks, which stands on one of them.

In (A. 1.), the total extent of this property is not given; nor does any other of the tables supply the deficiency. On inquiry of the commissioner, I was informed that in some old map or survey, the whole was laid down at "18 arpents 58 perches;" but that, as there had been no late survey, it was impossible to say how far the estimate is correct. I could get no further information on this point. No part of this land is returned, as at the disposal of the administration of the estates.

Four alienations are specified in (A. 1.), from which the estates derive no revenue, but the dimensions of the lots so disposed of are not given; the commissioner assigning the want of any sufficiently accurate survey as the reason. Three of these are "grants in perpetuity."

1. To the Fire Society of Quebec.
2. „ National School.
3. „ Congregation of Notre Dame.

The dates of these grants are not stated. The first and second are, however, obviously grants made since the estates came into the hands of the Crown. The late Jesuits' college and garden, occupied by government as a barrack and barrack-yard, form the fourth. The extent of the ground thus occupied is about five arpents. Its real value, and the disposition which of right ought to be made of it, have been matter of much controversy. These questions may be more advantageously discussed in another portion of this report than here.

The remainder of the property consists of 69 house-lots (reported in C. 6.), from which a revenue is drawn, much in the same manner as in La Vacherie, though to a much smaller amount. Of these there are reported—

In Fabrique-street - - -	5
St. John - - - -	24
St. Ursule - - - -	10
St. Angele - - - -	4
St. Stanislaus - - -	7
(Street not named) - -	6
Desjardins-street - - -	3
Total - - -	59

which have all been long disposed of, though no dates are given. Besides these, there are 10 other lots situate in rear of the Jesuits' barracks, which were disposed of as late as 1820. The extent of ground occupied by these 69 emplacements is not stated.

The gross yearly rental of the 59 house-lots first alienated is returned at 41 *l.* 14 *s.* 7·5 *d.*
The actual receipts from these have been—

For the six years - - - -	£. 123 6 6
Or or an average, yearly - - -	20 11 1

The arrears, it would follow, must have increased yearly, on an average £. 21 3 6·5
And in the six years - - - - - - - - - - - 127 1 3

The following return of arrears, from (C. 6.) gives a result sufficiently near this, in amount—

Arrears, on Sept. 30, 1831 - -	£. 74 7 5 Cy.
Ditto - - 1837 - - -	204 14 11
Increase in the six years -	130 7 6

The gross yearly amount of the 10 lots disposed of in 1820, is 29 *l.* 12 *s.* 3·25 *d.* Cy.
The actual receipts have been—

For the six years - - - -	£. 227 – 3 Cy.
Showing a yearly average of - -	37 16 8·5

The arrears, according to these data, have been decreasing yearly, on an average—

	£. 8 4 5·25 Cy.
And in the six years, therefore - - -	49 6 7·5

In (C. 6.)

In (C. 6.) a much greater decrease is reported :—

Arrears on Sept. 30, 1831 - -	£. 183	2 7 Cy.
Ditto - - 1837 - -	104	17 10·25
Decrease in the six years -	£. 78	4 8·75

Besides the expenses generally chargeable for agent and commissioner's office, a trifling sum is returned of 3 *l.* 15 *s.* 7·25 *d.* Cy. for "miscellaneous" expenses, amounting to 1·079 per cent. on the total gross receipts. This addition raises the expenses on each of the above sources of revenue to 22·772 per cent. on their receipts.

The total gross receipts from this property, for the six years, have amounted on an average, yearly, to - - - - - - - £. 58 7 9·5 Cy.
And the total net receipts to - - - - - 45 1 10·36

The total increase of arrears in the six years is stated at - £. 32 2 9·25 Cy.
But is shown by the other returns to have been - - 77 14 7·5

Rather more than 22 per cent. on the gross receipts.

Of the gross amount of rental due for the six years, therefore, a little more than 18 per cent. has fallen into arrear, and rather more than 18·5 per cent. been expended in collection, &c.; the actual net receipts being thus less than 63·5 per cent. of the gross computed revenue.

For 1838–9, the gross estimated revenue is - - £. 71 6 10·75 Cy.

§ 3.—LANDS in the Seigniory of Lauzun.

The third property not constituting a seigniory in the district of Quebec is the land in the seigniory of Lauzun, mentioned in (A. 1.), (A. 4.), (A. 7.), and (B. 7.); and in (G. 1.), (G. 2.), and (G. 3.).

Position, Extent, &c.—This property consists of two distinct portions, one in the parish of St. Nicholas, opposite Cap Rouge, and the other in the parish of Pte. Levi, opposite Quebec. Both of them front upon the south bank of the St. Lawrence, and are within the limits of the county of Dorchester, or seigniory of Lauzun.

The St. Nicholas property contains (A. 1.) 1,180 square arpents, and the Pte. Levi property 960. From the description given in the warrant issued in 1800 for the seizure of the estates by the sheriff of Quebec, it appears that the former is a single tract of 50 arpents, or thereabout, in depth; and that the latter consists of four contiguous lots, which taken together make an irregular area fronting upon the St. Lawrence 15 arpents, and running back at its deepest part 80 arpents.

One of the four lots last-mentioned was granted to the Jesuits as an Arrière Fief by the seignior of Lauzun. The others, Mr. Stewart states to have been held of him *en roture.* On the occupation of the estates by the Crown, or shortly after (Mr. S. stated), an opinion was given by the law officers in Canada, that, as the Crown could not hold *en roture* of a subject, the tenure of these lands had, from the date of their seizure, become seigniorial, and that those who held them under grants from the Jesuits were henceforth bound to pay lods et ventes to the Crown as seignior, and not to the seignior of Lauzun. The case in this seigniory differed from that in La Vacherie and the City of Quebec, inasmuch as in the latter, the Crown was the seignior of whom the Jesuits had originally held. In those properties, therefore, the Crown, in its capacity of holder or administrator of the estates, takes only interest and ground-rent from those who hold under it, and takes lods et ventes in its original capacity of seignior; the latter payments being considered part of the "Domain," and not of the Jesuits' estates' revenue. In the Lauzun properties, the Crown claims cens et rentes and lods et ventes by the same title; and both classes of payments are entered as revenue belonging to the estates.

The claim to lods et ventes on this property has not, however, been insisted upon. They are sometimes paid, Mr. Stewart states, and often not. The question of the legality of the claim has never been tried; and the property is not considered valuable enough to make it worth trying.

The whole extent of this property is returned as disposed of in "old concessions." The accounts of its receipts and arrears are stated by Mr. Stewart to be particularly defective, owing to the neglect of a Mr. Campbell, a notary charged with the duty of discovering *titres nouvelles* within it. To this deficiency, he ascribed his own omission to make a detailed return of the concessions and arrears due upon them.

From (A. 7.), I find that the aggregate of cens et rentes due yearly from these concessions is - - - - - - - - - - - - £. 7 12 6·5 Cy.

being at the rate, per arpent, of - - - - - - - - - 8·55

The return of actual receipts (B. 7.) shows plainly the result of the neglect above-mentioned. No cens et rentes have been received for five years out of the six, and the total amounts received are only—

	For the Six Years.	Average per Annum.
For cens et rentes -	£. 7 9 10 Cy.	£. 1 4 11·67 Cy.
„ lods et ventes -	54 2 6	9 - 5
In all - - -	61 12 4	10 5 4·67

The increase of arrear in the six years on cens et rentes must have been, therefore, 38 *l.* 5 *s.* 5 *d.*, more than five times the amount collected.

Of the amount of increase of arrears due on account of lods et ventes, it is impossible to form an opinion.

There is returned (B. 7.) a charge of 16 *l.* for the year ending in 1834, on account of a "survey." This sum, added to the general charge for agent, &c. raises the total expenses on this property to 47·674 per cent. on the gross receipts.

The net receipts are thus reduced—

For the six years, to - - - -	£. 32	5	-·84 Cy.
Being an average, yearly, of - - -	5	7	6·14
And at the rate, per arpent, of - -	-	-	-·603

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§ 4.—LAND at Tadoussac.

The land at Tadoussac is mentioned only in (A. 1.), (G. 1.) and (G. 2.)

Tadoussac is a trading post at the mouth of the Saguenay river, and is leased as one of the "King's Trading Posts" to the Hudson's Bay Company. The Jesuits held six arpents of land here, granted for the erection of a church, &c. Their site is now a matter of dispute. Dr. Kimber, of Three Rivers, (the chairman of the committee of the late House of Assembly on the Jesuits' estates,) maintains that the warehouses erected at the post, or a part of them, stand on this ground. Mr. Stewart, on the other hand, doubts whether the six arpents in question were ever so much as measured off; if they were, he supposes that the Indian church still remaining at the place stood upon them, and not the warehouses. Mr. Stewart has not been there since 1822.

No revenue has ever been drawn from this property. It has been argued by Dr. Kimber, on the supposition that the warehouses of the post are built upon it, that a part of the rental paid by the Hudson's Bay Company should be allowed for the use of it, to the account of the estates. If, however, Mr. Stewart's opinion of its site be correct, this suggestion necessarily falls to the ground.

(*b.*) In the District of Three Rivers.

§ 1.—ISLE DE ST. CHRISTOPHER.

The Isle de St. Christopher is mentioned only in (A. 1.), (A. 7.), (G. 1.), (G. 2.) and (G. 3.)

It is a small island, 80 arpents in extent, near the mouth of the St. Maurice, between the town of Three Rivers and the seigniory of Cap de la Magdeleine. It was originally granted to the Jesuits as a fief, free of all conditions and charges, and was by them granted in one concession, at a rental of (*see* A. 7.) 1 *s.* 3 *d.* currency per annum.

Nothing has been received from this concession for many years, and it is regarded as an unproductive property.

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§ 2.—LANDS in the Town and Banlieue of Three Rivers.

The returns relative to the lands in the town and banlieue of Three Rivers are contained in (A. 1.), (A. 7.) and (B. 10.); and their results are stated in (G. 1.), (G. 2.) and (G. 3.)

This property consists of two fiefs (one called the fief Pachevigny, and the other not named in any return I have seen), and some land held *en roture*. Neither the returns to the commission nor those to the House of Assembly give the relative extent of these several parts. The whole is stated in (A. 1.) as covering 675·08 arpents, a considerable portion of the town of Three Rivers. Its precise limits seem to be a matter of some uncertainty, from the reports of the committee of the Assembly on the Jesuits' estates; but I have had no opportunity of inquiring into the merits of the controversy.

There has evidently been much neglect in the administration of this property, even as compared with the others belonging to the estates. The "detailed" return of the concessions, &c. has not been furnished, doubtless from the agent's inability to furnish it.

No return of "arrears" is attempted either. From (B. 10.) it appears that for the six years ending in 1837, no cens et rentes whatever have been paid. The receipts are wholly

on

on lods et ventes; and even these do not seem to be regularly collected. Under good management, the revenue from this source ought to be considerable.

The eight unconceded arpents are situate on the outskirts of the town. Mr. Stewart states them to be worth less, except as building lots. Though ungranted, they appear to have been built upon to some extent, without leave, by a number of poor people.

(A. 1.) states 35 arpents to be in possession of and claimed by the trustees of the common. This tract, of course, yields no revenue. There is also another unproductively occupied, though not returned in (A. 1.) The church and mission house, formerly occupied by the Jesuits, have been used as a Protestant episcopal church and parsonage for many years. This occupation has been the occasion of much complaint on the part of the Catholic popu lation of Three Rivers.

The actual receipts from the concessions are returned in (B. 10.)

	For the Six Years.	Average per Annum.
	£. – – –	£. – – –
For cens et rentes - -	269 16 8	44 19 5·33
For lods et ventes - -		

The amount of cens et rentes, due yearly, is returned in (A. 7.) at 5 *l.* 0 *s.* 4·75 *d.*, which is at the rate per arpent of nearly 2 *d.* currency. An arrear of cens et rentes must have accrued therefore in the six years of 30 *l.* 2 *s.* 4·5 *d.*

Of the arrears on lods et ventes no conjecture can be formed, nor indeed can any be formed, as to the amount of arrear due on cens et rentes.

Besides the ordinary charges of collection and management, there are returned two items of expense, viz.—

For a survey - - - - - - -	£. 10 – – Cy.
Miscellaneous - - - - - - -	9 – 10
Total - -	£. 19 – 10

Being 7·055 per cent. on the total gross receipts. The total amount of expense is thus raised to 28·748 per cent. on the receipts; and the net receipts are reduced for the six years to an average per annum of 32 *l.* 0 *s.* 10·35 *d.*

(*c.*) In the District of Montreal.

The land in the city of Montreal is mentioned in (A. 1.) A. 7.) (G. 1.) (G. 2.) and (G. 3.)

It has never been productive since the estates came into the hands of the Crown. In (A. 1.) it is estimated at 3·68 arpents, the whole, with the exception of three emplacements, occupied by the district court-house and the old gaol (now used as a barrack). Dr. Kimber has argued that the lot known as the "government gardens" is also a part of it; but this Mr. Stewart, on the other hand, denies.

The three house-lots are returned in (A. 7.) as subject to a payment of 5 *s.* 5 *d.* Cy., yearly, for cens et rentes; but no collections appear to be ever made from them.

The Jesuits held this land, en roture, of the Montreal Seminary, the seignior of the Island of Montreal.

Cap. V.

General Character of the System of Administration under which the Jesuits' Estates are at present placed.

It cannot fail to be apparent from the statements made in the two preceding chapters, that there must be very great defects existing in the administration of this property. Much more than half of its entire gross computed revenue, we have seen, is lost in arrears and expenses. Upon several of its constituent properties (the large seigniories of the Cap de la Magdeleine and Batiscan for example) the amounts of arrear and expenditure together are nearly three-quarters of their computed revenue; and upon one property only (that in the city of Quebec) are they as low as 36½ per cent. of the computed revenue. The returns of arrears, in almost every instance in which it is possible to apply any test of their accuracy, are found to be more or less inaccurate; and in several instances the inaccuracies detected are of the grossest character. The very extent of the seigniories in square arpents is given only by a rough calculation from their recorded dimensions. The extent of the land within each, disposed of in various ways, is, in many cases, equally in doubt; in a number of the seigniories, no guess is ventured upon as to the amount held by the several censitaires; and in one (La Prairie) the very name and number of the censitaires cannot be told.

To what cause are these defects attributable? To mismanagement (corrupt, or arising from mere carelessness) on the part of the individuals by whom the estates are administered. Or are they rather to be regarded as inherent in the system under which they are administered,—as a result, in the main, of the nature of the properties from which the revenues of the estates are drawn, and of the limited powers of those who are charged with their collection?—The Jesuits' Estates Committee of the late House of Assembly, and the majority of the House in general, appear to have insisted upon the former cause, so far as the reports presented on the subject, and the tenor of the Bill which passed the House, are

indications of the temper of mind of those who drew up or favoured them. In these reports the burthen of complaint is directed mainly against the commissioner as an individual; while of the four agents even, employed under him, one only (the agent for La Prairie) is selected to share in the censure cast upon the commissioner. The Bill of 1835-6 proposed to accomplish little more than the abolition of the commissioner's office; perpetuating, while it undertook to regulate and correct, the old system of administration, in most of its worst features; and in fact adding to it some new features even more objectionable than any of the old. I cannot bring myself to assent to the conclusions of these documents, or to recommend the measures proposed in them as remedial.

From the sudden termination of the inquiries entered upon under the Education Commission, I was unable to investigate thoroughly those particular transactions upon which the accusers of the commissioner have dwelt, as evidence of personal mismanagement on his part, and I have therefore no right to express or hold an opinion in regard to them. So far as their charge against him is of a merely general character (growing out of the obvious inadequacy of the net returns from the estates), it is easy to see that the facts of the case admit of another explanation, the commissioner's limited powers, and the nature of the properties he has had to manage, and that explanation is quite sufficient to account for them. So far as particular transactions are called in question (the leasing of the Sillery coves, and of the forge reserve, being the two transactions most complained of) I can give no opinion, for the reason above stated. It is, however, only common justice to the commissioner, individually, to remark, that they received at the time the full sanction of the provincial executive.

It remains to inquire in what respects the present system of administration is defective; and incidentally, how far the Bill of 1835-6, would have removed or added to its deficiencies. This inquiry divides itself into two branches; the one, relating to the number, powers, remuneration, &c. of those employed in the management of the estates; and the other, to the character of the properties themselves, and the difficulties (legal and otherwise) in the way of managing such properties to advantage.

1. The number, powers, remuneration, &c., of those employed in the management of the estates.—The commissioner, as has been already stated, has four agents employed under him—Mr. Louis Panet, of Quebec, for the properties in the district of Quebec; Mr. Louis Guillet, of Batiscan, for the seigniory of that name in the district of Three Rivers; Mr. Dumoulin, of Three Rivers, for the other properties in that district, and Mr. E. Henry, of La Prairie, for the seigniory of that name, the only productive property in the district of Montreal. Messrs. Panet, Guillet and Henry are notaries, resident within the district for which they are respectively agents; and M. Dumoulin is a notary or a lawyer (the former I believe) also residing within the limits of his agency. They hold their office, Mr. Stewart states, by appointment of the Governor and Council, and are removable, therefore, only by the same authority, and not directly by the commissioner. The commissioner has no other control over them than is implied in the power of complaining to the executive, of any remissness or malversation on their part.

The emoluments of the agents consist in an allowance of 10 per cent. upon all sums collected by them. During the six years, ending in 1837, this allowance has amounted to the following sums—

For the agency of—

	For the Six Years.	Average per Annum.
Mr. Panet - -	£. 1,014 6 5·25 Cy.	£. 169 1 –·87 Cy.
„ Guillet - -	256 3 10·5	42 13 11·75
„ Dumoulin - -	158 15 2·5	26 9 –·42
„ Henry - -	484 18 11·5	80 16 5·92
Total - -	1,914 3 5·75	319 – 6·96

Supposing that, for the year 1838-9, the whole amount which, according to the estimates already given, will fall due, should be collected, the agents' allowance would amount to about the following sums:—

For the Quebec agency, about - - - - - -	£. 310 Cy.
„ Batiscan „ „ - - - - - -	60
„ Three Rivers „ - - - - - - -	60
„ La Prairie „ „ - - - - - - -	110
In all, about - - - -	£. 540

These last-named sums, it is quite evident, are much larger than the agents ever have realised or are likely for some time to realise from this source. They are calculated on the supposition that every due is collected,—a supposition, as we have seen, very far from the fact. The average receipt of the six years ending in 1837 is not likely to be much exceeded, if at all, by that of 1838-9.

Besides this allowance of 10 per cent., the agents charge certain incidental expenses (returned in the tables as "Miscellaneous"), but these are not to any large amount; and as it is required that the commissioner be satisfied of the correctness of the charges, it is fair

fair to presume that no increase of the agents' emoluments takes place through their means. For the period comprised in the returns these charges have been—

For the agency of—	For the Six Years.	Average per Annum.
Mr. Panet (Quebec) -	£. 169 7 7·75 Cy.	£. 28 4 7·29 Cy.
„ Guillet (Batiscan) -	55 19 8·5	9 6 7·42
„ Dumoulin (Three Rivers)	23 10 2	3 18 4·33
„ Henry (La Prairie) -	85 8 6	14 4 9
Total - -	£. 334 6 0·25	£. 55 14 4·04

The other expenses returned are for "Roads and Bridges," "Surveys," "Repairs of Mills," "Expense of Fences" on the farm leased in Batiscan, and "Expenses on Saw-logs" in Batiscan and Cap de la Magdeleine. On these the agents, it is to be presumed, are allowed no profits, and it is not fair to suppose, therefore, that they directly derive any. Individuals are specially engaged as surveyors, builders, &c., whenever such services are in request. The following are the amounts returned as expended upon each of these accounts:—

For the six years in the several agencies of—

	Quebec.	Batiscan.	Three Rivers.	La Prairie.
	£. s. d. Cy.	£. s. d. Cy.	£. s. d. Cy.	£. s. d. Cy.
Roads and Bridges	122 10 9	- - -	170 17 6	—
Surveys - - -	173 9 2	26 3 10	161 5 6	234 - -
Repairs of Mills -	679 16 10	918 15 11·5	81 17 1·5	144 16 0·75
Fences - - -	- - -	28 6 9·5	—	—
Saw Logs - -	- - -	6 10 6	- 7 6	—
Total - £.	975 16 9	979 17 1	414 7 7·5	378 16 0·75
Being on an average yearly - -	162 12 9·5	163 6 2·17	69 1 3·25	63 2 8·12
Adding to these sums the two average yearly charges above stated, viz.				
Miscellaneous -	28 4 7·29	9 6 7·42	3 18 4·33	14 4 9
Agents' allowance	169 1 0·87	42 13 11·75	26 9 0·42	80 16 5·92
We have the following sums total of yearly expenditure in each agency - £.	359 18 5·66	215 6 9·34	99 8 8	158 3 11·04

From these amounts it is evident that the direct profits of the agents are quite small in amount, except for the Quebec agency, and that even in the Quebec agency the sum allowed is only moderate; nor could any degree of diligence in their collection enable the agents to make them very much larger. It is further apparent, 1st, that the agents, from their being paid a per centage on their gross receipts, have no sort of interest in the diminution of any of the other expenses to be incurred within their agency; and 2dly, that these other expenses bear no proportion whatever to the revenue drawn from the agency upon which they are charged, and the allowance made from it to the agent. It was not in my power (for reasons already more than once stated) to make such further inquiries on the subject of these expenses as, with more time at my command, I should have made.

The allowance of 10 per cent. to the agents is obviously too small to enable any one of them to devote his whole time to the duties of his agency. The agents accordingly all have other business to attend to of their own; and this fact, though it stood alone, would furnish evidence enough of the impossibility of their satisfactorily fulfilling the duties of their office. To say nothing of the necessarily complex character of the affairs they have to manage, and the care requisite in order to the faithful collection of the multitude of small debts perpetually accruing, a notary or lawyer resident within his agency, and dependent in a very considerable degree on his regular professional business for a living, must often have a much stronger interest in the postponement or relaxation of claims which as agent he is bound to urge, than that which the prospect of his agent's allowance gives him in their collection. The neighbourhood on whose patronage he depends is made up of the parties from whom his collections are to be made. The chief value of his agency must lie in the opportunity it gives for the extension of his influence and business, and this object is by no means best gained by an over-rigorous devotion to the interests of the seignior, at the expense of the censitaires. On this point I have had no opportunity of

obtaining direct testimony, and from the nature of the case it seems hardly necessary to ask for any. The tendency of this part of the system cannot be misunderstood, whatever may have been the conduct of particular agents acting under it. Where an agent's interest is best consulted by the accumulation of arrears and a liberal allowance of expenses, it is useless to expect collections to be either punctually or economically made.

If the agent's responsibility were assured, either by giving the commissioner complete control over them, or by making them the parties answerable to the legislature and the public for the amount of their receipts, this evil might be somewhat less; as it is, however, neither of these is done. The commissioner has over them a very imperfect control indeed, and yet his general responsibility for the proceeds and management of the estates serves to screen them from censure in almost any case, unless indeed it were the possible case of their being more active and exact than the public opinion of their indebted neighbours would have them; then, indeed, but hardly otherwise, the commissioner's responsibility might fail to relieve them from theirs.

If, from considering the tenure of office and the emoluments of the four agents, we turn to those of the commissioner, we find still the same kind of faults inherent in this part of the system. The allowances for the commissioner's office for the six years ending in 1837 (and indeed, except in the item of "contingencies," which is variable, for many years before,) have been—

Commissioner's salary - - - -	£. 200	–	– Cy. per annum.
Allowance for a clerk - - - -	100	–	– „
Allowance for a messenger - - - -	36	–	4·92 „
Average allowance for contingencies - -	37	–	4·92 „
Total - - - - -	£. 373	–	–

the sum total forming, it is true, a pretty heavy charge upon the revenue of the estates, but still failing to supply an adequate salary for an officer with duties of so responsible a character. Supposing him to save, as he doubtless may, a considerable portion of the "clerk's allowance" for himself, by dispensing with the regular services of a clerk, his salary must still fall considerably short of 300 *l.* currency, and this sum will not enable him to devote himself wholly to the business of his office. The present commissioner holds other offices, from the necessity of the case it might almost be said, being an executive councillor, and master of the Trinity House of Quebec. How little an arrangement of this kind (allowing no one commissioner or agent to give more than a fraction of his time and thoughts to a business requiring so much care) must conduce to the advantageous management of the estates can hardly need to be insisted on.

The agents, we have seen, are so paid as to give them at least some interest in the productiveness of the estates, though from their professional pursuits they have often a much stronger interest the other way. The commissioner is so paid as to have no interest in the matter at all; his salary, inadequate as it is, is fixed in its amount and regular, and the punctuality or remissness of the agents is a matter of no direct personal concern to him. Taking further into account the moderate amount of his salary and the limited extent of his power over the agents, it is too much to expect that any oversight of his should be so effective as to counteract the strong influences unfavourable to the productiveness of the estates under which the agents themselves are placed.

With a system such as this, as regards the appointment, powers and emoluments of those to whom the management of the estates has been intrusted, it is not fair to ascribe the inevitable consequences of the system to personal delinquency on the part of the individuals so appointed and so paid. There may have been positive delinquency, doubtless, but it requires at least further and more definite proof than the mere general unproductiveness of the estates furnishes to establish it. We have still, however, to examine the system in another of its aspects.

II. The character of the properties themselves, and the difficulties, legal and otherwise, in the way of their advantageous management. The productive properties of the estates may be thus classed for the purposes of this inquiry:

1. Concessions.
2. Land leased or sold en con. for settlement and cultivation.
3. House lots sold en con.
4. Mills.
5. Coves, saw-logs, forge reserve, &c.

1. The Concessions.—These constitute in extent by far the greater part of the land productively disposed of; in all, they cover very nearly 260,000 square arpents, or almost 36¾ square leagues of territory; the revenue they yield, however trifling as compared with their extent, is still much greater than is drawn from either of the other kinds of property above enumerated. The number of contributors to this part of the revenue of the estates is much greater than to all the others together, and their contributions are altogether the most troublesome to collect, from the smallness of the amount of one class of them, and the irregularity (both as to time and amount) of the other. All this will be seen more clearly from the following more detailed statements.

The

The extent and position of the concessions, and the number of censitaires occupying them, in each agency, are as follows:

	Sq. Leagues.	Censitaires.
In the Quebec agency:		
Concessions in seigniory of Notre Dame; part of them near Quebec, the residence of the agent, but the more remote four leagues or more distant	over $3\frac{1}{2}$	276
Ditto in Sillery and St. Gabriel, a tract distinct from the preceding and further from Quebec, the remoter portions six or seven leagues distant	over $6\frac{3}{4}$	498
Ditto in Belair, a tract at considerable distance from Quebec, lying west of the preceding	nearly 2	201
Ditto in Lauzun, two small tracts not far from Quebec, but separate from the preceding	nearly $\frac{1}{3}$	25 ?*
In all, over	$12\frac{1}{2}$	about 1,000
In the Batiscan agency:		
Concessions in seigniory of Batiscan, a tract, the remoter parts of which are five leagues or more from the village of Batiscan, the agent's residence	nearly $9\frac{1}{2}$	968
In the Three Rivers agency:		
Concessions in Cap de la Magdeleine, a tract, the remoter parts of which are from two and a half to six or more leagues from Three Rivers, the agent's residence	about $6\frac{1}{2}$	503
Ditto in town of Three Rivers	nearly $\frac{1}{10}$	300 or more.†
Over	$6\frac{1}{2}$	about 810
In the La Prairie agency:		
Concessions in seigniory of La Prairie, a tract the remoter parts of which are four leagues or more from the village of La Prairie, the agent's residence	about 8	922‡

Amounting in the four agencies to between 36 and 37 square leagues (as stated above), held by about 3,700 censitaries (probably rather more); and allowing therefore to each censitaire, on an average, about 70 arpents.

The gross amount of cens et rentes payable for the present year, upon all this extent of land, is—

In the Quebec agency	£. 279	12	5·75 Cy.
„ Batiscan „	220	4	3
„ Three Rivers	192	5	3
„ La Prairie „	437	1	–
In all	£. 1,129	2	11·75‖

Hardly exceeding (on an average of all the concessions, old and new) 1 *d.* currency per arpent, about 6 *s.* currency, from each censitaire. All these rates, however, it will be remembered, vary very considerably on the different properties; so that in a great number of cases they are much lower.

Such, in general, is the present extent, &c. of the concessions. For the greater part of the six years, for which we have the accounts of receipt and expenditure, some deduction from the above amounts (not very material, however) requires to be made. This deduction cannot affect the general averages above stated.

For

* The number of censitaires on these concessions is not returned; and the number 25 is conjectured, therefore, from the average of the other concessions.

† Number not returned, but the estimate is probably within the mark.

‡ This number is in part conjectural; the returns not stating how many censitaires hold the old concessions. The number supposed in the text is below the average of the other old concessions.

‖ These numbers are from Tables (F.) and (G.); and the nominally productive properties of the Isle aux Reaux, the Isle de St. Christophe, and the concessions in the city of Montreal are omitted.

For the six years ending in 1837, we find that the actual receipts from the concessions have averaged yearly—

From cens et rentes - - -	£. 682	13	6·13 Cy.
„ lods et ventes - - -	619	17	9·91
In all - -	£. 1,302	11	4·04

Nearly 41 per cent. upon the total average receipts from the estates for this period. We have seen, however, that the returns indicate a heavy arrear as having accrued during this period, on account both of cens et rentes and of lods et ventes. Adding, on the latter account, the amount of arrear reported in the returns marked (C.), with the very trifling addition suggested in Cap. III. of a little less than 10 *l.* yearly for increase of arrear of lods et ventes on the properties not returned; and on the former the sum indicated by a comparison of the receipts and rental returned, the average of revenue falling due yearly, from these sources, would stand—

From cens et rentes - - -	£. 1,059	6	7·67 Cy.
„ lods et ventes - -	975	15	7·57
In all	£. 2,035	2	3·24

more than 44½ per cent. of the gross sum of 4,565 *l.* 7 *s.* 1 *d.*, which by the same calculation (see Cap. III.) would seem to have been the average computed yearly revenue upon the whole estates for that period. It cannot be doubted, however, that the real increase of arrear on lods et ventes has been greater than the above statement supposes, and the proportion of the entire revenue derivable from the concessions, therefore, greater; and probably it would be safe to say that nearly half the gross revenue of the estates is due upon the concession; the cens et rentes, or stated yearly rental amounting to about 23 per cent., and the lods et ventes (in the above estimate a smaller, but in reality a larger sum) about 25 per cent.

In round numbers, then, it may be said, that nearly a quarter of the gross revenue to be collected by the agents consists of these trifling debts into which we have seen the cens et rentes resolve themselves, debts which fall due every six months, which average in amount some 3 *s.* currency each (a large proportion of them being in fact much smaller), which have to be collected from 3,700 or more individuals; these debtors' farms covering a space of about 110 square miles, more than half of them, probably, lying at a distance of between 10 and 20 miles from the residence of the nearest agent, a good many of them very imperfectly cleared, and some not yet so much as settled upon.

Another fourth part of the revenue of the estates is drawn from the lods et ventes, due upon every sale of real estate within them. When it is remembered, however, that it rests with the agent to find out in each case the fact of the sale and the price bargained for, that a deed of sale may be privately executed before any notary, whether resident in the neighbourhood or not, and that if the parties interested keep their own secret by not disclosing the name of the notary with whom the deed is deposited it is very hard for the agent to discover it, it will be seen at once that the difficulty of punctual collection in this case is not much less than in the preceding. These claims, it is true, are larger in amount, and fewer in number; but on the other hand, they are at once irregular in respect of time, uncertain in their amount, and based upon transactions which the other parties interested nave, in all cases of voluntary sale, great facilities for keeping secret, and a strong inducement to avail themselves of the same.

The returns show (*vid. supra*) that upon each of these sources of revenue, there has been accumulating for the six years ending in 1837, on an average, a yearly arrear of about 36 per cent. upon the gross sum falling due from each.* The considerations above suggested are surely enough to account for such a result. In fact, it becomes almost more a matter of surprise that the agents should have collected so much from these sources than that they should have got so little.

While on this subject, one other difficulty, which must very materially embarrass the agents in their collection of these small dues, must be mentioned. It appears, from the commissioner's statements, that the agents in the district of Three Rivers have been for several years practically shut out from resort to the courts of law for enforcement of their claims, by a decision of the resident judge of the Court of King's Bench for that district. The Jesuits' estates are still in law the property of the Crown, and all suits, therefore, on account of them, are brought in the name of the Crown. The decision of Judge Vallières, that costs of suit cannot be adjudged on suits where the Crown is a party, has put resort to law in any case for a small sum entirely out of the question. The principle was affirmed, last summer, by the Court of Appeals, sitting at Quebec, so that its operation may now be regarded as universal over the province.

It is not possible, from the returns, to state with perfect exactness the amount of expense incurred on the management of the concessions as a whole. It is safe, however, to set them down at from 27 to 30 per cent. on the gross collections. For the agents and commissioner's offices, a charge of more than 21½ per cent. is to be made, and the addition of the

* Upon lods et ventes, as already stated, there is every reason to believe the amount greater.

the share of the expenses for roads, surveys and incidentals, falling upon the concessions is probably not less than from six to eight per cent. more. The expenses, it is obvious, must always be heavy on a property of such a character. Agents must be employed to collect and paid for collecting; and their accounts must be made subject to some kind of supervision, and that supervision again must be paid for.

The grossly defective character of the returns of the agents, on the subject of these concessions, and especially on so much as relates to arrears, has been frequently noticed, from the necessity of the case, in the remarks made on the returns. It is hardly a matter to excite surprise, in view of all the facts now stated, however striking it may be, as a further evidence of the all-pervading defects of the whole system, of which it is a result.

2. Land leased, or sold en con. for settlement and cultivation. The extent, &c. of this description of property is as follows:—

	Arpents.	Holders.
In the Quebec agency,—		
9 lots in Sillery (sold)	152	9
2 „ Notre Dame (sold) }	300?	4
2 „ „ (leased) }		
2 „ La Vacherie (leased)	56½	2
In the Batiscan agency,—		
1 lot in Batiscan (leased) }	360?	2?
1 (?) „ (sold) }		
In the La Prairie agency,		
1 (?) lot in La Prairie	?	1?

In all less than 1,000 arpents, held by about 18 individuals. The yearly receipts from this source have averaged for the six years 285 *l.* 1 *s.* 1·92 *d.*; and the average yearly accumulation of arrears is shown by the returns to have been 277 *l.* 18 *s.* 11·92 *d.*, or rather more, as the returns of arrears do not include all the properties. Following these estimates we find that about 9 per cent. of the actual receipts, or 12½ per cent. of the computed dues of the estates are to be set down to this class of properties. Why so very large a proportion (almost half) of this revenue has been allowed to fall into arrear does not very clearly appear from the nature of the revenue itself. It ought to be tolerably easy and certain of collection, much more so than the revenue on the concessions. The expenses incurred upon its collection have been to about the same amount as upon the concessions. It might certainly be collected at much less cost.

3. House lots, disposed of by sale en con. or its equivalent. These are all within the agency of Quebec, viz.

	Arpents.	Occupants.
In La Vacherie	22¾	135
In the city of Quebec	6?	69

In all less than 30 arpents, and divided between 204 occupants. The average yearly receipt for the six years from this source has been £. 197 17 10 Cy.
And the average yearly increase of arrear (*see* G. 3.) 243 2 1

Making the average yearly rental £. 440 19 11

The actual receipt has thus been about 6 per cent. of the whole receipt from the estates; and the computed rental rather more than 9½ per cent. of the entire revenue of the estates, as above computed. The arrears are nearly 55¼ per cent. of the rental; and the expenses of collection, &c. not materially less than on the two preceding descriptions of property. It is not easy to see why collections of this character could not be made with much more of punctuality and economy.

4. Mills. Of these there are,—

In the Quebec agency	5
„ Batiscan agency	4
„ Three Rivers agency	1
„ La Prairie agency	1
In all	11

The yearly gross receipt from them for the six years has been on an average 800 *l.* 17 *s.* 0·5 *d.* currency, rather more than 25 per cent. of the total gross receipts of the estates. The arrears which have accrued on them seem from the returns to have been small in comparison with those on the other classes of property; and though the returns are not complete, and probably state the arrears at too low a sum, they are still no doubt comparatively small. The returns show an average yearly arrear of 49 *l.* 12 *s.* 9 *d.*, not much more than 6 per cent. upon the gross receipts. The estimated rental of the mills, according to this, would be a little more than 18½ per cent. of the whole estimated revenue of the estates.

If, however, the arrears on the mills are less, the expenses are very much greater than on any of the other properties. The charges for "repairs" alone have averaged yearly for the six years 304 *l.* 4 *s.* 3·96 *d.*, almost 38 per cent. (37·986) upon the receipts. The agent's

commission, incidentals and expenses of the commissioner's office raise this sum to upwards of 60 per cent. Such an expenditure, under good management, cannot be necessary, for any number of years at least.

5. The remaining sources of revenue are—

	Occupants.
In the Quebec agency—	
The Sillery coves, leased to - - - - - - - -	4
In the Batiscan agency—	
Saw logs, leased to - - - - - - - - -	1
Ferries - - - - - - - - - -	3
In the Three Rivers agency—	
The forge reserve, leased to - - - - - - - -	1
Saw logs - - - - - - - - - -	1?

And in each of the four agencies the assessments levied to cover particular expenses.

The coves produce by far the greater part of the revenue yielded from the above sources, their average yearly rental having been 495*l.* 11*s.* 8*d.* out of 560*l.* 14*s.* 10·67*d.*, the gross revenue from them all. No arrear is returned as accruing on these properties, the coves alone excepted.

The addition of the arrear returned on the coves raises their average yearly rental for the six years to 570*l.* 11*s.* 8*d.*, about 12½ per cent. of the total computed revenue of the estates. The average yearly arrear has been rather more than 13 per cent. of this sum. And the actual collections from the coves have amounted to nearly 15½ per cent. of the total gross receipts of the estates.

The other sources of revenue have yielded an amount equal to almost 2½ per cent. of the computed, or 3½ per cent. of the actual revenue of the estates.

The expenses on these collections are little if at all less than on the concessions.

The following partial summary will give a general idea of the relative values of these several properties, and of the degree of punctuality, or the reverse, which has characterized their management :—

	should have yielded of the entire computed revenue of the estates	per cent.	have yielded of the entire actual receipts of the estates	per cent.	the arrears on them amounting, on their computed revenue, to at least	per cent.
1. The Concessions	over 44½;		nearly 41;		about 36.	
N.B.—Cens et rentes and lods et ventes nearly equal, both as regards the amount falling due and the amount collected.						
2. The Land sold or leased for cultivation - -	ditto -	about 12⅓;	ditto -	about 9;	ditto -	near 5
3. The House Lots sold, en con.	ditto -	over 9½;	ditto -	about 6;	ditto -	near 55¼
4. The Mills - -	ditto -	over 18½;	ditto -	over 25;	ditto -	over 6.
5. The Coves - -	ditto -	about 12½;	ditto -	near 15½;	ditto -	over 13.
The Forge Reserve, saw-logs, &c. -	ditto -	near 2½;	ditto -	near 3½;	ditto -	—

Upon the first and most important of these kinds of property, then, no great change for the better, it would seem, can be effected by measures that should merely alter the mode of appointing and paying its administrators; upon the others, little more than this is required. The necessity of adopting measures to obviate the peculiar difficulties in the the way of drawing revenue from the concessions will be more clearly appreciated if, to the facts already stated relative to their extent, &c., we add the fact that about twice as much land as the existing concessions cover still remains for disposal; and that unless the tenure be changed, the whole of this land also must be thrown away, as more than a quarter of a million of arpents have been thrown away already.

It is in this respect, especially, that the bill of 1835–6 was defective. It not only left the tenure untouched as regards the already granted concessions, but proceeded to enact the perpetual continuance of the very same system in the disposal of all the remaining lands. The changes also which it did propose to make as to the mode of administration are almost all of a more than doubtful character.

It was proposed to vest the management of the estates in three administrators; one for the properties in the district of Quebec, now under Mr. Panet's agency, another for those in the district of Three Rivers, constituting the agencies of Messrs. Guillet and Dumoulin; and the third for those in the district of Montreal, under Mr. Henry's agency. The administrators were to act in all respects independently of one another. They were to be appointed by the governor and council, and were to give security for the faithful discharge of the pecuniary obligations of their office. The legal ownership of so much of the estates as came under his control, was to be vested in each administrator, in trust, subject

to

to legislative supervision and direction. The emoluments of the administrators were to be limited to the 10 per cent. on their gross collections heretofore allowed to the agents. They were for this remuneration to keep open one office each continually in the towns of Quebec, Three Rivers and Montreal respectively, besides attending on a stated day monthly, (in person or by an approved deputy), at an office to be opened and maintained by them in each seigniory under their administration, for receipt of dues from such seigniory. And lastly, they were bound to concede from the ungranted territory, whenever called upon, at a specified rate,* and not higher.

For general supervision of their accounts and transactions no direct provision was made, further than to enact that they should be bound to make report thereof from time to time to the governor, and that their reports should be laid before the provincial parliament. From the author of the bill I learned that it was intended in the House to appoint a regular standing committee of that body, to whom these reports should be referred, and the general direction of the affairs of the estates intrusted.

In the whole of this plan I can see only one point in which there is a decided improvement on the present system, the provision, namely, which, by legally vesting the ownership of the estates in the administrators, obviates the difficulties which at present hinder the commissioner and agents from suing delinquent debtors in the name of the Crown; and this improvement is much more than counterbalanced by the other provisions of the bill. The direct emoluments of the administrators would still continue too low to enable any man of the required abilities and character to give his time entirely to his duties as administrator. In fact, in this respect, the system would be rendered worse than at present, as the bill throws a number of expensive duties on the administrators which are not required of the agents, or which, if required, are paid for. The administrators must, therefore, from the nature of the case, have been, as the agents are, notaries or lawyers, depending on their general professional business, as much as or more than on their official emoluments for their income. The value of their office would depend (much more than at present) upon the indirect profits which might arise from the influence it would give them, or from the outlay upon such repairs, surveys, &c., as they could contrive to get authorized. Paid according to their gross receipts, the administrators would have no motive to economy, except such as might grow out of their fear of the board of control to be placed over them—a fear which, in all human probability, would only have made bad worse. The committee of the House of Assembly must of necessity have borne a political character. The Jesuits' estates cover a great portion of three counties—Quebec, Champlain and La Prairie, and a smaller extent of property in three others—Pontneuf, St. Maurice and Dorchester. The parties indebted to the estates would have been, almost to a man, voters for these counties. In such a state of things is it not morally impossible but that political should have been added to merely personal corruption, under a system holding out such strong temptations to both?

The present system of administration, then, having been shown thus faulty, and the system proposed by the House of Assembly so much worse in several of its features, the question recurs, what are in reality the measures required to make the estates a productive and economically administered endowment. To the discussion of this question the remainder of this report will be devoted?

Cap. VI.

The Extent and Value of the Properties heretofore unproductive, and the Measures by which they may best be rendered productive.

From what has been already stated, it is apparent that the greater part of the territory of the Jesuits' estates is, and always has been, unproductive. Of this unproductive territory, a part has been so disposed of, as to render it impossible ever to derive any revenue from it. The greater part still remains to be disposed of.

The unimprovable portion is as follows:—

1.	Arrière Fiefs (in Sillery, Notre Dame, Batiscan and Cap de la Magdeleine) covering - - - - - - - - -	8,661 arpents.
2.	Indian Reserve (in St. Gabriel) - - - - - - - -	1,600 „
3.	Free Grants made by the Jesuits for churches (in Sillery, St. Gabriel, Notre Dame, and Cap de la Magdeleine), returned at - - -	19 „
4.	Free Grants in La Vacherie and the City of Quebec (two perhaps made by the Jesuits, the others certainly by the Crown), extent not stated, but probably about - - - - - - -	10 „
	Total - - -	10,290

The

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* I have not a copy of the bill by me, and my notes do not mention the rate prescribed; but my impression is, that it was the rate at present in use, or a somewhat lower one.

The improvable remainder is made up of the following portions:—

1. Ungranted land in the Seigniories, over - - - - -	500,000	arpents.
2. „ „ in La Vacherie and the town of Three Rivers	17	„
3. Land occupied by Government, or by others under its permission, in the City of Quebec, at Tadoussac, in Three Rivers Montreal; in all, about - - - - - - - - -	15	„
4. Land occupied in Three Rivers by Trustees of Common -	35	„

Is it not possible for me to state with any degree of exactness the positive value of these latter properties. The information which the commission was able to procure on this subject, during the short time to which its inquiries were limited, is altogether inadequate to that object. It is quite easy, however, to show by what course of measures the highest possible return can be secured from them to the estates, and not difficult to give a general idea of their probable value, should such measures be adopted.

I. The ungranted land in the seigniories consists of the following portions:—

In Sillery, part of the Domain - - - - - - - - -	200	arpents.
In St. Gabriel, a tract of above 9 square leagues in extent, being 1½ leagues wide, by more than 6 leagues deep; its nearer extremity from 5 to 5½ leagues from the north bank of the St. Lawrence, about	65,564	„
In Belair, (of little or no value from its situation and the poorness of the land) - - - - - - - - - - - - -	210	„
In Batiscan, about 30 square leagues, or ¾ of the whole seigniory, a strip 2 leagues wide, commencing about 5 leagues from the north bank of the St. Lawrence, and 15 leagues in length, about	213,552	„
In Cap de la Magdeleine, a tract similarly situate, though apparently larger, about - - - - - - - - - - - -	224,264	„
In La Prairie, a small reserve within the village, for a College and Market-place, about - - - - - - - - - -	5	„
In all, about - - -	503,795	„
To which in 1844, the Forge Reserve, 25,940 arpents, will be added, raising the gross sum total to about - - - - - -	529,000	arpents.

Argument is scarcely necessary to prove, that to adhere to the old system of granting under the Feudal Tenure, is in effect to throw away the whole of this extensive territory. At the present time, with the land held under this tenure, it is practically worth nothing. Two hundred arpents in the Seigniory of Sillery, quite near Quebec,—so near as to have been put up for sale at 20*l.* or upwards per arpent,—have been for six or seven years in the market, without a purchaser appearing. For the lands in the rear portion of St. Gabriel, the commissioner states in terms, that there is almost no demand whatever, certainly not enough to make them worth surveying. Nor is the case far otherwise in Batiscan and Cap de la Magdeleine. And not only is the ungranted land thus little sought after, but the lately granted land is found to be but partially cleared, and yet more partially paid for. In Batiscan, the new concessions have yielded less than half the return per arpent drawn from the old, though the average rate of concession has increased by about one-half in the meantime. In St. Gabriel, they have yielded, on the highest computation, little more than half. In Notre Dame, the revenue from them has been less than one-twentieth part as high as from the old concessions. And in Belair, for a period of six years running, from a newly-conceded tract of nearly 5,000 arpents, there is not a single payment, large or small, recorded. For this result there may be assigned two reasons; the one being the fact, stated by Mr. Stewart, that much of the land thus granted is not yet settled upon; the other, the distance of the censitaire from the agent's residence, which makes any attempt at collection almost impossible. The latter of these causes must obviously be ever on the increase, the further the concessions extend back into the country; the former cannot be removed, or its force weakened, under the present system of land granting; a system which, with the laws that spring out of and co-exist with it, encourages a man to take up land without the means of improving it, holds over his head a heavy tax, in the shape of Lods et Ventes, on its improvement, and, partly by this means, and partly through the impossibility of ascertaining titles to and encumbrances on land, makes the use or command of capital (his own or another's) all but impossible.

That the welfare of the province requires the sweeping away (by the shortest and most effectual measures of which the nature of the case admits) of this whole system of things in every part of the province, is a proposition I need not here insist upon. It is admitted on all hands (those alone excepted whose personal interests or anti-Anglican prejudices disqualify them from being regarded as evidence or authority in the matter) that nothing short of this will meet the exigencies of the case, as regards the community in general; but this is not the view of the case with which I have here directly to deal, though it ought not to be kept altogether out of sight. The system which in its general results is thus necessarily detrimental to every interest in the colony, becomes in its application to the Jesuits' estates destructive, or almost so, of their value to the state as an endowment. While it exists, the revenue they produce must ever remain trifling and uncertain in amount, costly of collection, and burthensome and odious to those from whom it is collected.

It

It was urged by Mr. Stewart, as an objection to the proposition of a change of tenure upon the estates, that seigniorial rights constitute the best and safest investment of capital in the province, and that, supposing the land hereafter sold for a fixed price, there would be no other way of investing it equally advantageous. Of the correctness or incorrectness of this statement, it is quite unnecessary here to speak. It is obvious that, granting it to be ever so correct, it applies exclusively to the past and present state of the province, and not at all to the future. I may be allowed to presume that the policy of tolerating the continued existence of the feudal tenure, with its accompanying institutions, is, or is on the point of being, wholly and for ever abandoned, and that a new, bolder and better policy is about to be adopted. This granted, and the entire aspect of the question is changed.

A more convincing evidence of the withering effect of the entire system of Lower Canadian law, which has so long paralysed all within its influence, cannot be asked, than is given by this fact, that any man should be found asserting that money cannot be invested in the country, so as to produce a better return than is yielded from the right to collect a revenue such as the Jesuits' estates revenue* has been shown to be. It cannot be, that under any other code of law that may be substituted for it by English legislation, there should fail to be created within a very few years many modes of investment far surer, more productive and less costly. In the United States, it is found quite possible to invest public money for educational purposes, in loans on bond and mortgage, to private individuals or incorporated companies, and such investments are in fact continually made to very large amounts, and their profits realized with great punctuality and economy. Under the operation of a law for the general registration of titles to real estate and of mortgages, the same thing would become possible in Lower Canada. In the United States there are also public stocks of undoubted credit, in which such funds can be invested, and which yield an adequate rate of interest. With the commencement of a new system of things in Lower Canada, it is to be expected that the same opportunities will exist there also. At present, it is unfortunately too true, that it would be hard indeed to find a secure and advantageous mode of investing an educational, or indeed any other fund in the province. But however this may be, it is certainly no less true, that the form in which this fund exists at present could hardly be made by any change less advantageous than it is.

The lands then at present undisposed of must be sold in free and common soccage, if they are ever to be made a productive property. As it is an object to dispose of them as rapidly and at as good a price as possible, they should be at once surveyed and offered for sale, an invariable condition of sale being cash payment; a minimum price per arpent should be fixed, below which no land could be sold, unless by special permission of the executive on satisfactory proof given that any particular portion cannot be disposed of so high, and ought not for the general interest of the estates to be left waste in the way of the settlement of other portions; all land should be sold by public auction at stated periods, and a perfect title should be given free of cost, immediately on the completion of the sale by the payment of the purchase money; such payment to be *bonâ fide* made within a short specified time after the day of sale, or the purchase to be forfeited; and all monies received for land should be promptly invested in the most advantageous manner that may offer, as part of the inalienable principle of a provincial school fund.

The price at which this land ought to be set up for sale must of necessity depend in a great measure on the upset price of the waste lands of the Crown, and, without a definite knowledge of the price proposed for these, I cannot venture on any thing more than a suggestion in regard to the former. It appears to me, however, that a rate of two dollars per arpent would be low enough to secure numerous and extensive purchases within a few years. At present, the gross revenue from all sources (cens et rentes, lods et ventes and mills together) payable by the censitaires on the estates, averages a good deal less than the ordinary interest on this price would amount to; but this is not the criterion to be looked to. It is not worth any man's while, in the present state of the province, to take these lands subject to burdens of this peculiar character; but whenever the tide of emigration shall have again set in toward the Canadas, and the results of a new policy shall have begun to manifest themselves in the land-granting and other departments, and in the reform of the laws of the province generally, it will become worth while to pay down a much higher price than is now asked in vain for an ownership of lands which would then indeed be real, and not as now valueless because all but illusory.

There is an obvious distinction to be drawn between the case of the Crown lands and that of the wild lands which form part of the Jesuits' estates. In the sale of the former the revenue to be realised is not, or at least ought not to be, the object in view; but the promotion to the utmost possible extent of their settlement and the colonization of the province, by means of it. For this purpose it may be desirable to make the price of such lands not only payable in cash but fixed and invariable, and to devote the proceeds to particular uses, having direct reference to the productive and speedy settlement of the lands disposed of. But in the case of the Jesuits' estates the main object is and must be revenue; the settlement of the land is to be promoted as a means of revenue, and not a revenue to be collected as a means of ensuring settlement. For this reason it becomes clearly desirable that the Jesuits' estates land be sold by public auction, and that no more of the proceeds be laid out upon surveys and improvements than a just regard to the productiveness of the estates as an endowment may be found to warrant.

Were

* The revenue from the concessions and mills, it is to be remembered.

Were legislative provision made for the adoption of a system of this character, the wild land in St. Gabriel might be conveniently set off in two townships of about one league and a half by three leagues* each; that in Batiscan would form seven townships, or rather more, of two leagues by two leagues each; and that in Cap de la Magdeleine (including the forge reserve) would make more than eight such townships. The trifling extent of land remaining ungranted in La Prairie might either be sold in village lots (in which case it might doubtless be made a valuable property), or it might be employed as heretofore designed, if such destination should be made to appear on other accounts more desirable. The land in Belair is of no account. The 200 arpents remaining in Sillery would doubtless soon fetch a much higher price per arpent than that at which they were originally set up for sale; provided always that the land were sold in free and common soccage, and not subject either to lods et ventes or to the other destructive provisions of the old code of provincial law, as respects real estate.

It is hardly necessary to add, that nothing like an obligation should be laid on the person or persons administering the estates to dispose of land in peculiarly favourable localities, unless at such advance upon the minimum price as should in his or their judgment be satisfactory. The land in Sillery, from its vicinity to Quebec, the land in the village of La Prairie, the land in the interior of Cap de la Magdeleine, adjacent to falls in the river, and consequently having water privilege attached to it, and any other land at all similarly situate elsewhere, would come under this provision. While it is doubtless desirable that such land should as soon as possible be brought into use, it by no means follows that for this object its value to the estates should be lost. It might possibly be desirable, as a temporary measure, that some of this land should be leased for a term of years; but in this case the lease should be sold by public auction; its terms should be such as to meet the approval of the responsible administrator of the estates, satisfactory security for payment of the rental agreed upon should be required of its purchaser, and above all, it should be so limited in duration as to give all desirable opportunity of an early sale of the property, so soon as an adequate price can be obtained. The system of leasing properties of this kind is too open to objection, as holding out incentives to fraud and favouritism, to be adopted as a permanent policy.

II. As regards the nine ungranted arpents remaining in La Vacherie, and the eight ungranted arpents in Three Rivers, a precisely similar course should be pursued. They should be sold in free and common soccage by public auction, for cash, at such times as may appear favourable to their advantageous sale. The time of sale, minimum price, &c., should be determined by the considerations just mentioned with reference to land of much higher value than ordinary within the seigniories. A similar provision might be made, if necessary, for temporarily leasing any parts which may not readily sell to advantage.

III. The land occupied by government, or by other parties under its permission, is not of large extent, but from its position is of very considerable value as a part of the estates. It consists of--

1.	The Jesuits' college and garden in Quebec, at present a barrack and barrack yard; about - - - - - - - -	5 arpents.
2.	The land at Tadoussac, held by the Hudson's Bay Company -	6 „
3.	The church and house of the Jesuits, in Three Rivers, occupied as a Protestant episcopal church and parsonage - - -	(?)
4.	The site of the Jesuits' house in Montreal, occupied as the site of the district court-house and old gaol, the latter now a barrack - - - - - - - - - - - -	3 „ (?)

Of these properties, the first is by far the most valuable, and the question relative to its disposal the most important.

The Jesuits' College.—It will be remembered that the despatch of Lord Goderich, of 7 July 1831, surrendering the rest of the estates to the disposal of the provincial parliament, expressly reserved this part of them from surrender, except upon condition of the erection of another barrack by the province to supply its place. The words of the despatch on this subject are as follows:

"I understand that certain buildings on the Jesuits' estates, which were formerly used for collegiate purposes, have since been uniformly employed as barracks for the King's troops. It would obviously be highly inconvenient to attempt any immediate change in this respect; and I am convinced that the Assembly would reject any measure which might diminish the comforts or endanger the health of the King's forces. If, however, the Assembly should be disposed to provide adequate barracks, so as permanently to secure these important objects, his Majesty will be prepared (upon the completion of such an arrangement, in a manner satisfactory to your Lordship) to acquiesce in the appropriation of the buildings in question to the same purposes as those to which the general funds of the Jesuits' estates are now about to be restored."

The committee of the House of Assembly in 1831–2, to whom this subject was referred, reported against any purchase of the Jesuits' college by the province at such a price, and expressed

* For all municipal purposes, the territorial extent of the "township" as at present measured in Lower Canada, 100 square miles, is most inconveniently large. Thirty-six square miles is the average in the state of New York; and it is in every way a much better one.

expressed the confident hope that the Government would ere long recede from its demand of this equivalent, and restore the college unconditionally to its former use. In the session of 1835-6, the Jesuits' estates committee for the first time reported (though in very guarded language and with strong expressions of complaint against them), in favour of a compliance with the terms offered by Lord Goderich, and presented an estimate of the probable cost of building a barrack, (20,000*l.* Cy.), and of the probable value of the college, from which the committee inferred the policy of making the purchase at this price rather than delay the settlement of the question longer. The House, however, took no action on the subject, and nothing therefore has been effected thus far towards the attainment of this object.

This committee of 1835-6, valued the Jesuits' barrack at a very high price. They proposed to open two streets across the barrack yard, to sell the vacant building lots fronting on these streets, to convert the ground-floor of the main barrack building nto stores opening on the four streets, which in that case would pass close to it, and to use the remainder of the building as a college. Thus disposed of, they estimated its value at 5,000*l.* Cy. a year.* Of the character of this valuation (whether extravagant or not) I cannot speak with any degree of confidence, as the commission had no opportunity of making further inquiry on the subject. It cannot, however, admit of a doubt that the value of this property is such as to make it a most material portion of the estates, and its occupation by the Government a very serious diminution of their value.

Inquiry was made by the commission on the subject of the cost of erection of a new barrack, to supply the place of this building. A highly respectable builder in Quebec, (the individual on whose estimates the recommendation of the committee of 1835-6 was based), stated his own readiness to contract for the erection of a building which should answer the required purposes for 20,000*l.*, as stated by the committee, with an addition, however, of from 1,000*l.* to 2,000*l.* more for some out-buildings not included in his former plans. For the erection of the barrack, the House had proposed one or other of three vacant lots owned by the Crown as suitable. It was found, however, on inquiry by the commission, that there were strong objections against the adoption of either of these sites. One would have placed the barracks outside the present walls, thereby rendering necessary new lines of defence to bring it within the range of the fortifications. A second would have placed it close to the chateau, in a vicinity where its erection must have diminished materially the value of the adjoining private property, the most valuable perhaps in the city, and where probably, besides these two objections, it would have interfered more or less with the defences of the citadel. The third proposed site appeared at first unobjectionable; but on inquiry of the military authorities the last named objection was found to lie against it. The reporting engineer officer stated, that in case of a siege of Quebec, a building of the kind required so placed would have the effect of injuring the defences of the citadel, and would most likely require to be demolished on that account. On the subject of the cost of erecting the building it must be added, that the clerk of the works gave it as his opinion that a much larger sum than 20,000*l.*, perhaps twice as much, would be needed for the purpose.

Under all these circumstances, I do not see how the proposal of Lord Goderich can be complied with. To purchase another piece of ground sufficiently large within the walls, and so situate as to be unobjectionable on military grounds, and then to erect on that lot another building at a cost possibly as great as is suggested by the clerk of the works, would be to buy even a very valuable property at a very high price. There is no good reason why so much cost should be incurred, and so much trouble taken, merely to procure the use of the identical ground and building once held by the Jesuits, for one branch of the public service rather than for another. A barrack being necessary, and the present building having for so many years served that purpose, it is not now worth while to build another, especially as it is questionable whether the present building would after all serve as well for a modern college as it does for its present use; and whether, supposing that it would, the establishment of a new college on that particular site† is on other accounts desirable.

It by no means follows, however, that the lodgment of a great part of Her Majesty's troops in the province ought to be provided for at the expense of an endowment which is now admitted on all hands to be of right a strictly educational endowment. It may admit of debate, whether the burden ought to fall on the provincial chest or on the Imperial Treasury; certainly there can be no sort of reason why the Jesuits' estates fund should bear it; it is more than enough that they have been charged with it so long as they have. Though it be not worth while to build another barrack in lieu of the present, it is not therefore the less derogatory to the dignity of the Crown to allow the present misappropriation of this part of the estates to continue for its apparent benefit, and apparently under its special direction. Every principle of equity demands the prompt adoption of the course which a due regard for the honour of the empire would suggest, the purchase of the Jesuits' barracks for their present use, by the transfer of a fair acknowledged equivalent for them to the account of the Jesuits' estates; till this be done, the occupation

* I have not a copy of the report by me at present, and give this sum from memory. It is possible I may err, but I believe I do not.

† The extensive buildings of the seminary of Quebec, a very flourishing college, under the direction of an incorporated society of Roman Catholic clergymen, and in every respect one of the best institutions in the province, are within a stone's throw of the old Jesuits' college.

occupation of the college as a barrack must continue to subject Her Majesty's Government to charges already too often urged against it on this account, and too mischievous in their effects for their continuance to be lightly hazarded. From what fund, whether provincial or Imperial, and in what medium, whether in land or money, the required payment may be made, is a secondary question, the propriety or impropriety of restoring the Jesuits' estates to their full rightful extent and value in no way depends upon it.

So long as a provincial parliament existed with control over the provincial chest, Her Majesty's Government might indeed, with some appearance of reason, throw the onus of the retention of the barracks on that body, on the plea that the erection of such a building should of right be undertaken at the cost of the province, and that its legislature, therefore, by refusing or neglecting to undertake it, was virtually the party on whom the occupation of the present barrack was to be charged. In the altered state of things this plea has no longer any force whatever; Her Majesty's Government have now by law such control over the provincial revenue, that it is in their power, if they deem the erection of a barrack a suitable object for provincial expenditure, to appropriate from that source to that object.

If, on the other hand, it is thought that in the present condition of the colonial revenue such an expense ought not to be or cannot be carried to its account, it is still within the power of Government to make the required purchase in another way, without direct cost to the revenue, provincial or Imperial. It would be easy to transfer to the account of the Jesuits' college an equivalent in wild land for the late Jesuits' college, the college and grounds being for this purpose fairly valued * in current money, and an amount of Crown land set off for it, which, at a reasonable reduction from the fixed upset price of Crown land, should be held equivalent to such sum of money. In that case, the land so transferred ought to be disposed of in all respects as it has been shown that the wild land already belonging to the estates should be. For this purpose it ought, if possible, to be one block, and so situate as to fall readily under the same management with the existing estates. A tract in rear of the seigniory of Champlain and its augmentation, joining the ungranted lands in Batiscan and Cap de la Magdeleine, might perhaps be found the most suitable for this purpose.

The Land at Tadoussac.—To determine the value of this property, it is necessary to ascertain whether or not the six arpents granted to the Jesuits are now occupied as the site of the warehouses leased to the Hudson's Bay Company at that place. If they are, this land forms a valuable portion of the tract leased to the company, and a due proportion of the rental paid by the company ought to be paid to the account of the estates, for its use; or else (as proposed in the case of the Jesuits' College) a fair equivalent for it should be granted by the Crown or Province (whichever of the two may hereafter receive the proceeds of the company's lease, to the estates. If Mr. Stewart's opinion be found correct as to the site of this land, then for the present at least it cannot be said to have any assignable value.†

The Church and House of the Jesuits in Three Rivers.—The occupation of these buildings for their present purpose has been made a subject of much local complaint. By the Committee of the House of Assembly, they were represented to be in equity the property of the Roman Catholic inhabitants of Three Rivers, whose forefathers (according to the Committee) erected them for the Jesuits who resided there and officiated as their parochial clergy. I have not been able to make any personal inquiry into the merits of this claim. As there is now another church erected in Three Rivers, by the Roman Catholic inhabitants of the place, fully adequate to their accommodation, there is perhaps no sufficient reason (whatever the merits of this claim) why these particular buildings should now be diverted from the use to which they have been put for more than 30 years. Supposing them, however, to be still occupied as at present, there is no propriety in making the expenses of a Protestant Episcopal Church in Three Rivers fall in great part on an endowment for general educational purposes in the province. The Government having seen fit to authorize the occupation of this property for its present use, should make good the loss to the estates, if not by the restoration of the identical property, at least by the grant of a satisfactory equivalent. Such equivalent should go to the general fund of the estates, unless indeed the claim of the inhabitants of Three Rivers, above referred to, should prove, on further inquiry, to be founded on equity.

The Site of the Jesuits' House in Montreal.—By the letter of Lord Goderich's despatch (which excepted only the Jesuits' Barracks) this property was placed in 1831 at the disposal of the provincial parliament. It is occupied by the district court-house

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* In this valuation it would be necessary to include both land and barrack, as both are equally the property of the estates, and to value them not at the rental which would readily be paid for a barrack, but at such a price as, with all reasonable effort for the purpose, it might be supposed they could be made by the administrator of the estates to fetch, were their occupation as a barrack out of the question. One of the buildings on the ground (a store-house) has been erected with Government money, and this would have to be excepted from the proposed valuation. It is not easy, by the way, to see what could be done with this building, were the restoration and not the purchase of the college determined on.

† Mr. Kimber says that another piece of land at some distance up the Saguenay, also within the Hudson's Bay Company's tract, was held by the Jesuits. If so—and the facts of the case ought to be ascertained—the same remarks are applicable to it as to the land at Tadoussac. No mention is made by Mr. Stewart of any such property.

house and the former district gaol, two buildings, the whole cost of providing which should have fallen on the province. A new gaol has recently been erected by the province on another site, in lieu of the latter of these buildings, which is now occupied as a barrack. These buildings not having been erected at the cost of the estates, no valid claim can be made out for their transfer to the estates. The land, however, on which they stand is very valuable, from its position in the heart of the city of Montreal; and a fair equivalent for it should be granted, since neither court-house nor barrack should be provided at the expense of an endowment for education. The present occupation of this property having taken place while this endowment was in the hands of the Crown, it rests with the Crown, now that it is acknowledged to have rightfully another and very different destination, to make up, if possible, for its loss.*

Should Mr. Kimber's assertion, that the land known as the "Government Gardens" forms part of the lot held by the Jesuits, prove on inquiry to be correct, there is no reason why that piece of land should not be restored to the estates; as, though valuable, it is not occupied by buildings of any kind.

IV. The land occupied in Three Rivers by the Trustees of the common is held on the strength of an asserted agreement made by the inhabitants of Three Rivers with the Jesuits. How far the validity of this agreement is fairly a matter of dispute, does not appear from any thing in the commissioner's returns, or in the reports made to the House of Assembly; nor had I any opportunity in Canada to make particular inquiry on the point. Should the claim of the trustees, however, prove to be without foundation, the land in question ought to be disposed of as above suggested in the case of the other lands belonging to the estates, and not yet alienated.

If the course of measures indicated in the preceding remarks be adopted, there is every reason to believe that the portions of the Jesuits' estates heretofore unproductive will be made to yield within a very few years a larger revenue than has ever yet been drawn from so much of the estates as up to this time has been productive. Eventually they may be expected to produce a revenue worthy of the use to which it is devoted.

Cap. VII.

The Measures required to obtain from the Properties heretofore productive their utmost net value.

On this subject I propose to follow the order of arrangement in speaking of the several productive properties which is laid down in Cap. V.

I. The Concessions.—From what has been already urged, the propriety of an equitable commutation of the tenure on the conceded as well as on the unconceded portion of the estates must be sufficiently obvious. So long as the present tenure obtains in the conceded portion, so long its existence there must operate to the disadvantage of the estates, as regards the disposal of the land in rear of them not yet conceded, the tenure of which, as I have already shown, must be changed, to give it value in the market at all. So long also must the revenue from the concession continue uncertain and difficult of collection, the accumulation of arrears on it unavoidable, and the expenses of its collection unduly heavy.

It may be added, as a further argument (if indeed that be necessary), that the change of tenure, which must ere long be effectually provided for by law throughout the province, will soon make it impossible to sustain the present system in this particular fraction of its territory.

What specific legal provisions would best answer the end proposed, it is necessarily out of my power to state. Their character must depend on that of the enactments which it is proposed to make for the same object in other parts of the province; and in ignorance of these, I cannot do more than state generally the necessity of such an enactment for these. How far the commutation must or should be voluntary on the part of each censitaire, or how far it can be made legally or in effect unavoidable on his part—how the amount of compensation payable for the redemption of his land from further charges, &c., should be calculated—when such compensation should be paid; these and other questions must be settled, for the Jesuits' estates, to a considerable extent at least, on the same general principles by which their decision is regulated in the case of the Island of Montreal, and of the province generally.

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* The general principle on which I have insisted, in speaking of these four properties, would perhaps rightfully admit of application to the "free grants" made by the Crown in La Vacherie and the city of Quebec mentioned on pp. 134–6. Her Majesty's Government has acknowledged, in the words of Lord Goderich's despatch, "that the Jesuits' estates were, on the dissolution of that order, appropriated to the education of the people," and "that the revenue which may result from that property (the estates) should be regarded as inviolably and exclusively applicable to that purpose." After such an admission, the honour of the Crown surely requires that all past misappropriations of particular portions of the estates be as far as possible recalled, or made up for. It is not enough that this be virtually done by the adoption of a general policy favourable to education, and the grant (as *de novo*) of a fund from the Crown land, or any other revenue, in support of it. The restitution should be openly acknowledged as such, or the conduct of the Imperial Government will still remain open to the complaints so often and so effectively made against it on this account. It is easy, by carrying out the principle above suggested, to render this complaint for the time to come impossible, but it cannot be done otherwise.

The direct advantage to the revenue of the estates, of a commutation effected on equitable principles, would consist in the substitution (within a few years) of an easily managed fund, for one of which some 36 or more per cent. runs yearly into arrear, and another 20 per cent. or thereabouts is lost in expenses of collection. Supposing the amount to be paid in for commutation of tenure to be a fair equivalent, or in other words, to yield an amount or interest equal to the average of yearly payment that should fall due on the concessions—say only for the 10 years to come—the saving of arrear and costs could not fail to make the exchange every way advantageous to the estates.

II. The land sold en constitut, or leased, for settlement and cultivation.—So far as the land sold en constitut is liable to the charge of lods et ventes, the proposed change of tenure would necessarily affect its purchasers as well as the censitaries. Except in this particular, no change can be effected on this species of property. The terms of sale are positive and admit of no modification. The extent of land thus disposed of is trifling, and the interest upon it is therefore tolerably easy of collection; so that this impossibility is comparatively unimportant. As the capital due upon it is paid in, it should be invested with the other capital of the estates.

The leased farms, as their leases fall in, should be sold by public auction for cash, if by such sale their full value can be realised. If not, they should be again leased for moderately short periods, till an opportunity for their advantageous sale may offer. As suggested in the previous chapter, however, it is important to require that all such leases be sold by public auction to the highest bidder who can give security to the estates for punctual payment of the rental he offers.

III. The house lots disposed of by sale en constitut or its equivalent, are in precisely the same position with the lands sold in the same way for cultivation just spoken of.

IV. The mills, with the proposed change of tenure, the right to monopoly on the part of the seigniorial mills, would of necessity fall to the ground. So far, therefore, as this monopoly conduces to their value, a compensation for its loss would of course require to be made in the sum payable from each censitaire for the change of tenure. The mills themselves should as soon as possible be sold by public auction, as proposed in the case of the other properties. Till such time as a fair price may be obtainable for them, it would be necessary to continue to lease them; still, however, under all the conditions already mentioned. The heavy expenses incurred on the mills (apart from all other more general considerations) prove the necessity of selling them as soon as possible. Their expenses might perhaps be kept down to some extent by a better system of management; but after the loss of the monopoly they now enjoy, it is impossible they should long continue a profitable property in the hands of any administrator empowered only to lease them.

V. The coves, saw-logs, ferries and forge reserve.—So far as the coves, saw-logs and ferries are concerned, it is enough to remark, that the principles already laid down in reference to the other leased properties are equally applicable to their case. The forge reserve alone, from its peculiar character, requires a separate consideration.

From a report addressed by the Hon. M. Bell (for many years the lessee of the St. Maurice forges) to his Excellency Lord Aylmer, in April 1835, while the question of a renewal of his lease was under consideration, it appears that a capital of 48,072 *l.* 10 *s.* 6 *d.* currency was at that time invested by him in the forges, and that they could not be advantageously conducted by any one not possessed of at least that amount of capital. The forge reserve from the seigniory of Cap de la Magdeleine, if it be hereafter leased at all, must of necessity be leased to the holder of these forges, and the extent of the capital required on the part of the lessee renders it almost impossible that any thing like adequate competition should ever exist among capitalists for the purchase of a few years' lease of a property of such a character. The provision for leasing by public auction becomes therefore in this case nugatory.

It is not easy to perceive, however, the necessity of any such reserve at all for the maintenance of the iron-works of the St. Maurice. Fire-wood, charcoal and iron are the articles to be obtained, the former from the neighbouring woods, the latter from the surface of the surrounding country, over which it is found scattered in masses more or less plentifully for many miles. But who would hence infer the necessity of keeping whole leagues of territory in every direction from the iron-works an uncleared forest, and of thereby arresting the progress of settlement along the whole course of one of the finest rivers of a large province? Would any man propose to set apart a wide waste for a "Steam-boat Reserve" close to a city, because steam-boats require a vast supply of wood for fuel? Yet this, in its effect, were not so bad as what is done for the town of Three Rivers and its neighbourhood by the lease which marks out the "Forge Reserve." This latter not merely cuts off an adjoining tract of land from cultivation, but effectually takes away all the back country the town would otherwise have had, and closes the very river on which it depends against it.

If the land now reserved for the forges were sold (as the general interests of this section of country clearly demand that it should be) to *bonâ-fide* settlers, the settlers must of necessity set themselves to clear off the timber from it, and yet could not clear it all off for many years. For all this period, it could be procured of them for the forges at a very reasonable rate, as low, doubtless, as at present, probably lower. The ore too would be worthless to the settler, except as a commodity to sell at the forges; and this, therefore, would be obtainable at a moderate cost, so long as ore should be found in the neighbourhood at all. As the supply of wood and ore in the immediate vicinity gradually fails, both must of course

course be sought at an increasing distance; but how much better and more cheaply can this be done, if the intervening space be a settled country with public roads through it, than if it remains wild and traversed only by such paths as those who seek the wood and ore may make through it!

By the terms of concession under the feudal tenure, all mines and metals are reserved as the property of the Crown. The Jesuits' estates, therefore, may be said to have no right to the iron ore on the forge reserve. Except in so far as the Act commuting the tenure might otherwise provide, the Crown would in fact still retain the right to take the ore from any part, sold or unsold, of the seigniory in which it lies. A right like this, however, as it appears to me, it is very far from desirable to exercise. Must not the Crown derive (at the very lowest estimate) as much revenue from the increased value given to the land from its being sold without a reservation of this kind, as it can derive from the mere exercise of this right, preventing, as that exercise does, the sale of vast quantities of land altogether? And can it be a question by which of the two courses the public welfare will be best promoted? Whether in abandoning this right in the case of the seigniory of Cap de la Magdeleine, it may or may not be desirable to provide by the Commutation Act for a compensation on account of it from the estates to the Crown, is another question. The amount of such compensation could not be more than trifling; and it does not appear to me to be worth while to take it into account.

On the expiration, then, of the present lease in 1844, I think it on all accounts desirable that this land be surveyed and offered for sale, along with the other ungranted land in the seigniory. In fact, till this shall have been done, it is not likely that the ungranted land in rear of the reserve (more than 200,000 arpents) can be sold to any very considerable extent. Till such time as it may be sold, it may be well to grant permission (for a fair compensation) to the lessee or holder of the forges to draw wood and ore from it; but such permission should on no account stand in the way of a *bonâ fide* sale of any part of it at any time for settlement and cultivation.

In this chapter and the preceding, I have not spoken of the increased productiveness of the estates, which may be made to result from a better system of appointing and paying those charged with their administration. This subject belongs rather to the concluding chapter of the report.

Cap. VIII.

The Amount of Arrears now actually due on the Estates; and the Measures by which so much of them as can be collected at all, may be best and soonest realised.

It is apparent from the statements made in Cap. IV., on the subject of the returns of arrear on the several properties of the estates, that they afford no means of estimating the gross amount of arrear actually due with any approach to correctness. For several of the properties, no return of arrears is attempted; for several others the return is imperfect, not including lods et ventes; and in almost every instance, as regards cens et rentes, the returns are found to be so inconsistent with themselves as utterly to preclude faith in their correctness. Under these circumstances, my remarks on the subject of arrears must of necessity be of a very general character.

From the face of the returns (A. 3,) (A. 6.) and (C.) the sum total of "ascertained" arrear due on the properties for which returns are given on the 30th September 1837, was about 14,700 *l.* Cy. adding to this the additional sum "conjectured" to be due in La Prairie, the total is raised to about 15,500 *l.* Cy.

In these returns, however, it must be remembered that several quite heavy items are either omitted altogether or else reported so low as to prove the return grossly erroneous. From the seigniories in the Quebec agency, in particular, the statement of arrears on lods et ventes is scarcely attempted in any instance, about 230*l.*, only being called the total gross arrear in the two seigniories, for which alone any return is pretended.

That the above amount must fall short of the truth, even for the properties on which it is returned, is indeed sufficiently clear from the fact already stated in Cap. III., that the returns show an increase of arrear on these very properties for the six years between 1831 and 1837 of more than 8,000 *l.* Cy. It may be true, and I believe it is, that the increase of arrear has been considerably more rapid for the last six years than before; but it cannot for a moment be supposed to have been so much more rapid, as that the last six years' arrears should be actually larger than the whole arrear due from all former years.

In support of this presumption, it further appears from the tenor of the reports of the committee of the House of Assembly, as well as from the provisions of their bill of 1835-6 on this topic, that the amount of arrear of very old standing was looked upon by them as constituting a considerable proportion of the total arrear due. The bill, in fact, proceeded on the assumption, that upon a great many farms the arrears were so heavy as to equal, if not to exceed, their entire value, and the relief it offered consisted in the remission of such arrears as should be found to have been incurred by former holders of the same, and not expressly assumed by their present holders. If, however, the total arrear of earlier date than 1831 be supposed (as the returns make it) about 7,000 *l.* currency only, a provision like this is quite unintelligible.

I cannot pretend to conjecture the true amount at present due. That it must be several thousand pounds at least greater than the above-returned amount is sufficiently certain. It must not be forgotten that another year and a half has now elapsed since September

1837, and that if for this period the arrears have accumulated at the same rate only as for the six years previous, another 2,000 *l.* or thereabout must be added on this account alone.

Of the 15,500 *l.* above mentioned, rather more than 9,500 *l.* is set down as due on the concessions within the seigniories, and the remaining 6,000 *l.* or thereabout on the other sources of revenue. The deficiency of the returns, no doubt, affects mainly the former of these two items, though the latter is by no means accurate.

There is no good reason for supposing it impossible, by legislative and administrative measures together, to collect within a few years almost the whole amount of the arrears due; unless indeed it be found (as the returns give but too much reason to fear it may be), that the agents' acccounts with the censitaires have been so ill kept, as to afford no legal evidence of the amount really due from them. It is not desirable, however, to press harder upon the debtors of the estates than is absolutely necessary; a term of years should be granted, therefore, within which the payments due should be required in regular instalments; and in settling the amount due on the concessions, it would be well to remit all debts to the estates for which the holders *bonâ fide* in possession at a specified date are not through their own act directly responsible. These principles formed the basis of a late provincial Act for the recovery of debts due to the King's domain, which Act has been found, I believe, to work unexceptionably. They were recognized also in the Bill of 1835–6 on the Jesuits' estates.

The reduction proposed to be made by the second of these provisions cannot (so far as the returns are at all admitted as evidence) amount to a very large proportion of the whole sum due. Probably, it would be quite safe to say, that after it shall have been made, there will still remain a large amount to be paid up by instalment than the whole sum which appears on the returns. Indeed, except as a consequence of most grossly deficient accounts, I think it might reasonably be expected, that by a law of the required tenor, and a faithful and judicious administration of the estates under such a law, an amount exceeding 20,000 *l.* would be realized on this account in the course of the term of years to be prescribed by law for such collection.

It is obvious to remark, that all monies thus collected on account of arrears should be promptly invested as so much capital belonging to the general fund which it is the object of the series of measures I propose to form out of the Jesuits' estates.

Cap. IX.

The Amount of Monies belonging to the Estates accumulated in the Provincial Treasury since 1831, and the Measures to be adopted to render it a productive Fund.

It has been already mentioned in Cap. II., that in consequence of the provisions of the Provincial Act, 2 Will. 4, c. 41, the net proceeds of the estates have been accumulating in the hands of the receiver-general of the province since the month of October 1832.

By reference to the accompanying paper marked (E.), it will be seen that the reports of the receiver-general show that on the 10th of April 1838 there stood on his books, credited to the estates, the sum of 12,686*l.* 6*s.* 10½*d.* sterling,* or 14,095*l.* 18*s.* 9*d.* currency. A note from the commissioner of the Jesuits' estates, dated 6th October 1838, informed the education commission that he had on that day paid over to the receiver-general a further sum of 833 *l.* 4 *s.* 0 ½ *d.* currency, thus showing the gross amount in the receiver-general's hands at the close of the financial half-year ending 10th October 1838 to have been 14,929 *l.* 2 *s.* 9½ *d.* currency, or possibly a trifle more, as the receiver-general occasionally receives small amounts obtained by legal proceedings, without their passing through the commissioner's hands.†

The addition of the next six months' income, ending 10th April 1839, will probably be somewhat below the average, as the expenses of the returns to the education commission will perhaps be charged upon the half-year's receipts. It is probable, however, that at the present time the sum appearing on the receiver-general's books as belonging to the estates exceeds rather than falls short of 15,500 *l.* currency.

To this amount, as intimated in Caps. II. and IV., I have to claim that two further sums ought of right to be added, by transfer from other branches of the provincial revenue, to which they have been improperly carried.

The smaller of these is shown on p. 128 of this report, and the pages following, to be due on account of the forge reserve in Cap de la Magdeleine, from the account of the King's domain revenue, I presume. Since September 1831, it has amounted, probably, to nearly 250 *l.* currency.

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* Provincial, not real sterling.

† In the six years and a half from 10 October 1831 to 10 April 1838, there have been four such payments, amounting in all to 73*l.* 13*s.* 7½*d.* currency. This amount is not included in the returns of the revenue of the estates made by the commissioner, nor yet in the tables (F.) and (G.) or in the amounts quoted in the preceding chapters of this report; the two latter proceeding wholly on the data furnished by the former. The amount in question was too small to require such repeated mention as would have been necessary for this purpose in the report; and it was impossible, from the want of precise information about it, to make it appear on the tables.

The other sum is much larger, 7,154*l.* 15*s.* 4½*d.* Cy., and is to be transferred, if the following considerations are of any weight, from the account of the general revenue of the province.

The receiver-general's books show on October 10, 1831, a balance credited to the estates of 8,020*l.* 16*s.* 3*d.* sterling, or 8,912*l.* 0*s.* 3¼*d.* Cy. At this time the estates were given over to the disposal of the provincial legislature. The tenor of the Act of 2 Will. 4. c. 41, which passed into a law in February 1832, has been already stated, (*see* p. 101.) This Act provides that all monies from the Jesuits' estates, "which now are in or may hereafter come into the hands of the receiver-general, &c.," shall be applied "to the purposes of education exclusively," &c. On September 22, 1832, more than a year subsequent to the surrender of the estates to the provincial parliament, and seven months after the passage of the above law, the sum of 7,154*l.* 15*s.* 4½*d.* Cy. was transferred to the general revenue, by order of the provincial executive. For the explanation of the reason given for this order, it is necessary to go back to some transactions of an early date in the history of the estates.

For a number of years after the first occupation of the estates by the Crown, their revenue was kept as already stated, in the hands of a treasurer of the estates. During the period of the receiver-generalships of Henry Caldwell, esq., and his son Sir John Caldwell, this office was held by them with that of receiver-general. Mr. Henry Caldwell, at the time of his death, was indebted in a considerable sum to the Jesuits' estates; and all his real estate stood pledged to Government on account of this debt. The bulk of his estate descended to his son, Sir John Caldwell, who succeeded to both his father's offices, and became the party liable for the above debt to the estates. A smaller portion of it was left to his daughter. On the discovery of Sir John Caldwell's defalcation, the Crown proceeded against his estate in behalf of the province, and in some of the suits instituted on this account was in danger of defeat, in consequence of the existence of certain mortgages on properties inherited by him from his father, which mortgages bore date prior to Sir John's liabilities as receiver-general, but later than the date of his father's debt to the Jesuits' estates. The Crown proceeded, therefore, in these cases, to prosecute in behalf of the Jesuits' estates, and by so doing recovered in the spring of 1830, to the amount of 7,154*l.* 15*s.* 4*d.* Cy. Another amount of 1,380*l.* 3*s.* 4*d.* Cy.* was recovered about the same time for the Jesuits' estates from that part of Mr. H. Caldwell's property which had been left to his daughter, and had never therefore become liable for Sir John's debts to the province. In Lord Goderich's despatch of July 7, 1831, a distinction is drawn between these two sums; the former being spoken of as more properly belonging to the general revenue, the latter clearly to the estates. No reason for this distinction is given in the despatch; but I find the omission supplied by the evidence of T. F. Elliot, esq., before a Committee of the House of Commons; where it is stated, that "it was deemed more gracious" on the part of the Crown to give up this money (to which it might be urged that the general revenue of the province had a sort of concurrent claim with the Jesuits' estates) to the general revenue of which the provincial parliament had the entire disposal, rather than to retain it for the Jesuits' estates, "which were not then under the control of the legislature."

It does not appear to me that this reasoning is by any means conclusive. It was the object of the very despatch in question to place the Jesuits' estates "under the control of the legislature;" so that the distinction set up between the two revenues is destroyed by the document which proceeds to draw conclusions from it. Nor, indeed, supposing this were not so, do I see the justice of admitting the existence of any concurrent claim, such as the argument supposes. The province had, upon the properties in question, in point of fact, no claim at all, inasmuch as its claim was barred by those of a third party holding mortgages, which took those properties out of the reach of the Crown, except as holder of the Jesuits' estates claim. This last was the only claim worth any thing in the case. Had the Crown, indeed, retained the general disposition of the Jesuits' estates, it might have been a "gracious" proceeding on its part to abandon this part of their revenue to the legislature, for general or for specific purposes; but as the case really stood, the whole proceeding seems to me to have originated in a complete misconception of its merits.

But, supposing the distinction ever so just, all that can fairly be inferred from the despatch is, after all, this; that the legislature was to have the one sum submitted to its disposal for any purpose it might think fit to name, and the other for educational purposes only. It is preposterous to suppose that a despatch could bar the right of the provincial parliament by Act (assented to by the Crown), to appropriate both, if it saw fit, to educational purposes. That this was done by the 2 Will. 4. c. 41, is perfectly obvious. Both the sums had "arisen out of" the Jesuits' estates; at the time of the passage of the Act, both were in the receiver-general's hands; and they must both have stood credited to the estates (else how could the transfer from the estates have taken place a year afterwards?) on the receiver-general's books. Now, the provision of the Act is peremptory, and without reserve or exception, that "all" such monies should be inalienably applied for public education. If it be said that possibly this provision was not meant to bear this construction, a glance at the report of the committee who drew up the bill will suffice to show beyond the possibility of a doubt, that it was not only intended, but was unequivocally declared

* There remains still a heavy balance due from the estate of Sir John Caldwell; but from the amount of the heavier unsatisfied claims of the province, it is not at all likely that any part of it will ever be realised.

declared by its authors to bear this meaning and no other. The words of the committee's report are as follows: "The 7,154*l.*, &c.,* and the 1,280*l.*, &c.,* mentioned in the despatch as belonging to the estates, your committee find are in the hands of the receiver-general, and included in the balance of cash in hand by the statement laid before the House, dated the 28th November last, and amounting to 20,807*l.* 19*s.* 2*d.*

"Your committee are of opinion that legislative provision ought to be made, that the above balance of 8,439*l.* &c.* and the gross revenue of the estates for the current year should be placed in a separate chest," &c. "and that no part of it be issued but for the purposes of management and education exclusively," &c.

The bill reported for the purposes thus stated by this committee became a law. The letter of its enactments was clearly violated by the transfer in question; and this report shows their intention to have been no less clearly set aside. There can be no reason why a transfer thus manifestly contrary to law, and founded in misconception from first to last, should not be at once cancelled, and the amount again carried to the books of the estates.

The whole amount, then, which ought to appear on the receiver-general's accounts as belonging to the estates is about 22,960*l.* currency.

This sum or the greater part of it, it appears to me, should be promptly invested as capital, within the province, in whatever manner may promise the best return upon it. It would form a fund with which to commence the proposed system of investment, which (as I have argued) ought to be extended, as fast as circumstances may allow, to all the other properties belonging to this endowment. A part of it, it might be found advisable to expend on the surveys and improvements which will be necessary to bring the ungranted land into the market and give it a real value.

It was enacted by the 2 Will. 4. c. 41, that the monies in the provincial treasury belonging to the estates should be "placed in a separate chest in the vaults wherein the public monies of the province are kept." This, as I have already stated, has not been done, and the monies in question have therefore to be drawn from the balance of unappropriated monies in the public chest. It is very possible, from the drain upon the treasury which recent events have caused, that it may not consist with the exigencies of the public service to have the whole sum immediately drawn out of the receiver-general's hands. In this case, the amount retained should bear the same rate of interest to the estates fund for the period during which it shall be loaned to the province, which would otherwise have been procurable by its investment, as above proposed. The interest which has already been lost to the estates by the way in which these monies have been left to accumulate would amount to several thousand pounds. There is no propriety in allowing any further loss of this character to take place.

Cap. X.

The General Outlines of the System which should be adopted for the future Management of the Estates; and the Means by which the required Changes can best be introduced.

It has been already shown, (*see* Cap. V.) that one—and that not the least powerful—cause of the smallness of the revenue the Jesuits' estates have yielded, has been the mode of appointing and paying the officers who are charged with its collection. The measures which in my opinion are required on this account may be easily inferred from the remarks offered in that chapter on the defects of the present system, and the faulty character of the system which the House of Assembly would have substituted in its stead.

The Jesuits' estates, to be well managed, should be placed in the hands of a single administrator, who should be clothed with all the powers necessary to enable him to do justice to his trust, should be subject to the strictest responsibility to the executive and to the provincial parliament—should be so well paid as to require no other income than his official emoluments—and should hold his office by such a tenure, and be paid in such a manner as to be placed under the strongest possible inducements to a punctual and economical collection of every class of revenue.

The general provisions of the bill of 1835-6, in regard to the mode of appointment of the three administrators proposed by it, might with propriety be adopted for the appointment of this office. He should be appointed by the Governor and Council of the province—should be required to give satisfactory securities for the faithful discharge of all the pecuniary obligations of his office, and should be empowered by law to sue in behalf of the estates in his own name, as a trustee, and not in the name of the Crown.

The administrator ought further to have power by virtue of his commission, to employ agents at his own discretion, on his own terms, and at his own risk. All agents duly appointed by the administrator should be empowered to perform any of his duties which he may delegate to them; but beyond this the law should take no account of them. The responsibility for every official act, whether done by himself or by deputy, should rest solely with the administrator, and he must therefore of necessity be allowed full power, as regards the manner and amount of their payment, their duties, accounts, &c.

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* These three amounts are not correctly copied in the despatch and report. The meaning is not, however, therefore the less clear.

The administrator should be required to make a full yearly report, detailing all the transactions of the past year, showing the state of his accounts, the actual state of each of the properties and investments under his care, and offering such suggestions as he may have to make to Parliament or to the executive, as to any legislative or other measures not in his own power to take, which he may deem advisable. This report should be laid before the provincial legislature immediately after the commencement of its regular session. Besides this yearly report, it would of course be incumbent on the administrator to make answer or report on any special subject of inquiry, whenever called upon by the executive or by either House of Parliament to do so.

I am of opinion, that to ensure the faithful discharge of the administrator's duties, it would be advisable to make his tenure of office "during good behaviour," and not "during the pleasure of the Crown;" if so, he should be liable to impeachment before a specified legal tribunal (the supreme court, should such a tribunal be created, as it certainly ought, or whatever court may be vested by law with the highest jurisdiction known within the province), at the instance of either branch of the legislature or of the executive Neglect of duty of any kind, and not positive corruption or defalcation only, should be made matter of impeachment, on proof of which the court should award at its discretion loss of office, or forfeiture, in whole or part, of recognizances (the latter only in case of defalcation or loss to the estates by corrupt practices or gross remissness), or both. Defalcation or fraudulent practices of any kind should further be matter for criminal procedure by ordinary course of law, in all cases where sentence of removal from office may have been pronounced by such court on either of these charges, and the law officers of the Crown should be held bound to prosecute accordingly. Except, however, by sentence duly pronounced after trial by a judicature of the highest and most impartial character to be found in the province, he should not be removable, or his recognizances liable to forfeiture. An officer removable at pleasure by the executive cannot act with the decision necessary to the successful discharge of such duties as must devolve on an administrator of the Jesuits' estates. No officer, indeed, who is liable to heavy charges from interested or party motives should be exposed, unless from sheer necessity, to the temptations and risks with which such a tenure of his office surrounds him; nor indeed ought so fertile a source of dissension as it necessarily creates between the popular branch of the Legislature and the Government to be kept open.

It would probably not be desirable to charge the administrator of the estates with the duties of a treasurer more than may be found absolutely necessary, since by so doing it would be made so much less easy to check his accounts, to say nothing of the increased amount of the securities which such a course would require to be given in his behalf. It would be easy to require prompt payment of all monies collected by him on special deposit into the hands of the receiver-general, till such time as the same may be required for the public service; in this case it would be necessary that this payment should be made at reasonably short intervals, and that the distinction should always be preserved in making it between the monies received as current income to be expended, and those received as capital to be re-invested. The former alone should constitute the fund subject to appropriation for educational purposes; the latter (with such deduction only as may be necessary on account of expenses of collection, &c.) should be regarded as inalienable. The administrator should not be allowed to make any deduction from monies received before paying them over to the receiver-general, except in cases where such deduction may be unavoidable, and then wholly at his own risk, such items being charged as so much paid towards his allowances as administrator, if disallowed when his accounts shall come up for audit. No fees, it is obvious, should be allowed on any warrant or other form of instrument by which monies belonging to the estates may be drawn from the receiver-general's hands, whether for transfer as capital to a new investment, or for payment of expenses of management, or of appropriations for educational uses.

It would be necessary, by legislation of the general character proposed in Caps. VI. VII. and VIII. to give the administrator power to collect the arrears due on the estates, to effect the change of tenure upon them, and to dispose by public auction of the land not yet granted, &c. &c. The same law or laws which should invest him with these powers would prescribe also his duties in the discharge of them. From the short period of time to which my inquiries have been limited, I am unable to do more at present than suggest, as in the chapters referred to I have suggested, the general principles upon which the legislature and other measures required should proceed.

The emoluments of the administrator should not be fixed in their amount, and regular, but should be drawn from fixed allowances on the monies collected, the rate of per centage to vary according to the difficulty or ease of each different kind of collection he may have to make, to cover the entire charge on account of collection which can be brought upon the estates, and to be calculated, not upon the gross receipts, but upon the amount remaining after the deduction of such necessary expenses as it may not be desirable to place (as all agents' charges and minor "incidentals" would be placed) at the cost of the administrator out of his allowances.

Without further inquiry, I could not draw up a tariff of allowances on the system above suggested; but after the further inquiry which is necessary to determine with precision the requirements of such laws as should secure the objects proposed, it would be easy to do so. Wherever, from the nature of the collection, the administrator might be under the necessity of employing agents or keeping open offices for particular purposes, his allowance should be high enough to enable him to do so, and yet derive adequate compensation for his time

and responsibility in the case. Wherever, again, the collections are more easily made, the allowance should be proportionally lower. After the first more or less difficult collections of money to be invested as capital, (the collections, that is to say, on account of arrears, commutation of tenure and sales of land, &c.) it would probably be advisable to make no allowance on the mere transfer of capital from one investment to another. On its first collection for investment, an allowance must of course be made. To secure the independence of the administrator and make his tenure of office in fact as well as in name, "during good behaviour," it would be necessary to provide, that the rates of allowance, once fixed, should not be liable to reduction during the incumbency of the administrator, for whom they were appointed; so that that officer may be secure of enjoying (as long as he shall discharge his duties faithfully) the full advantage of any economical arrangements he may introduce into his department. The administrator's claim for allowances due to him should be audited periodically (say, every six months), at the same time with the rest of his accounts for the period in question, and by the same officer or officers as may be appointed for the audit of other public accounts. Should the administrator be dissatisfied on account of the disallowance of particular items by the auditing officer, his appeal should lie to a specified court of law, and the judges constituting such court should pronounce definitively on the merits of the case. A like course should be followed, in case of complaint by either branch of the legislature, against the mode in which the administrator's accounts may be audited, and his claims allowed.

The result of this system would be, that the rate of charge for administration would be continually decreasing, as the gradual transfer of the property from its present disadvantageous form of investment to a better form shall be going on. From the first, under such a system, the administrator might be adequately remunerated, and all other necessary expense defrayed at a less cost than is at present incurred. Every year would add to the productiveness, while it would lessen the expenses of the estates. In less than twenty years, it may safely be presumed that a great part, if not the whole, of the land now undisposed of, would have been sold, and its proceeds advantageously invested. In ten years, or perhaps less, the change of tenure would probably have been made to take effect over most if not all of the conceded portion; and the present almost impossible collection of cens et rentes and lods et ventes, converted into an easy and punctual receipt of dividends on stock, or interest on loans, of approved and undoubted credit. Every such investment of capital (made as proposed within the province) would be so much added to the available resources of the province; just as every penny of the money at present collected or claimed from the censitaires who hold under the estates is so much deducted in almost the worst way possible from those resources. In the end, a property which is now vexatious and burthensome to almost every man from whom its revenue is drawn, would be made obviously a source of profit, as well to the individuals who should pay, as to the public which should receive and use its increased revenue; a property now yielding a trifling and uncertain revenue would be made valuable, and certain in its returns; and its expenses, now as heavy as they well can be, would be made as light as it is possible to make them.

It is beyond my power to offer estimates, which should not rest to a great extent on mere conjecture, as to the probable increase of the productiveness or diminution of the expenses of the estates under the proposed system. So far, however, as my inquiries have enabled me to form a conjecture on the subject, I should suppose that within 20 years the capital fund to be created by commutation of tenure, collection of arrears, sales, &c. as above recommended, would yield (at six per cent.) an income of not less than 30,000*l.* currency per annum, and in the end, I have no doubt, more;* and the whole of this income might and would then be realized. Under the present system the gross estimated income is little more than a sixth part, and the average gross collected income less than a ninth part of this sum. Under the present system, out of this collected income almost 38 per cent. has for six years running been expended on collection, management and repairs. Under the new system, these expenses might probably in two or three years be brought as low as 20 per cent. on the current revenue collected for the year's appropriations. In 20 years, I have no doubt they could be brought considerably under 10 per cent.†

These results, it will be remembered, are predicated altogether on the supposition of the prompt adoption of *a general policy of government and legislation* for Lower Canada, calculated to raise the province from the depressed and embarrassed situation in which it is at present placed. Except upon this supposition, indeed, the revenue of the estates cannot be expected by any possibility to increase, but may even be expected yearly to diminish. The value of all other property in the province is falling rapidly, under the influence of the existing state of things. This property must rise or fall in value to a great extent, in consequence

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* This sum may appear too high at first sight, in view of the present trifling income of the estates; but the extent of the unsold land must be remembered. The estimate proceeds, on the supposition that in 20 years most of this will have been sold, and further, that for the other very valuable properties as yet unproductive to the estates, a fair productive equivalent shall have been rendered. With this understanding, I fully believe the estimate to be a good deal lower than I might well have been warranted in making it.

† These estimates include all current expenses, and not merely the allowances to the administrator for collection and management. For the extensive surveys, &c. required at the outset under the new system I have already supposed a part of the monies belonging to the estates in the provincial treasury to be appropriated. This understood, there is nothing to prevent a diminution of expense even greater than I have supposed in the text. For the first year or two the outlay would be necessarily heavy; in the end, it might probably be brought as near 5 per cent. on the gross revenue as 10.

sequence of the same causes which affect the value of property generally within the colony.

At the same time, whatever may be the general course of policy adopted in regard to the province and the administration of its other affairs, it is also necessary, if the Jesuits' estates are to be made a valuable endowment for the uses to which they are devoted, that the same thorough reform should take place in every department of their administration, which is needed for the interests of the province in so many other departments of the public service, and in its legislative system generally. Without this, there is no reason to expect that the gross revenue of the estates will ever rise to double its present amount, or that the expenses incurred upon it will ever fall materially below their present rate.

I must be allowed to add, that in recommending a reference of the administrator's yearly reports, &c. to the provincial legislature, I am not contemplating the possibility that any new legislature for the province can be constituted as its former legislature was. Such a legislature as the constitution of 1791 brought together, could never be induced to adopt, and would certainly be wholly incompetent to superintend, a system such as I have recommended. A French Canadian House of Assembly would never relax in its hostility to a measure of the kind required, no matter by what authority enacted, were its after-working in any way subjected to their control. It is not, however, for that reason the less essential to the successful working of the system, that the proceedings of any officer vested with the powers which it is proposed to confer on the administrator of the estates should be made public, and subjected to the immediate oversight of a constitutional legislature.

The same remark is no less applicable to the mode of introducing the required changes than to that of superintending the new system after it may have been introduced. In part, it is within the power of the executive to introduce it; in part, legislative action is required. How far the required legislation can or cannot be hoped for from a Colonial Parliament, is a question, the answer to which depends mainly on the nature and provisions of the Constitutional Act creating such a body. No bill materially differing in its provisions from that of 1835–6, could ever be carried through a French Canadian Assembly. Nor, with a legislative council of official, or quasi-official formation, could a better fate be expected for a bill that should go to introduce so thorough a reform as any bill, to be effective, must. Indeed, from an Assembly in which French Canadian influence, or a council in which official influence should be in the ascendant, nothing better can ever be expected for the future than has already resulted in times past.

Appendix (B.)

No. 1.

1801.—41 Geo. III., c. 17.

ROYAL INSTITUTION.

Preamble recites royal intention to endow free schools, &c. with Crown lands; wherefore,

1.—Governor empowered to appoint "such and so many persons as he shall see fit, to be trustees of the schouls of royal foundation in this province, and of all other institutions of royal foundation to be hereafter established for the advancement of learning therein;" and for management, &c. of all property which may ever accrue to such schools. Governor "to remove from time to time the said trustees, or any of them," and to appoint to fill vacancies.

2.—Said trustees declared "a body corporate and politic," named "The Royal Institution for the Advancement of Learning," with perpetual succession, a common seal, power to purchase property without license in mortmain, &c. &c.

3.—All property, of whatever kind, and howsoever acquired, coming into possession of said schools, vested in said trustees; trustees empowered to let land, &c., for not more than 21 years, and required to account for and pay over all rents, &c. &c. to the receiver-general, subject to disposition of Governor by warrant; receiver-general to account for the same, as for other monies, to the Lords of the Treasury.

4.—Governor to appoint president and other officers of corporation; the trustees to frame laws for its government, and that of the schools, &c., subject to confirmation by Governor. Rights of independent schools, &c. reserved.

5.—Governor empowered to erect free schools, and for this object to appoint two or more commissioners, residing in the county where the parish or township in which such school may be, to erect school-house, &c.

6.—Said commissioners to fix on lots of ground and dimension of school-house, the latter not to exceed 80 feet by 40, and both to be approved by Governor before finally fixed upon.

7.—Such lot so fixed upon, commissioners to contract for its purchase, the purchased lot to be conveyed to the Royal Institution.

8.—Schoolhouses and apartments for schoolmaster to be provided by inhabitants; commissioners to require, by warrant, the churchwardens of the parish, or any two of them, to estimate the cost of said erection, and to assess the same, as in case of churches and parsonage houses; said assessment to be subject to approval by commissioners, and, when approved, binding; churchwardens, or any one of them, to enforce the same; and, in case of refusal, to levy by warrant of distress and sale of goods of defaulter: provided, that 15 days after publication at church-door, on a Sunday or holiday, of assessment, be expired beforehand; and that no school-house be erected in any parish or township, unless a majority of its inhabitants have petitioned the Governor for the same, or a certain number have prayed for it, and bound themselves to erect it.

9.—Commissioners to superintend erection, and inform Governor of its completion.

10.—Governor to name the masters, to remove, fill vacancies, and fix salaries; no master to teach in said schools without commission from Governor.

11.—Inhabitants to repair school-houses.

12.—Circuit and other courts, and polls for election of members of Provincial Parliament, to be held on occasion in said schoolhouses.

No. 2.

BILL introduced in Assembly, January 25, 1814, lost in Legislative Council.

Preamble.—Whereas 41 Geo. III., c. 17, has been found by experience to be insufficient.

1.—When a majority or fifty landholders in any parish or township shall have declared by a notarial acte, that they intend to establish a school, and said acte shall have been served upon the militia officer highest in rank, resident in the same, the said officer shall, within twenty days, give public notice on Sunday, at the church door, or, if no church, at the most public and frequented place within that part of the country, convening the landholders at such time and place within said P. or T., for the election of five persons for the purposes of this Act.

2.—At such meeting, the said militia officer, or in his unavoidable absence, the officer next in rank to himself, shall preside; and the said five persons shall be elected by a majority of the votes of the said landholders present; the president to report in writing the

the result of the election, and to publish his report as above provided for summons of meeting: provided, that said president be eligible as one of the five.

3.—The said five, with the senior justices of the peace resident in the P. or T., and the curé or minister officiating for the time therein, to be "trustees, directors and wardens" of the school to be established; said trustees and their successors to be a body corporate and politic, by the name of "the T. D. and W. of the school of the P. of A.," to have perpetual succession, a common seal, &c. to hold without license in mortmain, "a lot of land not more than ten arpens in superficies," for a school-house, and also any other property in any way accruing to said school, not exceeding 3,000*l.* currency in value, and to build and repair school-house, &c. &c.

4.—First meeting of said corporation to be convoked by militia officer aforesaid; subsequent meetings to be held at discretion of said corporation.

5.—The five persons elected to continue in office for one year, and to the 1st of January then ensuing, and then, and at the expiration of each subsequent year, one of them to be chosen by ballot at a meeting of the corporation held in that behalf, shall cease to hold office; and in the month preceding the close of the year, a person shall be chosen in manner as aforesaid, to replace him; and when the said five shall all have ceased to hold office, the then senior member shall resign, and so on.

6.—Vacancies caused by death or removal of any of the five to be filled by election as aforesaid, the person so elected to serve for such period as the member whom he replaced.

7.—The president of each corporation to be elected by a majority of votes of its members from their own body, for a term of three years, unless he shall sooner cease to be a member; his place to be supplied in like manner.

8.—Any vacancy in said office by death or removal to be supplied by a like election.

9.—Said corporation, from time to time, to make estimates, and distributions of monies and material necessary for purchase of land, &c. &c. &c. to be paid by all landholders in the P. or T.; said estimates to be published during two successive Sundays at church-door or , and deposited with militia officer aforesaid for eight days afterwards, and not to be binding until homologated by a justice of Court of King's Bench or provincial judge; in case of opposition, within thirty days, hearing to take place within ten days ensuing, before two justices; and if said justices reject said assessment in whole or in part, the corporation to make a new one.

10.—Corporation to make bye-laws for its own government, and that of the school, not contrary to law, &c.; the same to be subject to the Governor's approval.

11.—Corporation to agree by a definite notarial acte with a schoolmaster, who, however, must before being allowed to teach, bring certificates of loyalty and good character from two justices of the peace, and must take an oath of allegiance; his salary to be fixed by the acte and not to exceed 60*l.* currency, to be paid out of the provincial chest, by warrant.

12.—A majority, or 50 of the landholders, may empower said corporation to levy a further sum in manner as aforesaid, for payment of under-teachers to assist master; such under teachers to be appointed as masters are.

13.—If corporation have engaged a master under 60*l.*, it may apply the difference to the payment of under-teachers.

14.—Corporation to keep a register of its proceedings.

Government may appoint one or more justices of the peace in each county visitors of schools thus established, to report to him, and to the houses of legislature; said visitors to serve gratuitously.

16.—Each corporation to transmit to Governor and Legislature copies of all bye-laws, &c. at the Session next after their adoption, and to report annually their funds, &c., to the visitors.

17.—Any person refusing to pay their assessment may be sued as for debt in any Court of King's Bench or circuit.

18.—Members of corporations and visitors exempt from militia duty, &c.

19.—Account to be rendered, through Lords of the Treasury, of all monies appropriated under Act to schools.

20.—Act not to affect the cities of Quebec and Montreal, or the boroughs of Three Rivers and William Henry.

21.—Act of 41 Geo. III., c. 17, not repealed.

22.—Act not to affect the rights of His Majesty to create corporations other than those named therein.

23.—Act to be deemed a public Act.

No. 3.

BILL introduced in Assembly, February 3, 1818, passed by both Houses, reserved for Royal Sanction, and never afterwards heard of.

Preamble.—Whereas elementary schools, on an economical footing, in the country parishes are needed, and would be best obtained by placing such schools under local influence.

1.—The rector, priest or curate, &c., with the four churchwardens last appointed of the Church of England or Roman Catholic Church, the seigneur primitif, and senior justice

of the peace, to be a body corporate and politic under name of "The Syndics for the Government of Elementary Schools," with powers as usual; real estate not to exceed the value of 150*l.* currency revenue, where not more than 150 heads of families in parish, or 200*l.* currency where more.

2.—Syndics to appoint one or more schoolmasters, of good morals and capacity, to teach reading, writing, spelling and arithmetic; to displace and replace at pleasure.

3.—Such of said corporations as, in two years, shall have provided a school-house sufficient for lodging of teacher and for 30 scholars, and opened the same, shall, upon report on oath before a judge, transmitted to civil secretary, receive by warrant 200*l.* currency from public chest.

4.—Such corporations worth 100*l.* currency a year entitled to receive from fabrique or church not more than one-fourth part of its annual revenue.

5.—Corporations annually to account in writing, on the third Sunday after Easter, at a meeting of inhabitants of parish, of revenues and expenditures of corporation for past twelvemonth, number of scholars, and name of master; said account to be filed, within one month, in prothonotary's office of district, and to be there accessible, free of expense, to all "inhabitants of the country."

6.—All schools under this Act to be open to all children (subjects) equally; price not to exceed 5*s.* per month; such fee to be the property of schoolmaster.

7.—Act to be deemed a public Act.

No. 4.

1824.—4 Geo. IV., c. 31.

Introduced in Assembly December 20, 1823; amended in Council; passed into law March 9, 1838.

THE FABRIQUE ACT.

Preamble.—Whereas country elementary schools would promote industry and agriculture, and whereas means must be provided for facilitating their establishment.

1.—Every fabrique hereby authorized to hold, without letters of mortmain, for the support of one or more elementary schools within its parish, real and personal property, however acquired, subject to restriction as follows.

2.—Provided, that any real estate coming into hands of fabrique for said purpose shall, within 10 years from that time, be sold by it, "à constitution de rente," for benefit of school or schools by it established. Fabrique authorized to retain only one acre of land for school-house.

3.—Provided also, that the whole amount, real and personal, to be thus held for erection of each school do not exceed 100*l.* currency, and that the total income for support of its schools never exceed 50*l.* currency yearly for each such school.

4.—Fabrique may erect one school in every parish, two where there are 200 families, and one more for every additional 100.

5.—Provided also, that said schools, and all property held under this Act, be subject to all such rules, inspection, &c. as now by law and usage provided for administration of other fabrique property.

6.—Until fabrique may have acquired property under this Act, it may apply one-fourth of its income for support of a school; provided such diversion of funds take place with all customary formalities.

7.—Fabrique to render full account of its schools, on the third Sunday after Easter, to the resident landholders assembled; the same to be deposited in the archives of the fabrique, and a certified copy to be, within six weeks, placed in the district prothonotary's office, free of access, without fee, to all resident landholders.

8.—Act a public Act, &c.

No. 5.

1829. - BILL introduced in Council, and sent down March 2, 1829; read second time in Assembly March 5, and then dropped.

To make Two Committees of Royal Institution.

Preamble.—Whereas Lord Dalhousie, when governor, by message of February 13, 1827, informed Houses, that an arrangement was about to take place, &c.; and whereas the administrator, by message of Jan. 17, 1828, informed them that it had been found impracticable, under Act of 41 Geo. III., c. 17, as said Act did not empower governor to add to number of trustees of Royal Institution, and recommended amendment of said Act for that purpose.

1.—Governor

1.—Governor may increase number of said corporation to 22; 11 to be of Roman Catholic religion, to form a separate committee for exclusive regulation of Roman Catholic schools under Royal Institution; of these, the Roman Catholic Bishop of Quebec, and his coadjutor, the Speaker of the Assembly, if Roman Catholic, the superior and senior member of Quebec Seminary and the curé of Quebec, shall be members.

2.—The other 11 members of said corporation to be Protestant, &c.; and of them shall be the Lord Bishop of Quebec, the Speaker of the Lower Canada (if Protestant,) the Senior Executive Councillor (if Protestant), the Archdeacon of Quebec, Rector of Quebec, and Minister of Kirk of Scotland, in Quebec.

3.—All property of whatever kind, left or given, &c. &c. for disposal of either committee, shall be held by corporation, in trust for said committee, and said committee shall have exclusive control over it.

4.—Trustees thus provided for to form a corporate body, with full powers as heretofore, by Act of 41 Geo. III.

5.—Lieutenant-Governor of Upper Canada, the Chief Justices of Lower Canada, Montreal and Upper Canada, may resign, and their successors shall nevertheless be bound as required.

No. 6.

9 Geo. IV., c. 46.

Introduced in Assembly, March 1, 1829;—passed into Law, March 14, 1829.

FIRST ELEMENTARY SCHOOL ACT.

Preamble: Whereas it is expedient, &c.

1.—Appropriates a number of sums to different school institutions already existing, among which sums is one of 2,300 *l.* currency to Royal Institution.

2.—Governor to pay by warrant to any country school teacher (not under Royal Institution), having at least 20 pupils, 20 *l.* currency per annum, for three years, and a further sum of 10 *s.* currency per annum for three years, for each gratis scholar: provided, not more than 50 such scholars be allowed for at any time in a school, and that no allowance be made on this score, unless it be certified by trustees or proprietor that at least 20 such free scholars are taught.

3.—Wherever five trustees may have been appointed for purchase or erection of schoolhouse, Governor may, during said three years, allow them, by warrant, one-half of money required for such purpose; said allowance to be made to any fabrique which may have purchased or built under existing law; provided, not more than 50 *l.* currency be paid for any one school, nor more than 2,000 *l.*, currency, altogether in any one year.

4.—Senior principal militia officer, in every parish, section or township, to convene annually, by notice at church-door or most frequented place, a meeting of landholders at convenient time and place therein, at which he shall preside, and five persons be elected trustees under this Act; vacancies by death or resignation to be supplied in like manner; and record of every such election to be forthwith deposited by chairman in office of nearest notary, who shall be held to deliver authentic copies thereof.

5.—Said trustees to have entire control of the school for which they may be elected.

6.—Trustees, or the proprietor, or master or mistress, where there are no trustees, who may receive public money under this Act, to lay before the three branches of public legislature a statement of the condition of their school, within 15 days from opening of session each year, in form of schedule annexed.

7.—Religious communities in country parishes, educating poor children, to receive the benefit of the Act.

8.—Monies expended under Act to be accounted for through Lords of the Treasury.

SCHEDULE (A.)

ETURN of the School for in the County of

for the Year 18

Master and Mistress's Names.	Average Number of Scholars throughout the Year.	Average Price, Schooling and Boarding.	Number of Poor Children gratuitously taught.	Books used.	Under whose Superintendence.	When established.	By what Authority established.	How supported.	Remarks, and if any particular System of Teaching is followed.

303.

No. 7.

10 & 11 Geo. IV., c. 14.

Introduced in Assembly, March , 1836; passed into a Law, March 26, 1830.
Amends Act 9 Geo. IV., c. 46, and grants further Sums for Education.

Preamble.—Whereas it is expedient to make legislative provision for elementary education by appropriation:—

1.—Rector, curate or minister to be eligible, though not a freeholder, as school trustee, under Act of last session.

2.—Private schools, established since 9 Geo. IV. c. , not to receive advantages of said Act as trustee schools.

3.—School teachers receiving money under said Act, to hold a public examination every six months at school-house, giving one week's notice of it at church-door or most public place.

4.—School-houses erected or to be erected in Montreal, Quebec or Three Rivers, to come under provisions of said Act.

5.—Appropriations made; among others, 2,100*l.* (currency) to Royal Institution.

6.—Three hundred pounds appropriated for sending a person to learn how to conduct a deaf and dumb institution in the province.

All monies to be accounted for, &c.

No. 8.

1 Will. IV., c. 7.

Introduced in Assembly, March , 1831; Passed into a Law, March 31, 1831.

Amends two former Acts, and makes further Provision for Elementary Education.

Preamble.—Whereas further appropriation, and also amendment of laws in force is expedient.

1.—Special grants enumerated, including 2,100*l.* (currency) to Royal Institution; an appropriation for a deaf and dumb institution; and also 4,000*l.* towards paying half cost of school-houses built under former Acts, but applied for after their appropriation was exhausted; and half the cost of any school-house one league from every other built, &c. &c., and ground conveyed to trustees, &c. before 1 February last, if school-house be completed within the present year; with some special school-house grants.

2.—Provision of 9 Geo. IV., c. 46, authorizing payment of 20*l.* (currency), &c., extending to May 15, 1832, provided the 10*s.* payment, &c. clause expire (as per Act) January 1, 1832.

3.—All school-payments to be to trustees, or to majority of them.

4.—Provisions of this Act and of 9, 10 and 11 Geo. IV. to extend to all missions and extra-parochial places.

5.—Sixth section of 9 Geo. IV., c. 46, repealed.

6.—Schools in Quebec, Montreal and Three Rivers to be subject, in all respects, to Acts aforesaid.

7.—Separate warrants dispensed with; pay-lists of at least 30 schools each substituted

8.—Governor to appoint, by one instrument, 19 visitors; viz.

Gaspé and Bonaventure	1	visitor.
Rimouski, Kamouraska, Lislet and Bellerhasse	1	,,
Dorchester, E. of Chaudière, Beauce and Megantic	1	,,
Dorchester, W. of Chaudière, Lothbinière and Portneuf	1	,,
Nicolet and Gamaska	1	,,
St. Hyacinte, Richelieu and Rouville	1	,,
Drummond, Sherbrooke and Stanstead	1	,,
Missisquoi and Shefford	1	,,
Verchères and Chambly	1	,,
La Prairie and L'Acadie	1	,,
Beauharnois	1	,,
Montreal	1	,,
Vaudreuil	1	,,
Ottawa	1	,,
Two Mountains, Terrebonne and Lachenaye	1	,,
L'Assomption and Berthier	1	,,
St. Maurice and Champlain	1	,,
Quebec, Montmorency and Orleans	1	,,
Saguenay	1	,,

and to pay said visitors' necessary expenses.

9.—Said

9.—Said visitors, within their respective limits, with the resident county member of the Provincial Parliament, or, failing him, with a justice of the peace or commanding officer of militia therein, and with the rector, curé, &c. of the parish or township, or, failing him, with the commanding officer of militia therein, to visit each school that may have had or claimed Government money; to inquire whether school is so established, &c. as to have a title to such allowance, whether teacher is qualified, &c. in language of majority, teacher's character, convenience of locality, limits within which no more schools should be established under Acts, whether any schools are too near, proper limits for school districts, correctness of last year's return of number of children, any false returns, and by whom, number and attendance of scholars, progress, books, and any other information as to mode of teaching and management, schools without allowance and number of their scholars, with rate of tuition and board at such schools; also to inquire into alleged abuses, and all complaints and differences as to payments, &c., and to recommend suspension or nonpayment—1, in case of fraud or non-compliance with Act—2, of want of qualification in teacher—3, of too great nearness of schools (continuing, in such case, the best); and, further, said visitors to have assistance of all trustees, churchwardens and road officers.

10.—Their report to be made to Governor, and copies to be laid by them respectively before each House, during the first 15 days of its next session.

11.—Form of returns to be furnished them by Governor within one month after commission issues.

12.—Detailed and verified accounts of all monies expended under Act to be regularly given in.

13.—Application of monies appropriated under Act to be accounted for through Lords of Treasury, and a detailed account thereof to be also laid before each House, within the first 15 days of the next session.

No. 9.

2 Will. IV., c. 26.

Introduced in Assembly, ; passed into Law, Feb. 25, 1832.

GENERAL ELEMENTARY SCHOOL ACT.

Preamble.—Whereas it is expedient to appropriate further sums for elementary education, and to make further and more ample legislative provision for it.

1.—From May 15, 1832, to May 15, 1834, to be paid yearly, as follows, for all elementary schools not in Quebec, Montreal or Three Rivers, kept according to this Act, in any school-district approved by school-visitors appointed last year; viz.—

Bonaventure	22 districts.	Verchères	20 districts.
Gaspé	14 „	Chambly	31 „
Rimouskie	33 „	La Prairie	30 „
Kamouraska	34 „	L'Arcadie	26 „
L'Islet	31 „	Beauharnois	51 „
Bellechasse	49 „	Vaudreuil	22 „
Dorchester	30 „	Ottawa	19 „
Beauce	67 „	Two Mountains	43 „
Megantic	17 „	Terrebonne	20 „
Lothbinière	48 „	Lachenaye	21 „
Meolet	55 „	L'Assomption	36 „
Yamaska	30 „	Montreal	18 „
Drummond	20 „	Berthier	49 „
Sherbrooke	75 „	St. Maurice	36 „
Stanstead	62 „	Champlain	27 „
Missisqui	48 „	Portneuf	45 „
Shefford	25 „	Quebec	16 „
Richelieu	30 „	Montmorency	17 „
Sorel (Borough)	3 „	Saguenay	21 „
St. Hyacinthe	31 „	Orleans	10 „
Rouville	39 „		

For an elementary school in central situation in each of said districts, 20*l.* (currency) per annum; and also for a separate girl's school in each Roman Catholic parish in the district where church is situate (where a convent-school, under ladies of congregation of M. is, it shall have said allowance), 20*l.* (currency) per annum, provided all girls in said parish be admitted at rates hereafter mentioned.

2.—Ten shillings yearly for each district school, to be allowed for prizes to be given by school-visitors for county; said money to be paid to resident member first on return, or failing him to non-resident ditto, ditto.

3.—Said

3.—Said allowances to commence from 15 May 1832; schools receiving them to be kept under regulations of this Act, and their trustees to be elected on or before second Monday in August 1832.

4.—Heads of families in each district qualified to vote for members of Parliament to meet on second Monday in June next, and on the same day in every second year thereafter, or on any second Monday from June to August aforesaid, notice in full having been given at door of parish church after forenoon service, and at most public place in district, by order addressed to a peace officer, and signed by a justice of the peace, or by the officers of militia highest or next highest in rank in parish, T. or extra P., for two Sunday before meeting. Said justice of the peace or other signer of order to preside, and take and record decision of meeting, as to three persons (not schoolmasters) to be trustees for two years, from first Monday in June 1832 till election of successors (not more than three months after expiration of said term). Minute of election in form specified (Schedule A.) to be deposited with nearest notary or justice of the peace (failing notary in county); said notary or justice of the peace to give authentic copies when required.

5.—Trustees so appointed and their successors for ever authorized to acquire property, &c. &c. &c. for use of their respective schools; and all trustees holding school-houses, &c. &c. erected, &c. by public aid, are to deliver up to them: provided, all inhabitants of any parish, &c. have equal right of access to such schools.

6.—Said trustees and their successors for ever to have management of school; to receive, pay and account for (at meeting of heads of families for choice of trustees) all monies, &c. in any way belonging to said school; to appoint and remove teachers; to hire, build, repair or purchase school-house; to sell, exchange, &c. any school-house or lot, for the purpose of getting a more central one: provided, that full value be received for lot or house alienated; that school be continued in it till another of at least equal value shall have been acquired, vested in trustees, and ready to receive scholars; and that no such house or lot be in any way alienated without consent, in writing, of majority of county visitors, signified in writing in school minute-book.

7.—Vacancies in trust to be supplied as in case of original election.

8.—Teacher must before appointment produce certificate, signed by curate or minister of most numerous religious denomination in parish, according to last census, and by one justice of the peace in ditto, and by militia officer highest in grade, or by two others, that he is known as of good character, has been examined by them and found capable of teaching reading, writing and arithmetic, in language of majority of inhabitants. School must have been open 190 days in year, from nine to twelve, and from one to four; and 20 children, at least, from five to fifteen years old, must have been usually taught in it. Not more than 2*s.* (currency) a month to be charged or paid in school, unless by previous written agreement. A public examination, after at least eight days' notice, to have been held, and county visitors, or three of them, to have visited school and certified in form of Schedule (B.) their belief that provisions of this Act are complied with, &c. &c.

9.—Pupils under five or above fifteen to be taught only out of hours above named, and 2*s.* (currency) a month to be highest rate, unless by previous written agreement.

10.—Teachers to keep a school journal, to be open to all interested at reasonable hours out of school time, and to be handed from teacher to teacher, in form of Schedule E.

11.—Children to be equally taught in classes, according to age and progress; name of pupils to be written on their books by teacher, with date. Trustees to make regulations not repugnant to Act, to be in force at least to 15th May next following, to be publicly exposed in school-room while in force, and to be observed and enforced by teacher.

12.—Trustees may admit not more than 10 free scholars into each school, provided such scholars be children of poor persons who have one child at school for whom they pay.

13.—Teachers to be removed by trustees before expiration of time for which they may have been engaged, on recommendation of majority of county visitors entered on minute book, or after public hearing and decision by trustees on complaint of three electors; said decision duly entered as above, and teacher paid to time of entry.

14.—Legislative councillors in each county, members of Parliament for ditto, senior justice of the peace and highest militia officer in ditto, the rector, &c. of denomination most numerous in each parish, &c. to be county visitors. They, or three of them (or next senior justice of the peace or militia officers highest in grade in parish, &c.) shall annually visit all elementary schools in county in June and July, or soon after (not in school vacation), enter certificate of visit, in form of Schedule B., in minute-book, giving copies thereof to trustees. Said copies, signed by trustees, to be transmitted with return of school (Schedule D.); also, signed by trustees or majority, to resident member for county, &c. &c., who shall make out, up to May 15 each year, a list of schools (Schedule E.), signed by him, and transmit it to civil secretary; who again shall then have pay list (Schedule F.) made out; and sums therein specified shall then be paid by receiver-general on receipts of persons named, or of those who hold their power of attorney (Schedule G.)

15.—School-visitors to determine differences about school-houses, districts, &c., to settle limits, lessen numbers, recommend increase of numbers, and convenient site for a superior school in each county.

16.—Till

16.—Till trustees be elected, &c. any Royal Institution school already existing, or and fabrique, or proprietor's school heretofore receiving public money, may receive allowances under Act, only coming under county visitors; where more than one such school in a district, visitors to choose between them. Heads of families may adopt such school for not more than two years.

17.—Copies of Act and Schedules in sufficient numbers, &c. to be printed in convenient form, and distributed, &c.

18.—Acts of 9, 10 & 11 Geo. IV., and 1 Will. IV., repealed.

19.—All persons (visitors excepted) to give in full and regular returns of monies intrusted to them under Act.

20.—Monies to be accounted for through Lords of Treasury.

(For Schedules, *see* Acts L. C. pp. 474, et seq.)

No. 10.

3 Will. IV., c. 4.

Introduced in Assembly; passed into Law, April 3, 1833.

Amending Act of 1832.

Preamble.—Whereas it is necessary to amend Act of 2 Will. IV., c. 26.

1.—The first section of said Act repealed, from and after May 15, 1833.

2.—From 15th of May aforesaid, the said section re-enacted with modifications as follow:—

Rimouski - - -	35 school districts -	*vice* -	33
Lislet - - - -	25 „ „ -	„ -	31
Dorchester - - -	37 „ „ -	„ -	30
Lothbinière - -	41 „ „ -	„ -	48
Nicolet - - -	41 „ „ -	„ -	55
Yamaska - - -	27 „ „ -	„ -	30
Drummond - - -	10 „ „ -	„ -	20
Sherbrooke - - -	51 „ „ -	„ -	75
Richelieu - - -	29 „ „ -	„ -	33
(Sorel included above, instead of having three more.)			
Rouville - - -	47 school districts -	„ -	39
Verchères - - -	17 „ „ -	„ -	20
Chambly - - -	35 „ „ -	„ -	31
La Prairie - - -	34 „ „ -	„ -	30
L'Acadie - - -	30 „ „ -	„ -	26
Beauharnois - -	59 „ „ -	„ -	51
Vaudrenit - - -	24 „ „ -	„ -	22
Two Mountains - -	49 „ „ -	„ -	43
Tenebonne - - -	22 „ „ -	„ -	20
Berthier - - -	48 „ „ -	„ -	49
Quebec - - -	23 „ „ -	„ -	16
Montmorency - -	10 „ „ -	„ -	17
Saguenay - - -	19 „ „ -	„ -	21

3.—Ten shillings for prizes to be allowed for girls' school as well as for district schools.

4.—Superiors and professors of colleges and academies, and presidents of all education societies to be county visitors. School-visitors empowered to extend school age beyond 15 years, or to alter school hours.

5.—Returns under 14th section to be made up to November 15 and May 15, in form as prescribed, and payments to be made with as little delay as possible.

Schools *bonâ fide* kept since second Monday in August, though without trustees chosen, may have allowance made them by visitors, if not otherwise disqualified; and any second school in a district with 35 or more regular pupils may be entered by them on the list, provided the whole number in county be not thereby made too great.

7.—Visitors may increase the number of free scholars from 10 to 15, provided there be at least 20 paying scholars in the school at the time.

8.—Four pounds (currency) extra to be paid to any teacher who can teach both languages.

9.—Copies of this Act, &c. to be distributed in sufficient numbers.

10.—Detailed accounts, &c. to be made by all expending money under Act (school-visitors for prizes excepted) up to April 15 and October 15 annually.

11.—Account to be rendered through Lords of Treasury, &c., and also to be laid before the several branches of Provincial Parliament within the first 15 days of each session.

No. 11.

4 Will. IV., c. 34.

Introduced in Assembly; passed into Law by Royal Assent in Council, Aug. 15, 1834. Assent proclaimed January 5, 1835.

Preamble—Whereas, &c.

1.—From May 15 after passage of Act, to be allowed in—

Drummond - - - - -	8	new districts.
Rouville - - - - -	13	„
Beauharnois - - - - -	3	„
St. Maurice - - - - -	4	„
Two Mountains - - -	4	„
Quebec - - - - -	7	„
Stanstead - - - - -	10	„

2.—The best teacher in any township, &c. may have 10 *l.* (currency) a year granted him by visitors, in addition to the sum before granted. A class in such school must be taught in French or English grammar, geometry and book-keeping. Where no such school found, a majority of visitors may appropriate said sums (not above 50 *l.* currency) for any superior institution for education within county, where said branches may be taught, and which receives no appropriation direct.

3.—Visitors may, on proof that, between February 1, 1831, and January 1, 1834, any school-house properly placed, has been built by trustees, &c. and is held under a satisfactory allow said trustees half the cost, not exceeding 50 *l.* (currency).

4.—Monies to be accounted for through Lords of Treasury, and accounts to be laid before the several branches of Provincial Legislature, within 15 days of commencement of next session.

No. 12.

6 Will. IV., c. 12.

An Act to provide for Normal Schools.

The Preamble recites the want of able teachers throughout the province, &c.

1.—By the first section it is enacted, that in each of the cities of Montreal and Quebec certain persons therein named shall meet for the purpose of electing a committee of 10 persons, to whom the formation, organization and management of a normal school shall be intrusted for five years.

3.– Committees to provide places for the said schools in or near the said cities, and to engage for not more than five years teachers competent for the purpose of normal schools.

4.—The course of studies, as far as is consistent with the previous knowledge of pupils, to extend through three years, and to include French and English grammar, with exercises in writing and composition in both languages, arithmetic and book-keeping, geography and use of globes, elements of practical geometry, art of drawing, maps and plans; elements of chemistry, as applied to arts and trade; the principles of horticulture and agriculture, an abridged course of mechanics, natural history, ancient and modern history, moral philosophy and the public law of the country, and lastly, and more especially, theoretical and practical lessons on the best mode of conducting a school, and the best method of teaching.

6.—The said normal schools to be exclusively appropriated for the reception and instruction free of expense of such young persons as may be willing to devote themselves to teaching, either in primary or superior schools for five years after the expiration of the period of their tuition (under penalty of refunding to the said committees the whole expenses of their education); and also of such schoolmasters as may wish to complete their studies, and learn the best mode of instructing others: provided, that no one shall be admitted into the said schools under 14 years of age, or who cannot prove his moral character by certificate from a minister of his religion, or justice of the peace, or &c., nor unless he can read either French or English, and is conversant with the elements of arithmetic; the books of such as cannot afford them to be furnished out of the funds of the school.

7.—Each pupil to obtain certificate of study for a certain time, and of qualification to teach, &c., and having such certificate to have preference in employment at schools receiving Government assistance.

8.—Governor may advance 400 *l.* to each said committee to enable them to procure professors and to purchase classical books, maps, instruments, furniture and other articles necessary

necessary for school; also to each the following sums per annum for five years, viz.:—600 *l.* for salaries of professors and assistants, and 250 *l.* for the contingent expenses of the schools, and 120 *l.* per annum for three years for board and lodging of five or more schoolmasters who shall be anxious to complete their studies in the said normal schools, and shall be totally destitute of means to support themselves there.

9.—Committee to lay a full report of the management, &c. of the school before the legislature, attested by the president and secretary of the committee, and by the chief professor.

10.—Governor may pay the annual sum of 120 *l.* for three years to the three following communities:—the Ursulines of Quebec, those at Three Rivers, and the Sœurs de la Congregation de Notre Dame at Montreal, for the board, lodging and tuition by each, during said term of five or more years. Females willing to devote themselves to teaching, but not able to support the expenses of tuition, and who should after the expiration of the said term, and upon obtaining certificates, enjoy the same privileges as persons leaving normal schools.

11–12.—Appropriation of monies collected under this Act to be strictly accounted for to legislature.

No. 13.

BILL of 1836, passed by Assembly, and thrown out by Council.

2.—A YEARLY sum of 20 *l.* is granted for four years to each of 1,658 elementary school districts (therein apportioned and enumerated), and to each additional and separate school for girls in the school districts in each Roman Catholic parish or mission in which there is a church or chapel: provided, that such school for girls shall be open for the tuition of all the female children in such parish or mission, at the same rates as the other schools; and that there be not already in such school district a convent for the education of girls.

3.—That in each parish, township or settlement, the population whereof, according to the last census, exceeds 500 souls, there may be established in the school district in the church stands, a superior or model school, to the master whereof there shall be paid by the receiver-general, in the manner in which the masters of elementary schools are paid, the sum of 50 *l.* currency per annum, payable half-yearly on the 15th of May and the 15th November, provided the majority of the heads of families in such school district shall (at a meeting called in the manner therein pointed out) have voted a sum of at least 20 *l.* currency, for the purpose of making up the sum of 70 *l.* currency, which shall be the salary of the master of such superior or model school, who, in order to entitle him to such salary, shall be capable of teaching reading, writing, arithmetic in all its branches, the syntax and grammar of the language of the majority of the inhabitants, the elements of mensuration, geography, and more especially that of America: provided always, that such school shall be in the stead of the elementary school for boys in such school district, and shall not be established in any district in which there shall be already an academy, college, or other superior institution receiving aid from the province: and provided also, that such superior or model school shall be open for the tuition of all the children in the other school district of such parish or township at the same rate as for that of the children in such school district.

4.—That no master of a superior school shall be entitled to the said allowance, unless, before taking charge of such superior or model school, he shall have produced to the trustees of such school a certificate of his good morals, character and sobriety, signed by the rector and by a justice of the peace and the senior militia officer of the parish in which he shall have last resided, or a majority of them, and also a certificate of his being qualified in the manner hereinbefore required, signed by the superior and director of some college in this province, or a certificate signed by two magistrates and an officer of militia, certifying that such master is known to have gone through a regular course of study in some college in Europe or in the United States, which certificate shall be enregistered in the minute-book of such schools, and then transmitted to the member for the county, whose place it is to make the return for the schools in the county.

5.—That it shall be lawful for the school-visitors in each county to alter the school districts heretofore established, being guided in so doing as much as possible by the population and the number of schools allowed for each parish, township or subdivision of the county, as set forth in the schedule of the parishes in each county hereunto annexed; such new distribution being subject to the approval of the members for the county at the time they make their visit; and for the purposes of this Act, the powers of the members shall, in case of a dissolution of Parliament, continue to be vested in them until their successors shall be elected, any law, usage or custom to the contrary notwithstanding.

6.—Allows 10*s.* prize-money to be distributed by visitors among best children in each district school, and also in each girls' school as aforesaid, to be paid according to the number of such districts, and of such girls' schools in each county, by a pay list on the receiver-

general, in favour of the resident member for the county, the first on the return, or in default of such resident member, to the member not resident who is first on the return, or in his absence to one of the members for the county; and a report shall be annually made to the legislature of the manner in which such money shall have been employed, and of the effect produced by such distribution.

12.—That it shall be lawful for the heads of families in each school district in this province, duly qualified to vote at the elections of members to serve in the Assembly thereof, at any meeting duly notified and held in conformity to the provisions of this Act, or the majority of them present at such meeting (at which the justice of the peace who shall have called such meeting, if present, or the militia officer highest in grade, or the senior of those of equal grade present thereat shall preside), to vote any sum or sums of money for the purchase of a lot of ground for the site of a school-house, or for the building or repairing of any school-house, or for the support of any school-house or teacher for such school district; and such vote shall also specially state the greatest amount of the expenses which may be incurred in levying such sum or sums, and also the manner in which the repartition or assessment thereof upon the electors qualified as aforesaid shall be made: provided always, that the notice of such meeting shall specially set forth the object or objects for which such vote is proposed, and be read in an audible voice at the several places of divine worship in the parish or township or extra-parochial place, or other more public place, in which such school district is situate, immediately after divine service in the forenoon, on two Sundays or obligation holidays immediately preceding the day fixed for such meeting, and such notice shall be posted on the door of the school-house of the district in which such meeting shall be called, during the eight days before such meeting: and provided also, that it shall also be otherwise published according to the provisions of this Act; and at any such meeting it shall be lawful for any six voters qualified as aforesaid, to require the adjournment of such meeting (which shall be adjourned accordingly by the person presiding thereat), to the second Monday of the then next month, and of such adjournment due notice shall again be given in the manner hereinbefore provided, and according to the provisions of this Act: provided always, that at such meeting (which may adjourn on the requisition of six voters as aforesaid), the decision of the majority of the persons present thereat shall be final for such year.

13.—That when any vote of a sum or sums of money shall have been passed at any such meeting held as aforesaid, the amount and object thereof shall be certified by the person presiding, together with the notice or notices of such meeting, and the manner in which the repartition or assessment is to be made, to the school trustees for the district, who shall cause a repartition to be made of such sums among the qualified electors residing within their school district, in the manner decided upon at such meeting; and such repartition, with a statement of the expenses of making the same, signed by such trustees or a majority of them, shall be published in a manner and form prescribed with regard to the notices of meetings by this Act; and such notice shall contain a statement of the time and place when and where the said repartition will be presented for confirmation before the justice of the peace residing in the county, and nearest to such school district (who shall be named in such notice), and that all objections to the same will then and there be heard and finally determined; and such justice of the peace is hereby required and empowered to hear and determine the same in a summary manner, according to the evidence which shall then and there be adduced before him, on oath, and he is hereby authorized and required to administer all oaths requisite to enable him so to determine the same.

14.—That such repartition being duly confirmed and certified to be so by such justice of the peace, the amount thereof shall be paid by the persons therein named respectively to the school trustees of the district, within 15 days from the date of such confirmation, or within 15 days after the time fixed by the majority of the inhabitants present at such meeting for the payment of such cotization, or in default of payment by any such person of the sum or of any part of the sum in which he is assessed by such repartition, such sum or part thereof as shall not have been paid, may be levied by warrant of distress, and by the sale of the defaulter's goods and chattels under such warrant, which may be issued by such justice of the peace, on the inspection of the repartition and certificate of confirmation thereof, and on the oath (which oath such justice is hereby empowered to administer) of one of the school trustees, that such sum or such part thereof as aforesaid is then unpaid: provided always, that the delay between the seizure and sale under such warrant shall be the same as that allowed by law between the seizure and sale under writs of execution issued out of the Courts of King's Bench sitting in inferior term.

28.—All parties intrusted with the distribution of money under this Act, *with the exception of the school-visitors who distribute the prize-money*, to account by vouchers for the same.

The provisions contained in various clauses for the election of trustees and masters, and the qualifications required of the latter are very much the same as those of preceding Acts.

Appendix (C.)

TABLEAU des Ecoles Catholiques du Diocèse de *Quebec.*

NOMS des PAROISSES.	Nombre d'Ecoles			Nombre d'Eléves.	Ecoles de Fabrique.	Outre la Lecture Française et l'Ecriture, on enseigne.
	De Garçons.	De Filles.	Mixtes.			
S. D. de Québec	9	8	2	1,427	-	(Le Seminaire non compris.)
S. Roch de Québec	5	6	-	540	-	Français, Anglais, Arithmétique, Géographie, &c.
S. Luce de Rimousky	1	-	-	20		
S. Germain de Rimousky	1	-	-	20		
S. Simon.						
Trois-Pistoles	-	-	1	20	-	Arithmétique.
Racouna.						
Isle-Verte	-	-	1	40	-	Grammaire Française, Arithmétique.
Rivière du Loup	-	-	1	35	-	Ditto, et Anglaise, Arithmétique.
S. André	-	-	2	49	-	Ditto.
S. Paschal.						
Kamomaska	4	3	-	259	3	Grammaire Francaise et Anglaise, Arithmetique, Géographie.
Rivière-Ouelle	-	Point de réponse.				
S. Anne Lapocatière	2	1	1	80	-	Arithmétique.
S. Roch des Aulnets	1	2	-	131	2	Arithmétique, Géographie, Grammaire Française et Latine.
S. Jean Portjoli	-	-	1	30		
Islet	-	1	2	52	-	Arithmétique. (Ecole de fille soutenue par le curé.)
Cap S. Ignace	-	-	2	31	-	Arithmétique, Grammaire Française et Anglaise. (La fabrique donne quelquechose.)
Isle aux Grues	-	-	1	28	-	Lecture Anglaise et Arithmétique.
S. Thomas	5	1	-	200	-	Grammaire Française et Anglaise, Géographie. (Une maison fournie par la fabrique.)
S. Pierre, Rivière du Sud	-	1	1	55	-	Ditto, Arithmetique.
S. François, Rivière du Sud	-	1	-	40	-	L'école da fille est tenue par les sœurs de la congregation e.
Berthier	-	-	2	53	1	Arithmetique.
S. Vallier	1	-	-	30	1	Ditto.
S. Michel	1	1	3	131	-	Ditto, Anglais dans deux. (La fabrique fournit.)
Beaumont	-	1	1	42	-	Ditto, Grammaire Française et Latine, dessin broderie.
S. Charles	-	-	5	125	3	Ditto.
S. Jervais	3	1	-	100	-	Ditto, dans une, Grammaire Française et Anglaise.
S. Anselme	2	1	-	40	-	Ditto.
S. Claire	-	-	2	35	-	
Frampton	Point d'école.					
S. François de la Beauce	-	Ditto	-	-	-	Dans ces paroisses les écoles ont cessé depuis quelques années, par le defaut de la récolte.
S. George, ditto	-	Ditto				
S. Joseph, ditto	-	Ditto				
S. Marie, ditto	1	1	-	65	-	Arithmétique. (L'école des filles est tenue par les sœurs de la congregation.
S. Jean-Chrysostome	-	-	2	55	-	Une école Anglaise sous le systéme de Lancastre.
S. Henri de Lauzon	1	-	2	83	-	Grammaire Française et Arithmétique.
S Isidore	-	-	1	20		
S. Silvestre	-	-	2	80	-	Arithmetique.
Pointe-Lévi	-	-	3	70	-	Ditto.
S. Nicolas	-	-	5	91	-	Ditto, Anglais et Français, Géographie.
S. Antoine de Tilly	-	-	4	100	-	Dans trois on enseigne la Grammaire Française et Anglaise et l' Arithmétique.
S. Croix	-	Point de réponse.				
Lotbinière	-	-	3	1	1	Dans une, Grammaire Française et Latine.
S. Jean Deschaillons	-	-	1	10	-	Arithmétique.
S. Urbain	-	-	1	24		
S. Agnès	-	Point.				
Shalbaie	-	-	4	125	-	Arithmétique, Geographie.
Eboulermene	1	1	-	64	-	Ditto, Grammaire Française.
Isle aux Coudres	1	1	1	108	-	Arithmétique. (La fabrique donne le ¼ de ses révénus à ces écoles.)
Baie S. Paul	1	1	2	104	-	Grammaire Francaise, chez les filles, dessin et broderie.
Petite-Rivière	-	-	1	9		
S. Joachim	-	1	-	36	-	Grammaire Française, Arithmétique, broderie.
S. Anne	1	1	-	30	-	
Chateau-Richer	-	-	1	60	-	Grammaire Française et Latine. (Maison fournie par la fabrique.)
Ange-Gardien	-	-	1	25	-	Arithmétique.
S. Laurent, Isle d'Orleans	-	-	1	30	-	Un peu d'Anglais.
S. Jean, ditto	-	-	3	45	-	
S. François, ditto	-	Point.				
S. Famille, ditto	1	1	-	65	1	Arithmétique, Géographie. (L'Ecole des filles est tenue par les sœurs de la congregation.)

(*continued.*)

TABLEAU des Ecoles Catholiques du Diocèse de Quebec—*continued.*

NOMS des PAROISSES.	Nombre d'Ecoles			Nombre d'Eléves.	Ecoles de Fabriques.	Outre la Lecture Française et l'Ecriture, on enseigne.
	De Garçons.	De Filles.	Mixtes.			
S. Pierre, Isle d'Orleans	-	Point.				
Beauport	-	-	2	45	-	Arithmétique.
Charlebourg	-	-	4	120	-	Ditto. (Un peu d'Anglais dans trois.)
S. Ambroise	1	-	2	60	-	Dans une, Grammaire Française et Anglaise, Arithmétique.
Ancienne-Lorette	-	-	2	90	1	Arithmétique, Grammaire Française.
N. D. des Anges	-	1	-	46	-	Tenue par les religieuses, Enseignement tel qu'aux Ursulines.
S. Foye	1	1	1	53	-	Une Anglaise exclusivement.
S. Augustin	2	2	-	120	2	Arithmétique.
Pointe aux Trembles	1	1	-	72	-	(L'école des filles tenue par les sœurs de la congrégation.)
Ecureuils	-	-	1	18	-	Arithmétique.
Cap Sante	-	-	3	67	-	Ditto, Grammaire Française et Anglaise, Histoire.
Deschambault	-	-	2	70	-	Dans une, Grammaire Française et Anglaise; dans l'autre, Français et Latin.
Grondines	-	Point.				
S. Horne Lapérade	-	-	1	30	-	Arithmétique.
S. Genevieve	-	-	1	16		
S. Stanislas	-	Point.				
Batiscan	-	Point.				
Champlain	-	Point.				
Trois-Rivières	4	2	-	250	-	Français, Anglais, Arithmétique. (Ursulines.)
Pointe du Lac	-	-	-	20	-	Arithmétique.
Yamachiche	-	-	1	85	-	Ditto, Géographie, Grammaire Française; dans une, Grammaire Latine.
S. Léon	-	Point.				
Rivière du Loup	3	1	-	98	-	Arithmétique.
Maskinongé	-	-	1	30	-	Ditto, Grammaire Française et Anglaise.
S. Guillaume d'Upton	-	-	1	40		
S. David	1	1	-	70	-	Ditto, Grammaire Française.
Yamaska	-	-	1	30	-	Ditto, Géographie.
S. François	3	4	-	135	1	Ditto - ditto.
S. Zéphirin	-	-	1	20		
Baie du Febvre	-	-	5	110	-	Arithmétique et Grammaire Française; dans une, Grammaire Anglaise.
Nicolet	1	1	3	170	-	(Le collége non compris.) Arithmétique, Géographie.
S. Grégoire	1	2	2	106	1	Arithmétique, Grammaire Française.
Békancourt	1	1	1	85	2	Ditto - - ditto.
Gentilly	-	-	3	82	-	Ditto.
Blandford	-	-	2	30	-	Ditto.
S. Pierre Lesbecquets	-	-	1	35	-	Ditto - - ditto.

Appendix (D.)

EDUCATION COMMISSION.

Sir, Union-buildings, Quebec, September 13, 1838.

As it would be impossible for me to visit in person, within any reasonable period, all the school districts in the Province, I am obliged to have recourse to the following means of obtaining the local information indispensable to my inquiry into the state of education.

The inclosed tables, and the explanation of them subjoined to this letter, will clearly point out the nature of the information I am in search of, and the form in which it is to be conveyed

I have by this same post written to the gentlemen whose names are on the accompanying tables, and directed them to assist you in filling them up.

You will have the goodness, before sending in your returns, to subscribe each of your signatures in the space allotted for that purpose on the back of Table No. 1, taking care, when any of you differ as to the correct answer to any particular question, to state the grounds of such difference, and the name of the dissentient, in the manner pointed out in the explanations; and also, when you are unable to give any answer at all, to state the fact, and cause, of such inability.

In case I should have omitted, from my want of local knowledge, to request the assistance of any person in your neighbourhood, peculiarly qualified to give the information which I require,—may I beg you to supply the omission, and to add such party to the others, to whom my circulars are addressed.

I am aware that complete accuracy in your answers will in many cases be impossible; at the same time I would remind you that those answers will be published, and that they will form part of very important data, as illustrative of the present state of education in the Province, and suggestive of various improvements for a future system.

I must

I must also request you to use the utmost possible despatch in sending in your returns, as my future operations depend materially upon them.

The address to which they are to be sent is printed on the outside of the envelope in which this and the other papers will come to you.

In case the accompanying tables should not be sufficient to comprise all the school districts in your Mr. Joseph Cary, inspector of public accounts, will, upon your application, supply you with any further number of tables you may require.

I have the honour to be,
Your obedient humble servant,

Arthur Buller,
Chief Commissioner.

EXPLANATION of the accompanying TABLES.

TABLE, No. 1.

IN this Table are to be stated,

1. The number of elementary school districts into which the was divided, at the time of the expiration of the late School Act; viz. in April 1836.
2. The number by which each of these school districts was ordinarily designated in the school returns made under the late Act, as "School District, No. 1," "No. 2," &c.
3. The boundaries of each school district, as they were then established.
4. The state of the school in each district. Is it now open; and, if so, has it been ever discontinued since the School Act expired, and how long? If not now open, when was it given up?
5. The government of each school. Is it a school under trustees chosen in pursuance of the School Act, or is it a Royal Institution, fabrique or proprietor's school, adopted by the district?
6. The date of the first opening of each school.
7. Whether there is a school house in the district; and if there be, what kind of house it is, and its value.
8. Whether there is any land belonging to the school; and if there be, its extent (including the lot on which the school-house stands), and value.
9. Whether the school has any other property (furniture, books, or any thing else) belonging to it; and if so, of what description is such property, and what is it worth?
10. The present state of the house, land, or other property, as regards repairs, cultivation, &c.
11. The person or persons occupying said house or land, or using or keeping said other property. The name and address to be given. By what right and in what manner do they so occupy or use it.
12. The person or persons in whom said property, of whatever kind, is by law vested. Name, occupation (notary, justice of the peace or other public officer?) and address to be given.
13. In what capacity said persons are its legal proprietors; whether as trustees chosen under the provisions of the late School Act, or in any other capacity.
14. By what legal instrument said property has been conveyed to them (i. e. in case the school in question is not a proprietor's school).
15. The date of said legal instrument.
16. In whose hands the said instrument is. Name, occupation and address to be given, as above.
17. The date of the last election of trustees for each school that is under trustees.

N. B.—The first of the above questions is to be answered in the heading prefixed to the table. The others are to be answered in the order in which they are put, each in that column of the table marked out for it. Lines are ruled across the table, to divide off a convenient space for each school district. If the space allowed for any particular answer is found insufficient, the answer can be finished on the other side of the paper; or, if necessary, two or more spaces can be taken up with one school district.

In the case of any school district in which there is more than one elementary school to report upon, one space at least should be taken for each school.

TABLE, No. 2.

In this Table are to be stated the following particulars relative to the teachers of the several elementary schools mentioned in the former table, the subjects taught in each, and the school-houses, where there are any:

I. THE TEACHER.

1. Name of teacher or teachers in each school, in the month of April 1836, and also at the present time (if there be any).
2. Religion of each of such teachers, whether catholic or protestant.
3. Language of each teacher; whether acquainted with French only, or with English only, or with both.

4. General qualifications of each teacher. Is he well qualified or not, to teach what he professes to teach? In any case where a teacher is unable to write or to read, or writes or reads indifferently, it is particularly desired that such fact should be distinctly stated. Any other deficiency should also be stated. And in like manner, where a teacher is looked upon as particularly well qualified for teaching in general, or for teaching in any particular branch, that fact also should be stated.

5. How and where each teacher has been educated.

II. The Subjects Taught.

1. Number of pupils learning the French language. All children, whether of French or English families, are to be included as learning French, though they may not learn French grammar, if they are required to learn other lessons, or to talk, in French. Where French grammar is taught, it is to be stated in the answer to Question, No. 8, of this table, among the "other subjects."

2. Number of pupils learning the English language. The same remark to be attended to as in the former column.

3. Number learning both languages. Same remark to be attended to as in the two former columns.

4. Number learning to read English.

5. Number learning to read French.

6. Number learning to write.

7. Number learning arithmetic, and the amount of arithmetic that is taught.

8. What other subjects are taught, and to how many pupils each is taught. It should also be stated how much is taught on each subject.

9. What moral and religious instruction, and how conveyed. Is the Bible or any portion of the Bible used, as a reading book or otherwise? If so, what version is used, how often is it used, and is any explanation given by the teacher? Is any catechism taught; and if so, what catechism, and how frequently? Are any other religious books used? Do the clergy, or any other persons of any denomination, visit the school, to give religious instruction; and if so, of what donomination, and how frequently?

10. The school books used.

III.—The School-house, if any.

1. When built.

2. Whole cost of ground and building. The cost of ground and building to be stated separately.

3. Amount of public money received to defray the expense of building.

4. The manner in which the rest of the money was raised. Any debt still owing on this account to be specified.

N. B.– The answers on the above subjects are to be given each in its proper column, as in the former table. Double lines are ruled across the table, to divide the returns for the several schools from one another. The space allotted to the answers for each school to those questions which relate to the teachers and subjects taught, is further divided by a single line, that two separate answers may be given to each of these questions,—one for the month of April 1836, and the other for the present time. Wherever any space is insufficient, the answer can be finished on the other side.

In the first column in this table is to be written the number of each school district, to correspond with the numbers used in Table, No. 1. Wherever there may be more than one school in a district, a separate space should be taken for each school, as in Table, No. 1.

Table, No. 3,

Is to be filled up as follows:—

1. In the first column, the number of each school district is to be set down, to correspond with Tables No. 1 and No. 2.

2. The population of each school district is to be stated, in the next six columns, viz:—

In the first and second of the six columns, the whole number of males and females respectively, in each school district.

In the third and fourth, the whole number of persons who are of English and French origin, respectively.

And in the fifth and sixth, the whole number of Protestants and Catholics respectively.

3. The number of children between five and 15 years of age, in each school district, is to be stated in the same manner, in the next six columns.

4. The number of persons above 15 years of age, in each school district, who can read and write sufficiently well for all ordinary purposes, is to be stated in the next two columns the first column containing the number of males, and the second the number of females.

5. The number of persons above 15 years of age, in each school district, who can read but cannot write, is to be stated in the same manner, in the two columns next following.

6. The number of children between five and 15 years of age in each school district, who can read and write sufficiently well for all ordinary purposes, is to be stated in the same manner, in the next two columns.

7. And

7. And the number of ditto who can read but cannot write, in the two following.

8. In the next eight columns, the number of children in each school district, between five and 15 years of age, actually attending an elementary school, in the month of April 1836, when the late School Act expired, is to be stated, viz:—

In the first and second, the number of boys and girls, respectively.

In the third and fourth, the number of English and French origin, respectively.

In the fifth and sixth, the number of Protestants and Catholics, respectively.

And in the seventh and eighth, the number entered on the school books, as free scholars and paying scholars respectively.

9. In the eight columns following, a corresponding return is to be made, of the number of children in each school district, attending an elementary school at the present time.

N.B.—The lines ruled across this table, mark off, as in the two former tables, the space to be taken up with the return for each school district.

Table, No. 4.

Is to contain the following general statements in regard to the elementary schools in the for each school year, from the year ending in November 1828, to the present year (both inclusive).

1. The whole number of elementary schools in actual operation each year.
2. How many of them received public money each year.
3. How many school houses there were in actual use each year.
4. The number of masters of elementary schools employed each year.
5. The number of mistresses of elementary schools employed each year.
6. The whole number of pupils entered on the books of the elementary schools for each year, specifying the number of boys and girls, and of free and paying scholars, respectively.
7. The average number of pupils actually attending said schools each year, specifying the number of boys and girls respectively.
8. The gross receipts of the elementary school teachers for each year, specifying the amount received by them from the public funds, from the scholars, and from other sources.

N.B.—The lines ruled across this table divide off a space sufficient for the returns of each school year.

Table, No. 5.

Is to contain the same kind of information in regard to any parts of the that may not be included in the school districts, which is required in Table, No. 3, in regard to the school districts.

The first column is to contain a specification of the situation and extent of each such tract; and the subsequent columns are to be filled up in the same manner as the corresponding columns in Table, No. 3.

Where more than one tract is described in the first column, lines should be ruled across the table, to divide the answers which relate to each, from those referring to another.

Table, No. 6.

In this table is to be furnished the following information relative to any other Institutions for Education in the , besides those returned in the foregoing tables:—

In the first column, every such institution is to be named and described; stating whether it is a boys' or girls' school, a common or superior school, academy or college, its precise locality and the average age of its pupils.

Any girls' school in a parish, which has received the public allowance of 20 *l.* (currency) per annum, under the late School Act, is to be returned in the former tables, as an elementary school, in the school district in which it is situate; and the questions put in those tables are to be answered in regard to such school, and not those only which are given in this table. Any other girls' school will be returned in this table.

In the subsequent columns successively, will be given the particulars in regard to each, which are indicated in the table itself. Any other particulars that may suggest themselves, can be stated in the column of "remarks" or elsewhere.

Where more than one Institution is to be reported upon, it would be well to rule lines across the table, to divide the several reports from one another.

It is of course desirable that all the returns asked for in the above Tables, should be rendered as nearly exact as possible. Where for any reason it is not found possible to make them exact, the word "about" should be prefixed to those estimates which are at all conjectural.

In case of a difference of opinion on any point, between the gentlemen to whom these inquiries are addressed, it is desirable that the fact should be stated in the column of "Remarks," or in any other more convenient manner.

TABLE, No. 1.

County of | Township or Parish of | containing | Elementary School Districts, in the Month of April 1836.

No. of each School District.	What are the Lines of demarcation between the several Districts?	Is the School now in operation, or not? If now in operation, has it been at any time discontinued since April 1836, and how long? If not now in operation, when was it given up?	Is it under the Royal Institution, the Fabrique, Trustees, or a Proprietor?	When was it first opened?	Any School-house; and if so, of what description and value?	Land, (Site of School-house included,) how much, and of what value?	Any other Property; and if so, of what description and value?	Present condition of House and her Property.	By whom occupied or used; in what capacity and how.	Property, in whom legally vested; name.	In what capacity, as Trustees, or otherwise?	If not a Proprietor's School, by what Instrument has said Property been conveyed?	Date of said Instrument.	In whose Hands is said Instrument?	Date of last Appointment of Trustees.	REMARKS.

Table, No. 2.

Number, &c. of School District.		TEACHER.					SUBJECTS TAUGHT.										SCHOOL-HOUSE, if any.				Remarks.
		NAME.	Religion, Catholic or Protestant?	Language, French, English, or both?	General Qualifications for teaching the Subjects taught in the School.	How and where Educated?	French Language, and to how many Pupils?	English Language, and to how many Pupils?	Both Languages, to how many Pupils?	How many taught to read French?	How many taught to read English?	How many taught to write?	How many learn Arithmetic, and how much Arithmetic is taught?	What other Subjects are taught; and to how many Pupils is each taught?	What moral and religious Instruction, and how conveyed?	What School Books are used?	When built?	Cost of Ground and Building.	How much received from the Public Chest?	The Rest of the Cost, how raised?	
	In April 1836.																				
	Now.																				
	In April 1836.																				
	Now.																				
	In April 1836.																				
	Now.																				
	In April 1836.																				
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	In April 1836.																				
	Now.																				
	In April 1836.																				
	Now.																				
	In April 1336.																				
	Now.																				

Table, No. 3.

Number of District.	Population of each District.						Number of Children between Five and Fifteen Years of Age, in each District.						Number of Persons over Fifteen Years of Age, who can Read and Write well enough for ordinary purposes.		Number of Persons who can Read, but cannot Write.		Number of Children between Five and Fifteen Years of Age, who can Read and Write well enough for ordinary purposes.		Number of Children who can Read, but cannot Write.		Number of Children, between Five and Fifteen Years of Age, actually attending Elementary Schools, in the Month of April, 1836.								Number of Children actually attending Elementary Schools, at present.								Remarks.
	Sex.		Language.		Religion.		Sex.		Language.		Religion.										Sex.		Language.		Religion.		Entered as Free Scholars.	Entered as Paying Scholars.	Sex.		Language.		Religion.		Entered as Free Scholars.	Entered as Paying Scholars.	
	Male.	Female.	English.	French.	Protestant.	Catholic.	Boys.	Girls.	English.	French.	Protestant.	Catholic.	Male.	Female.	Male.	Female.	Boys.	Girls.	Boys.	Girls.	Boys.	Girls.	English.	French.	Protestant.	Catholic.			Boys.	Girls.	English.	French.	Protestant.	Catholic.			

TABLE, No. 4.

School Year	Number of Elementary Schools.	How many of these received Public Money?	How many of them have School-houses?	Number of Masters of Elementary Schools.	Number of Mistresses of Elementary Schools.	Number of Pupils entered on the Books of these Schools.				Average Number of Pupils actually attending said Schools each Year.		Actual Receipts of Elementary School Teachers.			REMARKS.
						Boys.	Girls.	Free.	Paying.	Boys.	Girls.	From the Public Funds.	From Scholars.	From other Sources.	
Ending November, 1828 -															
,, 1829 -															
,, 1830 -															
,, 1831 -															
,, 1832 -															
,, 1833 -															
,, 1834 -															
,, 1835 -															
,, 1836 -															
,, 1837 -															
,, 1838 -															

TABLE, No. 5.

Do the School Districts named in the foregoing Tables comprise the whole of the ? And if not, what Parts of it are not comprised within the Limits of the said School Districts? Mention, as accurately as you can, the Situation and Extent of each of them, separately.	State the Population of each Tract of Country, described in the Answer to the foregoing Question.						The Number of Children between Five and Fifteen Years of Age, in each.						The Number of Persons in each, over Fifteen Years of Age, who can read and write well enough for ordinary purposes.		The Number of Persons in each, over Fifteen Years of Age, who can read but cannot write.		The Number of Children between Five and Fifteen Years of Age, who can read and write well enough for ordinary purposes.		The Number of Children between Five and Fifteen Years of Age, who can read but cannot write.		REMARKS.
	Sex.		Language.		Religion.		Sex.		Language.		Religion.										
	Male.	Female.	English.	French.	Protestant.	Catholic.	Boys.	Girls.	English.	French.	Protestant.	Catholic.	Male.	Female.	Male.	Female.	Boys.	Girls.	Boys.	Girls.	

TABLE, No. 6.

Are there in the any other Institutions for Education, besides the Schools returned in the forogoing Tables? If so, name and describe them, as required in the accompanying "Explanation."	Name the Teacher or Teachers at present engaged in each.	The Number of Pupils in each.		The Subjects taught, and the Number of Pupils studying each.	The Books used as School Books.	The Parties who have the Management of the Institution; and state also in what capacity they conduct its affairs, whether as Trustees or otherwise.	When was the Institution first opened?	What are its means of support?			If not strictly a private Institution, what Property (House, Land, Furniture or other Property) has it? And what is the value of the same?	REMARKS.
		Boarders.	Day Scholars.					From the Pupils? State the Yearly Amount and Rates of Payment.	From the Public Chest? How much received, and when?	From any other Sources? And how much from each.		

APPENDIX (E.)

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COPY of a LETTER from the Earl of *Durham* to the Marquis of *Normanby*.

My Lord, Cleveland Row, 31 May 1839.

THE last portion of the Appendix to my Report on British North America, which I have now the honour of transmitting to your Lordship, consists of Reports from Mr. Buller and Mr. Turton on two questions of considerable importance, to which I instructed them particularly to direct their attention. Mr. Turton's Report contains the draft of an Ordinance for the establishment of a general registry of lands in the province of Lower Canada, with some explanatory remarks: Mr. Buller's consists of a statement of the steps which he took with a view of effecting the incorporation of the seminary of St. Sulpice of Montreal, and the enfranchisement of that city from the feudal tenure, with the heads of an agreement respecting the most important points of such a measure, to which he succeeded in securing the assent of the parties chiefly interested therein. Appendix (E.)

The importance of these questions, together with the strong and general desire existing in Lower Canada for the speedy and satisfactory settlement of them, are so well known to your Lordship, that I need be at no pains in enforcing the necessity of a prompt and full consideration of the Reports which I now transmit, or of the adoption, at the earliest possible period, of the legislative measures requisite for carrying into effect such of their recommendations as may be judged sound and practicable. I have to regret that the labours of Mr. Buller and Mr. Turton could not, with the utmost diligence on their part, be brought to a close till it was too late for me to take upon myself, as I wished, the duty of proposing to my special council Ordinances founded on their recommendations.

I have, however, within the last few days, received from Lower Canada the very satisfactory information that the labours of my mission have been continued by my successor, and that his Excellency the Governor-general has, with the advice of his special council, passed an Ordinance for the incorporation of the seminary of St. Sulpice, which I have inserted in this Appendix. It will be perceived that this Ordinance is in all respects framed on Mr. Buller's agreement with the superior of the seminary which precedes it in the annexed Report. By the last clause it is provided that the Ordinance shall be of no force until sanctioned and rendered permanent by the Imperial Parliament, or by such future legislative authority in the province as shall be empowered to pass permanent laws. I have received a letter from the superior expressive of the anxiety with which the respectable community that he represents desires the immediate sanction of the Imperial Parliament to a measure which shall put an end to their doubts on the subject. The assent of the present special council, which contains not only those who may fairly be regarded as the true representatives of the British population of Montreal, but also most of those who from property or residence are themselves most interested in the question, may, I think, be considered conclusive proof of a general concurrence, on the part of the public, in the equity and expediency of the course adopted. I have heard of no indications of a contrary feeling on the part of any portion of the population of Lower Canada; I cannot therefore refrain from impressing on your Lordship, in the most earnest manner, the propriety of losing no time in at once proposing to Parliament a Bill for giving permanent force to the Ordinance in question. To me personally it will indeed be a source of great

Appendix (E.)

gratification, if the attention which, amid all the more important subjects of inquiry and more pressing demands on immediate action, could be devoted to this subject by my mission shall have been the means of removing a cause of much harassing doubt and controversy, and of conferring a great practical benefit on the inhabitants of the most populous city of the Province.

I have not received any intelligence of the adoption, by the special council, of any measure with respect to the registration of real property. If the draft of the Ordinance prepared by Mr. Turton shall meet with your Lordship's approbation, I should recommend that it be sent out to the Governor-general, with instructions to propose it to the special council, with a clause similar to that in the accompanying Ordinance respecting the seminary, suspending its operation until it shall have been sanctioned and rendered permanent by an Act of the Imperial Parliament. In such case it will be advisable that Parliament should give the special council a power of imposing such fees and fines as may be requisite for establishing a general registry of real property.

I have &c.
(signed) *Durham.*

REPORT from the CHIEF SECRETARY, on the COMMUTATION of the FEUDAL TENURES in the Island of *Montreal*, and other Seigniories in the Possession of the Seigniory of *St. Sulpice* of *Montreal*.

My Lord,

I HAVE great satisfaction in being able to state that the steps which, in compliance with your Excellency's instructions, I have taken with respect to the enfranchisement of the Island of Montreal from the feudal tenure, have resulted in a settlement of the principal points in a manner, which has been considered satisfactory by the parties most interested in the matter.

It is not necessary for me to give for the information, either of your Excellency or of Her Majesty's Government, any detailed account of the peculiar circumstances, which distinguish the enfranchisement of the Island of Montreal from the general question regarding the feudal tenures throughout the province; and which, in that district, render the existence of that tenure peculiarly undesirable, and its removal by voluntary arrangement peculiarly easy. The seigniory of Montreal comprises the whole island of that name, and includes the city together with the ground, over which it must in the progress of time extend itself. In such a spot the pernicious influence of these feudal tenures, which in all parts of the province retard the extension of its commerce and the developement of its natural resources, is felt with augmented force, as presenting a barrier to the enlargement and improvement of the city. The fines on alienation, which impede the transmission of land, and impose a heavy tax on every improvement, while they are injurious to the use of land for agriculture, are infinitely more fatal to its being rendered applicable to building purposes. The existence of the feudal tenure has been the occasion of loud and long complaint among the mercantile population of Montreal; and has been perceived to be the main cause of the slow progress both in extent and prosperity of a city, which, as well from its position at the confluence of the St. Lawrence and the Ottawa, and at the highest point at which the river is navigable from the sea, as from the increasing resources of the rich and extensive territories drained by these waters, possesses every capability for being ere long one of the greatest marts of trade and seats of population on the American continent. And, however the progress of Montreal may have suffered from those unfortunate causes, that have hitherto operated so prejudicially on the general interests of the British colonies in North America, it may fairly be concluded, that if this peculiar obstacle to its prosperity were removed, the city would receive an impulse to its improvement, that no other circumstances could entirely counteract.

The possession of this seigniory by the ecclesiastical body of the Seminary of St. Sulpice, fortunately affords facilities which render it very practicable to effect a voluntary commutation in the Island of Montreal, without waiting for the completion of that general commutation of the feudal tenure, which, it is to be hoped, will before long be carried into effect throughout the province of Lower Canada. The complete view of this subject, which is given in the fifth report of the Canada Commissioners, renders it unnecessary that I should enter into any narrative of the circumstances, under which the body now forming the seminary became possessed of its present estates, and of the doubts which exist as to its title to them. Notwithstanding the arguments, which I have heard urged on the other side, I have found no reason to question the soundness of the conclusion, at which the Canada Commissioners arrived, against the justice as well as against the policy of any attempt on the part of the Crown to dispute the legal title of the seminary, and to enforce claims which have practically been long suffered to lie dormant. "Whether or not," say the Commissioners, "the legal title be in the seminary, the King has done numerous acts which would render it very derogatory to the honour of the Crown to contest it, except for

for the attainment of some great public good, which could not be gained by any other means." The report of the Commissioners, and the treaty which they attempted to negociate with the seminary are additional and important recognitions on the part of the Crown, of the title of that body. Nor is the establishment of the seminary in the undisputed possession of this property demanded less by good policy than by equity. The purposes to which its means are applied are those of the most indisputable and essential public utility. The parochial duties of the whole city of Montreal are gratuitously discharged by its members. A considerable portion of its revenues is devoted to the maintenance of large and useful institutions of education; another portion supports missionary establishments among the Indians; and after satisfying the many claims on its charity, which its generosity has has always been in the habit of admitting as paramount, a scanty pittance is left for the frugal maintenance of the individual members. The functions, which the seminary thus takes on itself, are such as the Government must provide means for discharging, were it to deprive the seminary of the power; and it is difficulty to conceive that a provision so satisfactory and so economical could be made in any other way. Without, therefore, producing the slightest practical advantage, the attempt to enforce the alleged legal rights of the Crown, would, if successful be regarded as a wanton attack on a most respectable body of the clergy of the whole of the ancient, and of a large proportion of the emigrant population of the province. It would be regarded, not without justice, as an attack marking as little gratitude as prudence on the part of the British Government. For during the recent troubles, as well as in preceding periods, the seminary of Montreal has been conspicuous among the clergy of the province by its zealous and unshaken loyalty. To its efforts, and the exercise of its influence at the most alarming crisis, we may attribute the security of the city from some of the formidable dangers which menaced it.

The doubts, however, which hang over the title of the seminary, necessarily render that body desirous of obtaining a formal recognition or confirmation of its rights, which may secure it not only against adverse claims on the part of the Crown, but against the resistance to its just demands, on which some of its tenants have occasionally ventured, relying on its unwillingness to enforce them by a suit at law, in the course of which its whole proprietary rights might be called in question. And though for the reasons on which I have dwelt, nothing could be less advisable than any attempt on the part of the Crown to enforce its own dormant claims, or to exhibit any unwillingness to recognize those of the seminary, it is not inconsistent with equity or sound policy that it should take advantage of the occasion of giving a new name and title to this property, to make such stipulation for an alteration of its mischievous incidents, as the public interest demands. The Crown has, therefore, while it has shown the greatest readiness to confirm the seminary in the possession of its present estates, stipulated that the concession on its part shall be accompanied by the enfranchisement of the Island of Montreal from its feudal burdens. To this condition the seminary has in the most ready and generous manner acceded. The terms proposed by it to the Canada Commissioners appeared to them so liberal that they unhesitatingly recommended their adoption in the report, which I have quoted above. And your Excellency was so much of the same opinion, that in compliance with your instruction I made the recommendations of the Commissioners the basis of the plan by which I proposed to effect the commutation.

Your Excellency is aware of the objections which were raised to the plan, when it became generally known that it was to be based upon the recommendation of the Canada Commissioners. I need not now recall to your Excellency's recollection the unreasonable nature of the demands urged by some of the inhabitants of Montreal in a petition presented on your return from the Upper Province at the end of July, nor the intemperate language in which that document was couched. I allude to it only for the purpose of noticing the fact that, while the greater part of the English inhabitants of Montreal disclaimed any participation in the desire which some of the petitioners seemed to entertain that the Crown should avail itself of its alleged legal rights to impose the hardest terms on the seminary, it appeared to be the general wish that some alteration should be made in the terms proposed, and that the Government in giving the seminary an indisputable title to its possessions, should stipulate for their due application to purposes of public utility, and guard against the accumulation of a large landed property giving great political influence over the city of Montreal in the hands of an ecclesiastical corporation. The seminary objected to many of the proposals made by the other party, as wantonly interfering with its ecclesiastical independence and dignity, and unduly curtailing the amount of its future revenues. It is not till very recently that I have been enabled to get the consent of the seminary to the heads of an Ordinance which, I am happy to say, has been also agreed to by those who may fairly be regarded as representing the feelings of the British party on this point. I submit these heads to your Excellency, feeling that, in the present state of affairs, it would be useless to reduce them into the form of Ordinance, Letters Patent, or other formal and conclusive document.

It is proposed,—

1. That the superior and ecclesiastics of the seminary of St. Sulpice of Montreal be formed into a corporation, for the purposes to be specified in the Ordinance, Act of Parliament, or Letters Patent: Provided that the rules of management of the corporation be not valid without confirmation by the Government.

2. That their title to their three present seigniories be confirmed and acknowledged by the Crown on the conditions annexed.

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3. That with respect to present arrears of "lods et ventes," calculated by the seminary at 44,000*l.* for the Island of Montreal, and 12,700*l.* for the other two seigniories, and also with respect to all fines that may accrue in future, they shall not demand for each mutation more than one-twentieth of the value on each lot having buildings, and being with the buildings of the value of 500*l.* and upwards, within the city of Montreal, or more than one-sixteenth where the land is outside the city, or where with the buildings on it, it is of less value than 500*l.*

4. That these arrears be paid within seven years without interest, in seven annual instalments; any default for three months after demand, to render the whole of the remainder exigible immediately.

5. That the seminary be bound to commute, on demand, all its seigniorial rights, provided that no censitaire shall be entitled to demand commutation until he shall have paid up all his arrears of seigniorial dues.

6. That the cens et rentes be commuted by payment of the capital represented by them at the legal rate of interest.

That the lods et ventes of any lot within the city of Montreal, and having buildings on it, and being with such buildings of the value of 500*l.* and upwards, shall for the first seven years from the date of the letters patent be commuted for a payment of not more than one-twentieth of the value of such lot.

At the end of seven years and before the end of fourteen from the same date for a payment of not more than one-eighteenth.

At the end of fourteen from the same date, for a payment of not more than one-sixteenth.

That the lods et ventes of any lot within the city, the buildings on which are of less value than 500*l.*, and more than 100*l.* shall during the first of the above-mentioned periods be commuted for a payment of one-sixteenth.

During the second for one of one-fourteenth.

During the third for one of one-twelfth.

That the lods et ventes of any lot outside the city, or of any lot which being within the city shall not have buildings of the value of 100*l.* thereon, shall during the first of these periods be commuted for a payment of not more than one-twelfth.

During the second for one of one-tenth.

During the third for one of one-eighth.

7. That, where the amount of such commutation cannot be settled by voluntary agreement, both parties are to appoint an arbitrator: one of the judges nominating instead of the seminary, if it neglects to do so; and the Court of King's Bench to nominate a third. That these three are to settle the amounts of commutation and arrears. That the award be final, and that the expenses of arbitration be borne equally by the parties.

8. That this award and payment of such sums, shall operate as a final commutation of all seignorial dues, and the land he henceforth held in "franc aleu roturier," which is never again to be convertible into a feudal tenure. The right of the seminary to its privileges for all arrears remaining the same as if there had been no change of tenure.

9. That the amount of commutation shall be fixed as a redeemable quit-rent, (rente constituée rachetable) on the property.

10. That the farm of St. Gabriel shall be sold by the seminary, and if not sold within 20 years, shall fall within the provisions of the mortmain laws, and go to the Crown.

11. That the monies received for the arrears, commutation, and farm of St. Gabriel, shall be invested only in the public securities of the United Kingdom or its colonies, with the exception of a power of holding 30,000*l.* worth of property producing income to the seminary, which it shall be permitted to invest in any land within the province, except the farm of St. Gabriel.

12. That the seminary shall lay before the Governor a detailed statement of its estate, debts and expenditure, as often as the Government shall require.

13. That the seminary shall continue subject to the same powers of visitation in temporal matters as were possessed by the kings of France, or are now possessed by the Crown of England.

It is not necessary for me on the present occasion to enter into any detailed explanation of the objects with which the various clauses of the agreement have been framed. In framing the terms of a formal and complete agreement with the seminary, it became necessary to enter into details which had not come under the attention of the Commissioners; and many of them had reference to points of considerable delicacy and difficulty. On others, which had been adverted to by the Commissioners, I found that it was necessary to make some alterations in order to meet, as well my own, and I believe your Excellency's views of what the public interest demands, as those of the persons who represented on this occasion the views of the public as contracting with the seminary. On some of them I have not thought it necessary to enter into much explanation, but have contented myself with merely pointing out the general nature of the provision to be made. Your Excellency will perceive that some of these points refer to the general constitution and management of the seminary, and others to the precise terms of the pecuniary arrangement to be made.

I feel that I have acted in perfect accordance with your Excellency's own views, as well as those of the Canada Commissioners in laying it down as a general rule of conduct in this

this matter, that the occasion of the proposed commutation was not to be seized for the purpose of enforcing with regard to the seminary of Montreal any regulation not called for by the actual arrangement itself, and which would introduce a practice at all different from that adopted with respect to the other ecclesiastical and educational institutions of the province. The seminary of Montreal will, in spite of any arrangements now adopted with reference to itself alone, be liable to any general enactment which the Legislature may hereafter find it necessary to adopt with respect to such institutions. The Commissioners in their report have in my opinion very justly remarked that "because the seminary of Montreal has consented to an urgently required improvement, there is no reason that further alterations, which, if good, are equally to be wished in every other religious seminary, should be exclusively urged upon this one: nor would it be consistent with the common rules of prudence that an arrangement so long desired in respect to the property of Montreal should be subjected to the risk of being indefinitely postponed, or even of failing, by adding to it further reforms never coupled with it till it seemed on the point of succeeding." It will be seen that it is proposed that the uses of the property now in the hands of the seminary, and which have been regulated by the good feeling of that body, and the custom to which it has conformed, should be specified in the public act, by which its title is confirmed. As a further means of control over the management of the institution, it has been agreed that its rules of management should not be valid without confirmation by the Government. It is also provided that the seminary shall, whenever the Government shall require, lay before it a detailed statement of its pecuniary affairs. The seminary preferred making this accountability dependent on the demands of the Government to a periodical account, which had been proposed on the other side; and to this plan, which the gentlemen of the body represented as conformable to their own views and ancient customs, there seemed to exist no objections that rendered it at all advisable to insist upon a periodical account. The seminary objected to the creation in their case of new and peculiar powers of visitation. But the highest legal authorities of the province were of opinion that the powers of visitation hitherto possessed by the Crown of France and England were quite sufficient for all useful purposes. And a clause to this effect has been inserted with the entire consent of the seminary.

The British population of the province appeared to be very desirous that the seminary should henceforth cease in great measure to appear in the character of a landed proprietor; and above all that it should not continue to possess a large extent of land in the city. In the general objections to the possession of large landed property by ecclesiastical corporations, objections of which the force has been long recognized by the mortmain laws, not only of our own but of every civilized European country, I could not but entirely coincide; and I felt anxious that in making this agreement with the seminary provision should be made that it should cease to hold such portion of its present lands as lie in the immediate neighbourhood of the city of Montreal; and that the funds arising from the sale of their lands and the commutation of its feudal rights should not be reinvested in lands. The opposition of the seminary, which at first extended to any stipulation of the kind, reduced itself by degrees to narrower limits; and I found that it would be satisfied, provided it were permitted to hold so much land as would suffice for the various buildings required for its educational establishments, together with some houses in the city, which would probably serve for little more than the accommodation of its professors and other persons connected with it. It has been determined, therefore, that the farm of St. Gabriel, which is the only extensive landed estate possessed by the seminary in the Island of Montreal, and which must very soon be required for building in the event of any extension of the city, shall be sold; and that all the money received by way of arrears and of commutation, together with that arising from the sale of the farm of St. Gabriel, shall be invested in the public securities of the United Kingdom or its colonies, the seminary being permitted nevertheless to acquire or to retain 30,000*l.* worth of land in the province.

It now only remains for me to notice the provisions which have been made with respect to the pecuniary terms of the commutation. With respect to the rate, at which the arrears for past mutations are to be collected, no change is to be made in the terms proposed by the Canada Commissioners; and it is merely stipulated that the seminary when possessed of an indisputable title shall continue to make the same moderate claims as heretofore. Great alarm appeared to be entertained by some of the inhabitants of Montreal as to the amount of these arrears, which some of them calculated as likely to amount to no less than 150,000*l.* But this calculation was founded on no accurate, or even intelligible data; and as the time to which I was limited, did not suffice for the preparation of completely correct information by an inspection of the books of the seminary, I was obliged to take the amount as stated by the superior in his communications with me. This amount I have specified in the agreement, at 44,000*l.* for the Island of Montreal, and 12,700*l.* for the other two seigniories, being altogether 56,700*l.*; and, as this is the statement of the seminary itself, I think it would not be bearing unfairly hard upon that body if the total amount to be received for arrears should be so limited in the Act of incorporation.

In the proposal made by the seminary to the Canada Commissioners, and adopted by them, the terms proposed for the commutation of the lods et ventes differed in some respects from those proposed for the collection of the arrears. With regard to the latter it was clearly advisable that there should be no deviation from the long established custom. The seminary has been in the habit of dividing the lots in the seigniory of Montreal into two classes, the first consisting of those within the city, and having in them buildings of the value of 500 *l.* and more; the second comprising all lots outside of the city, together with

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those within it, which bear buildings of less value than 500*l.* On the first class it has been in the habit of taking one-twentieth, on the latter one-sixteenth of the whole value of the property as the fine or alienation; the legal claim being one-twelfth in both cases. To these rates it it settled in the present agreement that the seminary shall adhere in the collection of its arrears. The principles on which the seminary proposed to commute the tenures on the first or more valuable class of its property, was that of taking the amount of one fine as a perpetual enfranchisement for all future demands; and the great moderation of this proposal must be very cheerfully acknowledged. But to the second or less valuable class of its property the seminary did not feel inclined to extend terms quite so favourable. In the report of the Canada Commissioners it is stated that the seminary proposed to require 5 per cent. on the first class, and 12½ per cent on the second. I have however reason to believe that in the latter part of this clause there was an accidental numerical mistake, and that instead of 12½ per cent. the seminary in fact meant only to demand one-twelfth or 8⅓ per cent. This at least was its proposal to me.

It must be owned that the terms proposed even with regard to the second class were singularly moderate; and that the seminary when it proposed to enfranchise its censitaires from all future liabilities on the payment of the amount due on one alienation, could not be thought very harsh in urging that on the unimproved portion of its property it would insist on taking this one fine at its full legal amount. The one-twelfth proposed with respect to the second class is, after all, the legal fine due on all on the occasion of every alienation, and is generally received without deduction by all other seigniors in the province. It will not however be matter of surprise that the establishment of such a distinction between the two classes of properties excited discontent among the holders of the less favoured class; and, as this was composed of the poorer and more numerous body, I ventured to represent to the seminary that the establishment of such a distinction would enlist the sympathies of the community against the arrangement; and to recommend that in both cases the price of the commutation should be fixed at the amount of the fine which had hitherto been taken. The seminary stated that it was quite ready to apply this principle equally to all lots on which there were buildings; but that on mere agricultural or unimproved lots, on which very little increase of value had been effected by the application of capital, it thought it quite fair and necessary to take the full legal amount of one fine. Adhering to its old classification, it had demanded this larger amount on all lots containing buildings of less value than 500*l.*; but it assured me of its perfect readiness to accede to any new scale by which a distinction could be made between the less valuable class of buildings on the one side, and, on the other, land bearing no buildings, except such as it was apprehended might be raised on absolutely unimproved property in order to escape the higher rate of commutation. It appeared on discussing this point that 100*l.* would be a fair value to take as the criterion of *bonâ fide* buildings, and that no one would for the purpose of evasion erect a building of greater value on unimproved land. With this view the lots have been divided into three classes to be subjected to different rates of commutation. The two first are the different classes of lots within the city: the first class being that having buildings above 500*l.* in value, the second those of less than 500*l.* and more than 100*l.* On both of these the commutation is proposed to be fixed at the rate hitherto adopted with respect to fines, at one-twentieth of the value for the first, and one-sixteenth for the second. The third class is to comprise all of what may be regarded as unimproved lots, that is of all lots outside of the city, and any within it, on which there shall not be a building of the value of 100*l.* On this the price of commutation is to be fixed at one-twelfth.

Such are the terms agreed upon for the first period of seven years after the adoption of a measure for commutation. The agreement contains provisions for a variation of the rate of commutation, if delayed beyond that period. If not concluded in the first period of seven years, the terms are to be raised during a second of the same duration; and if delayed beyond 14 years, the rate is to be still further increased.

An important improvement on the agreement sanctioned by the Canada Commissioners will, I think, be found in the provision respecting the nature of the charge for which the present liabilities are to be commuted. The Commissioners propose, that "it should be allowable by mutual agreement to charge the whole of the commutation money as a mortgage on the property, or to convert it into a quit-rent, but not without the free consent of both parties." It appeared to me very desirable that every facility and inducement should be given to the immediate completion of the commutation; and that in cases in which the censitaire might not possess the means of paying the whole amount of the purchase-money, he should be able to effect the commutation by settling its amount, and fixing the interest thereof as a rent-charge on the property. This proposal met with the approval of all parties; and in the foregoing agreement it is accordingly provided, that the amount of commutation shall be fixed on the property as a redeemable quit-rent, or *rente constituée rachetable.*

The terms thus settled met with the entire concurrence of the seminary. Messrs. M'Gill and Moffatt, though more favourable to a draft of an Ordinance originally prepared by themselves, signified their entire readiness to assent to the foregoing agreement; and it met also with the concurrence of Mr. Adam Thom, who had at first supported views more near those of the strongest opponents of the seminary. It appears most desirable that no time should be lost in definitively adopting and carrying into effect the settlement of this question. The only difficulty arises from the want of any sufficient legislative power in the province, to give the force of law to the agreement. It is a matter of doubt, whether in the present state of its title the seminary could make such a valid surrender as would be required as a foundation for a fresh grant on the conditions agreed in Letters Patent

Patent from the Crown. An Ordinance passed under the present limited power of the Governor and council, would only be valid for three or four years, and consequently no one would commute under it. It is certainly not desirable, that the Imperial Parliament should undertake the task of legislating at a distance on a subject requiring so much local knowledge. The only course that remains is, that the Imperial Parliament should pass an Act, giving the force of permanent law to any Ordinance passed by the present legislature of Lower Canada, for the incorporation of the seminary of St. Sulpice of Montreal, and for the commutation of tenure in the seignories now possessed by that body. Instructions might then be sent out to propose to the special council an ordinance founded on the foregoing agreement.

In bringing these remarks to a close, allow me to impress once more on your Excellency the importance of taking advantage of the present disposition on both sides to secure to the public the great practical benefits, which must result from an equitable settlement of this question. Your Excellency will, I am sure, see the necessity of removing from this distracted community, one even of the minor causes of difference.

I have, &c.

Quebec, 31 October 1838. (signed) *Chs. Buller*, Chief Secretary.

LETTER of M. *Quiblier* in answer to Honorable *Chs. Buller's* Letter of 21 ult., requiring information on several points relating to the Seminary ;—(3 Enclosures.)

Monsieur, Séminaire de Montréal, 5 Septembre 1838.

Dans la lettre que vous m'avez fait l'honneur de m'ecrire en date du 25 du mois dernier, vous me demandez, pour l'information de son Excellence le Gouverneur-général ;

1. Un état des œuvres auxquelles les fonds du séminaire sont maintenant consacrés.
2. Un état des produits des moulins, des droits de mutations et des rentes, pendant les cinq dernières années, dans chacune de nos trois seigneuries, Ile de Montréal, St. Sulpice et Lac des deux Montagnes.
3. Un rapport d'etaillé des lods et ventes dûs, des dates de chaque mutation, des noues des vendeurs et acquéreurs, et des propriétaires actuels. Mais dans votre lettre du 31 dernier, vous m'avez permis de la part de son Excellence le Gouverneur-général, de me renfermer dans un rapport sommaire des lods et ventes arriérés.

En réponse aux susdites questions, je prends la liberté de vous referer aux trois rapports ci-inclus, dont le nombre correspond au nombre respectif de chaque question.

Avec la meilleure volonté et le travail le plus scrupuleux, il n'a pas été possible de parvenir à quelque chose de plus exact. Je désire vivement que ces renseignements puissent satisfaire son Excellence Le Gouverneur-general, et accélérer la conclusion de cette affaire importante.

J'ai l'honneur d'être, avec une haute considération, Monsieur,
Votre très-humble et très-obéissant serviteur,

Honorable Charles Buller, *Quiblier*, Supr.
Secrétaire-en-Chef, &c. &c. &c.

Enclosure, No. 1.

Les œuvres dont le séminaire est chargé sont,

1. La desserte de la paroisse de Montréal, composée d'environ 20,000 catholiques, dont $\frac{1}{3}$ Irlandais, Anglais, Ecossais, pour lesquels le séminaire entretient habituellement 15 à 18 prêtres. Le séminaire reçoit de plus tous les prêtres du diocèse de Montréal et des autres pays, qui veulent y prendre l'hospitalité.
2. La mission du lac des deux Montagnes, pour l'instruction des sauvages Iroquois et Algonquins, pour lesquels le séminaire entretient 2 et assez communément 3 prêtres; une école pour les garçons et 2 écoles pour les filles.
3. Le petit séminaire ou collége, où il y a habituellement 5 prêtres et 15 maitres, où l'on enseigne le Français, l'Anglais, le Grec, le Latin, les belles lettres, la philosophie, les mathématiques, &c. &c. Plus de 150 pensionnaires et plus de 100 externes fréquentent l'établissement.
4. Les écoles de la paroisse qui sont tenues par une trentaine de maitres ou de maitresses, et dans lesquelles près de 1,400 enfans reçoivent une éducation presque toute gratuite.
5. Une salle fondée à l'Hôpital-général des Sœurs Grises pour 6 pauvres vieillards invalides qui sont nourris et entretenus aux frais du séminaire.
6. Une autre salle fondée au même hôpital pour 40 orphelines Irlandaises, nourries, instruites et entretenues aux frais du séminaire jusqu'à ce qu'elles soient placées dans des familles honnêtes.
7. On ajoute cette année un etablissement de Frères des écoles chrétiennes, dejà fréquenté par plus de 260 jeunes garçons, à qui on enseigne *gratuitement* la lecture, l'ecriture, le calcul, le grammaire, la géographie, les elémens de la géométrie et du dessin linéaire, &c. &c.
8. Les aumônes publiques et secrettes, souscriptions et améliorations publiques absorbent ce qui reste de revenus après les charges remplies.

Il est à remarquer que les susdites œuvres augmenteront en proportion de la population.

Montréal, 5 Septembre 1838. *Quiblier*, Supr.

Enclosure, No. 2.

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PRODUIT des SEIGNEURIES de MONTREAL, de ST. SULPICE et du LAC DES DEUX MONTAGNES pendant les cinq dernières années.

1. Seigneurie de *Montréal.*

—	Lods et Ventes dans la Ville et les Faubourgs.	Lods et Ventes et Rentes en l'Isle.	Moulins, déduction faite des dépenses d'entretien et des réparation.	TOTAL.	
	£.	£.	£.	£.	
1833	3,095	2,249	652	5,996	
1834	3,028	1,695	480	5,203	
1835	3,072	1,873	360	5,305	
1836	2,369	1,782	607	4,758	
1837	3,222	1,905	578	5,705	
					26,967

2. Seigneurie de *St. Sulpice.*

—	Lods et Ventes et Rentes.	Moulins.		
	£.	£.		
1833	663	206	869	
1834	732	255	987	
1835	652	251	903	
1836	783	226	1,009	
1837	781	429	1,210	
				4,978

3. Seigneurie du *Lac des deux Montagnes.*

1833	1,334	304	1,638	
1834	877	353	1,230	
1835	714	362	1,076	
1836	865	855	1,720	
1837	954	554	1,508	
				7,172

Produit total des trois seigneuries pendant les 5 dernières années - - £. 39,117

Montréal, 5 Septembre, 1838. *Quiblier*, Supr.

Enclosure, No. 3.

DANS le rapport fait aux commissaires en 1836, les arrérages de la seigneurie de Montréal ont eté estimés à 34,000 *l.* de bonnes dettes.

Les arrérages des trois seigneuries peuvent être estimées maintenant comme suit :

ILE DE MONTREAL.

D'après un relevé assez correct des mutations, les lods et ventes dûs dans la ville et les faubourgs de Montréal depuis 1807, jusqu'à 1838, sont de 62,143 *l.*, suivant le taux légal. De cette somme, il faut déduire,

1°. Au moins $\frac{1}{10}$me pour non valeur.

2°. Le séminaire ne prenant ordinairement que le 20me, au lieu du 12me alloué par la loi, il faut déduire encore $\frac{2}{3}$me, ce qui réduiroit la somme cidessus en bonnes dettes à environ - - - - - - - - - - - - - - £. 31,000

Nous n'avons pas de relevé exact de l'Ile et des deux autres seigneuries ; mais en calculant par le nombre des terres de chaque seigneurie, les arrérages sont à peu près comme suit, déduction faite des non valeur et des grâces ordinaires - - - - - - - - - - - - - 13,000

En la seigneurie de St. Sulpice - - - - - - - 4,900

En la seigneurie du Lac - - - - - - - - - 7,800

£. 56,700

Montréal, 5 Septembre, 1838. *Quiblier*, Supr.

Appendix (E.)

Cher Monsieur, Séminaire de Montreal, 15 Septembre 1838.

J'ai eu l'honneur de recevoir votre lettre du 10 dernier, dans laquelle vous me demandez, 1. Quel est le montant total des lods et ventes pendant chacune des cinq dernières années dans la cité et les faubourgs de Montréal? 2. Quel est le montant annuel des même lods et ventes pour le reste de la consive de notre seigneurie de Montréal? 3. Quel est le montant des cens et rentes dans toute la seigneurie de Montréal, pour chacune des cinq dernières années, et aussi quelle somme en a été collectée? 4. Enfin, d'après quelles règles nous regardons comme mauvaises dettes certains arrérages de lods et ventes?

Pour donner l'état mentionné par la première question, il faudroit parcourir et relever cinq volumes *in folio* du terrier de la ville et des faubourgs, et revoir tous les comptes; ce qui demanderoit le travail assidu de deux personnes habiles pendant plusieurs mois.

L'état auquel a rapport la 2de question est encore plus difficile et plus long; les notaires dans la campagne ne font pas exactement les retours de leurs actes; il arrive qu'un grand nombre de mutations nous demeurent inconnues pendant plusieurs années. Un nouveau terrier pourroit seul nous fournir les moyens de parvenir, à cet égard, à des renseignements exacts.

Il n'est pas impossible, cependant, si l'on veut, de savoir quel est le montant approximatif des revenus de la seigneurie de Montréal, pendant chacune des cinq dernières années.

Les arrérages de lods et ventes dans la ville et les faubourgs pendant les 30 dernières années montant en bonnes dettes à 31,000*l.*, ce qui présente par an	£. 1,033	
Les arrérages de l'ile 13,000*l.* par an - - - - - - -	433	
		£. 1,466
La recette réelle des cinq dernières années y compris les moulins, ayant été d'environ 26,767*l.*; c'est par an - - - - - - - - -		5,393
Ainsi le revenu annuel de la seigneurie de Montréal peut-être évalué à - -		£. 6,859

Il monteroit plus haut si les lods et ventes étoient exigés selon la rigueur de la loi.

Il n'est plus facile de répondre à la première partie de la 2e question. Les rentes annuelles de toute la seigneurie de Montréal, y compris la ville et les faubourgs, sont de 2,000 minots de bled et 100*l.* en argent. Mais il m'est absolument impossible de spécifier ce qu'il en a été perçu chaque année. Dans nos livres de recette, nous portons simplement ce qui est payé sans mentionner si c'est pour arrérages pour lods et ventes ou pour rentes courantes. Les censitaires aiment mieux n'avoir qu'un compte ouvert. Pour obtenir une distinction détaillée, il faudroit revoir et relever tous les comptes des particuliers, pendant cinq ans; ce qui seroit un travail presque immense. Pour répondre à la 4me question, je prendrai la liberté de vous faire observer, 1°. Qu'un certain nombre de lods et ventes sont frappés de prescription et cessent d'être exigibles en loi, quoique ils soient dûs en équité. 2°. Un certain nombre de terrains sont tirés au sort, et la valeur de quelques uns ne pourroit compenser les frais judiciaires, si l'on repétoit en loi les lods et ventes. 3°. D'autres terreins tombent entre les mains d'acquéreurs très pauvres, ou subissent de si fréquentes mutations qu'on ne pourroit en exiger les droits rigoureusement dûs sans plonger ces infortunés dans la dernière misère.

Voilà les principales sources de ce que nous appelons mauvaises dettes.

Agréez l'expression de la haute considération avec laquelle j'ai l'honneur d'être,
Cher Monsieur, votre très-humble et très-obéissant serviteur,

A l'Honorable Charles Buller, Secrétaire-en-Chef, &c. &c. &c.

Quiblier, Supr.

ESTIMATE given in by M. *Quiblier*, Superior of the Seminary, of the probable Amount to be received for Commutation of the Tenures in its Three Seigniories.

Le taux fixé par la loi, pour les changemens de tenures en franc alleu roturier, est de la cinquième partie de la valuer de l'immeuble, ou du quint.

La Couronne en affranchissant ses censitaires n'a exigé que le dixième.

Le séminaire en proposant un tel affranchissement a demandé le douzième de la valuer des propriétés en général, et a consenti à se contenter du 20e de la valuer des propriétés de la ville, bâties pour un montant d'au moins 500*l.* Cette distinction a été faite en faveur de l'industrie et du commerce qui ont crée de pareilles améliorations.

Aucun autre seigneur ou établissement ne pourroit transiger à un taux si modéré. Les censitaires du séminaire de Montréal sont, sous ce rapport, les plus privilégiés du Canada.

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Quand le séminaire a fait des propositions aussi faciles, il s'est fondé sur les estimations suivantes, assez exactes alors, mais devenues au-dessus de la vérité pour l'état actuel des affaires.

L'Ile de Montréal, non compris l'espace occupé par la ville, est divisée en 1,300 terres dont la valuer moyenne, estimée pour chacune, d'environ 4,00 *l.* donneroit un montant de - - - £. 520,000		
En traitant avec les Commissaires royaux, nous avions estimé la valeur de la ville et faubourgs d'environ - - - - £. 1,480,000		
		£. 2,000,000
Le fief de St. Sulpice est divisé en 700 terres, dont la valuer moyenne, estimée pour chacune à 125 *l.*, monteroit à - - - £. 87,500		
Le fief du Lac des deux Montagnes est divisé en 1,230 terres, dont la valeur moyenne, estimée pour chacune à 100 *l.* monteroit à £. 123,000		
		210,500
Total des trois seigneuries - - - -		£. 2,210,500

Si ces propriétés étoient vendues par le sheriff, elles ne monteroient pas aux deux tiers de la susdite valeur.

Il faut aussi avoir égard aux grâces que nous serons obligés de faire ; aux pertes inevitables dans le gestion ; aux estimations qui seront toujours au dessous du prix véritable.

Les revenus du séminaire n'étant plus de nature à augmenter, il faut aussi qu'il soit rendu capable d'accomplir facilement toutes ses œuvres.

En suivant le taux du séminaire, environ un million payeroit le 20^{me}, c'est-à-dire - - - - - - - - - - - -		£. 50,000
Le reste, 1,210,500 payeroit le 12^{me}, c'est-a-dire - - - - -		100,875
Total - - -		£. 150,875

dont la rente à 6 p. % et en ne supposant aucune perte, fourniroit au séminaire un revenu de 9,000 *l.**

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* En 1827, feu Mr Roux, supérieur du séminaire de Montréal, traita l'affaire des droits seigneurieux avec le très honorable Huskisson, ministre des colonies, par la mediation de Sir Wilmot Horton. Le gouvernement de sa Majesté s'engagea alors à garantir au séminaire une rente annuelle et perpétuelle égale non seulement au montant des revenus que le séminaire percevoit de la seigneurie de Montréal, mais encore de ceux qu'il avoit droit de percevoir. Le séminaire ne percevoit qu'environ 6,000 *l.* de le dite seigneurie ; le gouvernement cependant lui assura 8,000 *l.* et même 9,000 *l.*, s'il prouvoit que la séigneurie pourroit les rendre. M. Stephen, avocat de la Couronne, décida dans ce sens. Les documents sont au bureau colonial.

De plus le gouvernement, dans cette dotation, ne faisoit aucune mention des deux autres seigneuries, ni de la ferme St. Gabriel, ni des autres immeubles, possédés par le séminaire ; lesquels tous demeuroient en la possession et propriété du séminaire. L'arrangement actuel est donc loin d'assurer au séminaire un revenu aussi considérable.

ORDINANCE of the Governor-General and Special Council of *Lower Canada*, for incorporating the Seminary of *Saint Sulpice* of *Montreal*.

Appendix (E.)

Anno secundo Victoriæ reginæ.

Cap. L.

An Ordinance to incorporate the Ecclesiastics of the Seminary of *Saint Sulpice* of *Montreal*, to confirm their Title to the Fief and Seigniory of the Island of *Montreal*, the Fief and Seigniory of the *Lake of the Two Mountains*, and the Fief and Seigniory of *Saint Sulpice* in this Province; to provide for the gradual Extinction of Seigniorial Rights and Dues, within the Seigniorial Limits of the said Fiefs and Seigniories, and for other purposes.

Whereas the Ecclesiastics of the Seminary of Saint Sulpice, established at Montreal in this Province, have, since the Capitulation made and signed at Montreal aforesaid, on the eighth day of September, which was in the year of our Lord one thousand seven hundred and sixty, held, possessed and enjoyed, and do still hold, possess and enjoy the fief and seigniory of the Island of Montreal and its dependencies, the fief and seigniory of the Lake of the Two Mountains, and the fief and seigniory of Saint Sulpice, and their several dependencies, all situate in the said District of Montreal:—And the said Ecclesiastics have alleged, and do allege, that they so as aforesaid have held, possessed and enjoyed, and still do hold, possess and enjoy, all and singular the said fiefs and seigniories, and their dependencies, rightfully, and as the true and lawful owners of the same: And whereas doubts and controversies have arisen touching the right and title of the said Ecclesiastics, of the said Seigniory of Saint Sulpice of Montreal, in and to the several fiefs and seigniories, and their dependencies, of which they have, as aforesaid, been in possession since the said capitulation, and it has been contended that all and every the said fiefs and seigniories became, by the conquest of this Province by the British arms, vested, and still remain vested in the Crown: And whereas Her Majesty, desirous that all such doubts and controversies should be removed and terminated, and that Her faithful subjects holding lands within the seigniorial limits of the said fiefs and seigniories, should be enabled to effect and obtain the gradual extinction of all seigniorial rights, dues and duties, payable or performable for or by reason of such their lands, has of her own mere will and proper motion, graciously signified Her Royal pleasure, that the right and title of the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, in and to the said several fiefs and seigniories, should be absolutely confirmed, under and subject to the terms, provisos, conditions and limitations, hereinafter contained and expressed, which said terms, provisos, conditions and limitations have been fully and formally agreed to and accepted by the said Ecclesiastics of the said Seminary of Saint Sulpice of Montreal: And whereas, for fulfilling Her Majesty's gracious pleasure and intentions in the said behalf, and for other the purposes aforesaid, it is expedient and necessary that the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal should be constituted an ecclesiastical corporation, or body corporate and ecclesiastical *(communauté ecclésiastique)*;—Be it therefore ordained and enacted by His Excellency the Governor of the Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of the said Province, constituted and assembled by virtue of and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, intituled, "An Act to make temporary Provision for the Government of Lower Canada," and it is hereby ordained and enacted by the authority of the same, That Joseph Quiblier, Jacques Guillaume Roque, Jean Louis Melchior Sauvage du Chatillonet, Jean Richard, Joseph Comte, and others, who now are members of the said Seminary of Saint Sulpice of Montreal, and compose the body thereof, and their ecclesiastical successors, named and appointed by and according to the rules and regulations which now are, or hereafter may be, in force for the government of that institution or body, shall be, and they are hereby made, constituted and declared to be an ecclesiastical corporation or body corporate and ecclesiastical *(communauté ecclésiastique)* in name and in deed, by the name of "The Ecclesiastics of the Seminary of Saint Sulpice of Montreal;" and that by the same name they shall have perpetual succession, by admitting and electing new members, according to the rules of their foundation, and the practice by them heretofore followed, and shall have a common seal, with power to alter, break and make new the same, when and as often as they shall judge it expedient so to do; and that they and their successors by the same name may sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in all courts of record and places of judicature and jurisdiction within the said Province, and do, perform and execute all and every lawful acts and things, in as full and ample manner and form, to all intents, constructions and purposes, as any other ecclesiastical corporation or body corporate and ecclesiastical by law may or ought to do: Provided always, That no rules, bye-laws or regulations for the temporal government of the said corporation or its successors, save only those which are now followed and in force in the said Seminary of Saint Sulpice of Montreal, shall be valid, binding or effectual, until they shall have been laid before the Governor, Lieutenant-governor, or person administering the government of this Province for the time being, and shall have been by him expressly approved, confirmed and ratified.

II. And be it further ordained and enacted by the authority aforesaid, That the right and title of the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, in and to all and singular the said fiefs and seigniories of the Island of Montreal, of the Lake of the Two Mountains, and of Saint Sulpice, and their several dependencies, and in and to all seigniorial and feudal rights, privileges, dues, and duties arising out of and for the same, and in and to all and every the domain, lands, reservations, buildings, messuages, tenements, and hereditaments within the said several fiefs and seigniories now held and possessed by them as proprietors thereof, and also in and to all monies, debts, *hypothèques*, and other real securities, arrears of *lods et ventes*, *cens et rentes*, and other seigniorial dues and duties, payable or performable by reason of lands holden by *censitaires*, tenants, and others, in the said several fiefs and seigniories, goods, chattels, and moveable property, whatsoever, now due, owing, belonging, or accrued to the said Ecclesiastics of the said Seminary of Saint Sulpice of Montreal, or which may hereafter become due and owing, or accrue and belong to them, or to the said ecclesiastical corporation, hereby constituted, or their successors, by reason of any lands and tenements holden

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of the respective *censives* of the said several fiefs and seigniories, with all and every the rights, privileges, and appurtenances thereunto respectively belonging or in any wise appertaining, shall be, and they are hereby confirmed and declared, good, valid, and effectual in the law, as fully, in the same manner, to the same extent, and for the same objects, intents and purposes as the Ecclesiastics of the Seminary of the Fauxbourg Saint Germain Lez Paris, or the Seminary of Saint Sulpice of Montreal, according to its constitution, before the eighteenth day of September, in the year one thousand seven hundred and fifty-nine, or either or both of the said seminaries might or could have done, or had a right to do, or might or could have held, enjoyed, or applied the same, or any part thereof, previously to the last mentioned period. And further, That all and singular the said fiefs and seigniories of the Island of Montreal, of the Lake of the Two Mountains, and of Saint Sulpice, and all and every the said domain, lands, buildings, messuages, tenements, and hereditaments, seigniorial dues and duties, monies, debts, *hypothèques*, real securities, arrears of *lods et ventes*, *cens et rentes*, and other seigniorial dues, goods, chattels, and moveable property whatsoever, shall be, and the same are hereby vested in the said corporation of the Ecclesiastics of the Seminary of Saint Sulpice of Montreal, hereby constituted, and their successors, to be had, held, possessed, and enjoyed by the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and their successors, as the true and lawful owners and proprietors of the same, and of every part and parcel thereof, to the only use, benefit, and behoof of the said seminary or corporation, and their successors, for ever, according to their rules and regulations, now being or hereafter to be in force, subject, however, to the terms, conditions, provisos, and limitations, touching and concerning the same or any part thereof, hereinafter enacted, expressed, and contained.

III. And be it further ordained and enacted by the authority aforesaid, That the said corporation of the Ecclesiastics of the Seminary of Saint Sulpice of Montreal, hereby constituted, and their successors, shall be, and they are hereby held and bound, whenever thereunto required by any of the *censitaires*, or other person or persons, or body or bodies politic or corporate, who now hold or who may hereafter hold any real or immoveable property, *à titre de cens* or *en roture*, within any one or more of the said fiefs and seigniories, to consent to grant and allow, to and in favour of such *censitaire*, person or persons, or body or bodies corporate or politic, requiring the same, a commutation, release, and extinguishment of and from the *droits de lods et ventes*, *cens et rentes*, and all feudal and seigniorial burthens whatsoever, to which such *censitaire*, person, or body corporate, holding real or immoveable property in any one or more of the said fiefs and seigniories, his, her, or their heirs, successors, or assigns, and such real and immoveable property, so by him, her, or them held, may be subject or liable to, and in favour of the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, or their successors, for a certain price, indemnity, and consideration in that behalf, agreed upon, or to be fixed, ascertained, and determined in manner hereinafter provided, which shall be paid to the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, or their successors, by the *censitaire*, person, or body corporate, requiring such commutation, release, and extinguishment, in manner, as hereinafter is directed: Provided always, That no such *censitaire*, person, or body corporate or politic, shall be entitled to, or demand any such commutation, release, and extinguishment, in the behalf aforesaid, until he, she, or they shall have duly paid to the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, or their successors, all arrears of seigniorial rights, dues, and duties, which he, she, or they owed, or may owe, or with which the said land or immoveable property, in respect whereof such commutation, release, and extinguishment, may be sought or required, had been, was, or may be then chargeable, or shall have otherwise satisfied them in that behalf by any mode of adjustment agreed upon and concluded.

IV. And be it further ordained and enacted by the authority aforesaid, That the price, consideration, and indemnity, to be paid by any *censitaire*, person, or body politic or corporate, for such commutation, release and extinguishment, with regard to his or their land, or immoveable property, situated within any one or more of the said fiefs and seigniories, to be paid by him, her or them to the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, or their successors, shall be at and after the rates following: (that is to say) That the said commutation of all *cens et rentes*, within all, and every, the said fiefs and seigniories, shall be had and obtained on the payment of such capital, or sum of money, as the said *cens et rentes*, reckoned at the legal rate of interest, shall or may represent; that the said commutation of the *droits de lods et ventes*, upon or in respect of any lot, piece or parcel of land in the said fief and seigniory of the Island of Montreal, upon which there shall be buildings of the value of five hundred pounds currency, and upwards, shall be had and obtained for and during the first seven years which shall elapse after this present Ordinance shall come into effect in this Province, upon payment of not more than one-twentieth part of the value of such lot, piece, or parcel of land and buildings, and at any time at and after the expiration of seven years subsequent to this Ordinance so coming into force and effect, and before the expiration of fourteen years from the said time, upon payment of not more than one-eighteenth part of the value of such lot, piece, or parcel of land and buildings, and at any time after the expiration of fourteen years from the said time, upon payment of not more than one-twelfth part of the value of such lot, piece, or parcel of land, and buildings; that the said commutation of the said *droits de lods et ventes*, upon, or in respect of any lot, piece or parcel of land, situated within the said city of Montreal, whereupon there may be buildings of which the value shall be less than five hundred pounds, and more than one hundred pounds currency, shall be had and obtained for, and during the said first period above mentioned of seven years after the coming into force and effect of this Ordinance, upon payment of not more than one-sixteenth part of the value of such lot, piece or parcel of land and buildings, and at any time after the expiration of the said seven years, subsequent to the coming into force, and effect of this Ordinance, and before the expiration of fourteen years from the said time, upon payment of not more than one-fourteenth part of the value of such lot, piece or parcel of land and buildings, and at any time after the expiration of fourteen years from the said time, upon payment of not more than one-twelfth part of the value of such lot, piece or parcel of land and buildings; that the said commutations of the said *lods et ventes* upon, for or in respect of any lot, piece or parcel of land, situated without the said city of Montreal, in any of the said fiefs and seigniories of the Island of Montreal, Lake of the Two Mountains, and Saint Sulpice, or for or in respect of any lot, piece or parcel of land within the said City of Montreal, upon which there shall not be buildings of the value of one hundred pounds currency, shall be had and obtained for and during the said first period of seven years after the coming into force and effect of this Ordinance,

Ordinance, upon payment of not more than one-twelfth part of the value thereof, and at any time after the expiration of this period of seven years subsequent to the coming into force and effect of this Ordinance, and before the expiration of fourteen years from the said time, upon payment of not more than one-tenth part of the said value, and at any time after the expiration of fourteen years from the said time, on the payment of not more than one-eighth part of the value of such lot, piece or parcel of land and buildings.

V. And be it further ordained and enacted by the authority aforesaid, That in all cases where the said Ecclesiastics of the said Seminary of Saint Sulpice of Montreal, their successors, and any of the said *censitaires*, or other person or persons, body politic or corporate, so requiring a commutation, release and extinguishment in manner aforesaid, shall not, by voluntary agreement, settle and determine the value of any such lots, pieces or parcels of land and property, with reference to which the said price, consideration money and indemnity, according to the rates hereinbefore established, shall be reckoned, such value thereof shall be fixed, ascertained and determined, by the award of arbitrators, in manner following: (that is to say) the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, or their successors, shall, and may nominate, and in their default so to do, one of the Justices of the Court of King's Bench, for the district of Montreal, shall, and may on their behalf nominate an arbitrator, being an indifferent and disinterested person, and the said *censitaire*, person or persons, or body corporate or politic respectively, shall and may nominate and appoint one other arbitrator, being also an indifferent and disinterested person; and the said Court of King's Bench for the said district of Montreal, upon a petition, or summary application to it made in that behalf, shall, and may nominate one other arbitrator, being also an indifferent and disinterested person, which said three arbitrators, after having been previously sworn before any one of the Justices of the Court of King's Bench for the said district of Montreal, hereby authorized to administer such oath, well, truly and honestly, to execute the trust and duty of arbitrators as aforesaid, and after notice to the parties respectively of the time and place of their meeting, shall proceed to fix, ascertain and determine the value of the lots, pieces or parcels of land and property, in respect whereof such commutation, release and extinguishment shall be required: Provided always, That the costs and expenses of such arbitration shall be borne by the parties in equal shares, and that the said arbitrament and award of the said arbitrators, to be named and appointed as aforesaid, or of any two of them, in and respecting the premises, shall be final, and the same shall be duly returned into, filed and enrolled in the said Court of King's Bench for the district of Montreal, and shall by such court be duly confirmed.

VI. And be it further ordained and enacted by the authority aforesaid, That upon the rendering and confirmation of the said award, in the behalf and in manner aforesaid, it shall be lawful for the *censitaire*, person or persons, or body corporate or politic, requiring such commutation, release and extinguishment of all seigniorial and feudal rights and burthens as aforesaid, to pay, or offer to pay, to the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, or their successors, as and for the price, consideration money, and indemnity for the said commutation, release and extinguishment of all seigniorial and feudal rights and burthens, such part of the value of such piece or parcel of land and property, fixed and determined by such award, as according to the rates mentioned in the fourth section of this present Ordinance, should be due and payable in that behalf, or to declare his, her or their option to the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, or their successors, that the said price, consideration money and indemnity, provided the same shall amount to not less than one hundred pounds, shall be and remain upon and shall charge and affect such lot, piece, parcel of land, or property at, and for a redeemable quit-rent (*à rente constituée et rachetable*), according to the laws of this Province; and that any option in the said behalf so made and declared, shall have the full effect in law, of charging and affecting such land or property, for such price, consideration money and indemnity, at a redeemable quit-rent (*à rente constituée et rachetable*), to all intents and purposes whatsoever.

VII. And be it further ordained and enacted by the authority aforesaid, That from and after the voluntary settlement and adjustment, between the parties touching the said price, consideration money and indemnity, or from and after the payment, or tender of payment to the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal and their successors, of the said price, consideration money and indemnity, reckoned according to any such award in that behalf, or from and after a declaration signified to the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, or their successors, by the said *censitaires*, person or persons, or body politic or corporate of his, her or their option, that such price, consideration money and indemnity, reckoned according to such award, shall be, and remain upon, and charge, and affect such lot, piece or parcel of land and property, at, and for a redeemable quit-rent (*à rente constituée et rachetable*) in manner aforesaid, all and every the *droits de cens et rentes, lods et ventes, droit de banalité de moulin, droit de retrait*, and all other feudal and seigniorial rights whatever of the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and their successors, upon, for or in respect of the lot, piece or parcel of land or property, as to and concerning which such commutation, release and extinguishment may be sought and required, shall be and be held to be, taken and considered for ever commuted, released and extinguished; and such lot, piece or parcel of land shall be holden and be deemed and considered as holden thenceforth for ever, by the tenure of *Franc Aleu Roturier*, according to the laws of this Province, and shall never again be granted, surrendered or holden by any feudal tenure whatsoever: Provided always, That nothing hereinbefore contained shall extend or be construed to extend to the *droit de banalité* out of the limits of the City of Montreal, till the major part of the *censitaires* in each of the several fiefs and seigniories aforesaid shall have commuted, nor to discharge the lots, pieces or parcels of land, the tenure whereof may be so converted into that of *Franc Aleu Roturier*, from the rights, hypothecs, privileges and demands of the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and their successors, charged in and upon the same for the security and recovery of the price, consideration money, and indemnity which, by reason of the adjustment with the *censitaire*, or person who required such commutation, release and extinguishment, may remain as a charge and incumbrance of such land or property, at a redeemable quit-rent as aforesaid, or for the security and recovery of any arrears of seigniorial dues accrued before such commutation, release and extinguishment, may have been required, or in anywise to destroy, alter or affect the remedies and recourse at law, which the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, or their successors,

 might

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might lawfully have had or have taken for the recovery of the same, if such commutation, release and extinguishment had not been made and obtained, but that all and every the lawful rights, *hypothèques*, privileges, actions, demands, recourse and remedies in that behalf of the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and of their successors, be and the same are hereby saved and maintained.

VIII. And be it further ordained and enacted by the authority aforesaid, That if the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, or their successors, shall refuse or neglect to make and execute to and in favour of any *censitaire* or other person, or body corporate or politic, who shall in manner aforesaid have paid or tendered payment to them of the amount of the said price, consideration money and indemnity, according to any such award made in due manner, or who shall have declared his, her or their option to the said Ecclesiastics of the said Seminary of Saint Sulpice of Montreal, or their successors; that such amount should remain upon, and charge and affect the lot, piece, parcel of land and property, and for a redeemable quit-rent, according to the provisions in that behalf hereinbefore contained, an instrument in writing before two notaries, or a notary and two witnesses, setting forth such commutation, release and extinguishment, of all seigniorial and feudal rights, dues and burthens, and the terms and conditions thereof, according to law, and the respective rights of the parties, it shall and may be lawful to and for such *censitaire*, person or persons, or body corporate or politic aforesaid, to implead the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and their successors, in the said Court of King's Bench for the district of Montreal, for the purpose of compelling them to grant to the said *censitaire*, person or persons, or body corporate or politic aforesaid, such instrument in writing as aforesaid, setting forth such commutation, release and extinguishment, according to law, and the respective rights of the parties; and upon their default so to do, it shall be lawful for the said Court of King's Bench, and they are hereby required, by their judgment in that behalf, to award and adjudge to such *censitaire*, person or persons, or body corporate or politic, the full benefit of such commutation, release and extinguishment, for and in respect of such land or property, according to law and the respective rights of the parties, with lawful costs of suit.

IX. And be it further ordained and enacted by the authority aforesaid, That the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and their successors, shall not, for arrears of *lods et ventes*, accrued to them at the time of the coming into force and effect of this Ordinance, or hereafter to accrue and become due to them according to law, for each mutation in the ownership of any lands and tenements situated within the said City of Montreal, and of which, and of the buildings erected thereon, the value shall be the sum of five hundred pounds currency and upwards, demand and exact more than one-twentieth part of the price and consideration for each sale or conveyance of any such lands and tenements, nor shall they for each and every mutation in the ownership of any lands or tenements situated in the *censive* of the said three fiefs and seigniories, and out of the limits of the said City of Montreal, exact or demand more than one-sixteenth part of the price and consideration of the sale and conveyance of such last-mentioned lands and tenements; nor shall they, for each and every mutation in ownership of any lands or tenements situated within the limits of the said City of Montreal, of which, and of the buildings thereon erected, the value shall be less than five hundred pounds currency, exact or demand more than one-sixteenth part of the price or consideration for each sale or conveyance thereof; and further, that all and every such arrears of *lods et ventes* accrued at the time when the present Ordinance shall come into force and effect in this Province, according to the respective rates aforesaid, shall not be demandable from any person or persons, owing the same personally or hypothecarily, nor shall any such person or persons indebted as aforesaid to a greater amount than forty-one pounds, be compellable to pay the same to the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and their successors, except within seven years from the day when this Ordinance shall so come into force and effect, in seven equal and annual instalments: Provided always, That in default of any person or persons to pay any such instalment or instalments after the same shall become due, and after three months' notice, and a notarial demand, signified to him or them in that behalf, the whole of such arrears of *lods et ventes*, according to the rates aforesaid, or the remaining unpaid instalments thereof, shall become, and be immediately payable to and demandable by the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, or their successors, from, and shall be paid to them by, the person or persons who shall owe the same: Provided also, That in case the said Ecclesiastics of the Seminary of Montreal, or their successors, shall, before the time when this Ordinance shall come into force, have been obliged to make and file any opposition *afin de conserver* in any court of judicature in the said district of Montreal, with regard to the lands or tenements charged and encumbered with, and for the payment of any such arrears, or to the proceeds of any judicial sale thereof, or to applications for judgments of confirmation of title of any such lands or tenements, then and in such case the Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and their successors, shall be entitled to judgment for, and to receive, such part only of the price and consideration, for each and every mutation in the ownership of such lands or tenements as is herein provided, according to the value and locality thereof; but the amount for which such judgment shall be rendered, shall be payable at the time when it would have been payable if this Ordinance had not been passed: Provided, however, That any judgment for any such arrears which shall have been rendered before this Ordinance shall come into force, in favour of the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, may be executed according to the tenor thereof, as if this Ordinance had not been passed.

X. And be it further ordained and enacted by the authority aforesaid, That the lot, piece or parcel of land called the farm of Saint Gabriel, situated within the said fief and seigniory of the Island of Montreal, lying on the west side of the lower road to Lachine, containing about two hundred and seventy arpents, being one of the domain lands, farms, tenements and hereditaments, secured and confirmed to the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and their successors, by the second section of this Ordinance, shall, within the space of twenty years, after the period when this Ordinance shall come into force or effect in the said Province, be, by the said Ecclesiastics, alienated and disposed of, in *Franc Aleu Roturier*, for ever, in such parts and parcels and for such prices, terms and considerations, as to them may seem most meet and advantageous; and for the making of any such alienations and conveyances, the said Ecclesiastics of the

Seminary

Seminary of Saint Sulpice of Montreal, and their successors, are hereby fully and duly licensed and authorized; and that if at the expiration of the said twenty years, the said farm of Saint Gabriel, or any parts or parcels thereof shall yet remain not alienated, or disposed of, then, and in that case, the said farm of Saint Gabriel, or such parts or parcels thereof, as shall so remain not alienated, or disposed of, as aforesaid, shall, by the mere lapse of the said period of time, and by operation of law, fall within the provisions of the laws of mortmain, and be forfeited to, and be vested in Her Majesty, her heirs and successors, and be re-united to the domain of the Crown for ever.

XI. And be it further ordained and enacted by the authority aforesaid, That all and every the monies which may arise from the commutation, release and extinguishment of the seigniorial rights and burthens, for and in respect of lands, tenements and property, within the *censive* of the said three fiefs and seigniories, and all monies which shall be received and gotten in, by reason of the sale, alienation or disposal of the said farm of Saint Gabriel, or of any parts or parcels thereof, and which monies, as aforesaid, may be disposable after the necessary expenditures for the uses and support of the said institution shall have been provided for, shall, by the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, or their successors, be invested in the public stocks of the United Kingdom of Great Britain and Ireland, or of its colonies, or dominions, or in the chartered and incorporated bodies in the said colonies and dominions, and not otherwise; and that the rents, revenues, dividends and profits of the monies so invested, shall be had, taken and received by the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and their successors, to be expended in and about the support and management of the said institution, and in promoting its objects according to law: Provided always, That out of the said monies which shall so arise, or shall be, as aforesaid, received and gotten in and collected, it shall and may be lawful for the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and their successors, to apply, and invest a sum or sums of money, in the whole not exceeding the sum of thirty thousand pounds currency, in *constitutions de rentes* on immoveable property, or in the purchase of houses, lands and tenements, and immoveable property, situated within this Province, in order to create and produce income to the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and their successors: Provided always, That in addition to, and over and above such real property, producing income, which the said corporation are hereby authorized to purchase and hold, to the value of thirty thousand pounds, as aforesaid, and no more, they may likewise purchase and hold any other real property, houses, buildings or tenements, destined for and appropriated to purposes of religion, charity or education, and producing no income, which may be necessary to accomplish the purposes for which the said corporation was originally instituted and endowed.

XII. And be it further ordained and enacted by the authority aforesaid, That it shall be incumbent on the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and their successors, from time to time, when, and so often, as they shall be required so to do, to lay a summary statement of the estate, income, debts and expenditure of the said Seminary of Saint Sulpice of Montreal, before the Governor, Lieutenant-governor or person administering the government of this Province.

XIII. And be it further ordained and enacted by the authority aforesaid, That the said Ecclesiastics of the Seminary of Saint Sulpice of Montreal, and their successors, as to temporal matters, shall continue and be subject to the same powers of visitation, as in the like cases were possessed and exercised by the Kings of France, before the conquest of this Province, and are now possessed and exercised in that behalf by Her Majesty in right of her Crown.

XIV. And be it further ordained and enacted by the authority aforesaid, That nothing in this present Ordinance contained shall extend or be construed to extend, to destroy, diminish or in any manner affect the rights and privileges of Her Majesty, her heirs and successors, or of any person or persons, society or corporate body, excepting such only as this Ordinance may expressly and especially destroy, diminish or affect.

XV. And be it further ordained and enacted by the authority aforesaid, That this Ordinance shall be taken and deemed to be a public Act and Ordinance, and as such shall be judicially taken notice of, by all Judges, Justices of the Peace, and all others whom it shall concern, without being specially pleaded.

XVI. And be it further ordained and enacted by the authority aforesaid, That this Ordinance shall have no force or effect, and shall not be taken, and deemed to be in force and effect, unless, and until it shall be sanctioned, and rendered perpetual by an Act of the Parliament of the United Kingdom of Great Britain and Ireland, or by other legislative authority, competent so to do.

J. Colborne.

Ordained and enacted by the authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government House in the City of Montreal, the Eighth day of April, in the Second year of the reign of our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland, Queen Defender of the Faith, and so forth, and in the year of our Lord One thousand eight hundred and thirty-nine.

By His Excellency's command,

W. B. Lindsay,
Clerk Special Council.

Appendix (E.)

REPORT from Mr. Turton, on the Establishment of a Registry of Real Property in *Lower Canada.*

My Lord,

I have the honour to transmit to your Excellency the draft of an Ordinance for establishing a registry of real property in the province of Lower Canada.

The great object of a Registry Act in a newly-settled country, where capital is not extensive, and the first object of investment is landed property, ought to be to make lands an available capital for agricultural improvements and commercial enterprise. If lands could be made equally available, equally convertible into money, with bills of exchange, or other mere money securities, the merchant would not hesitate to invest a portion of his capital in land, as readily as other commodities, whilst the agriculturist would not be prevented from embarking in commercial speculations by the want of a capital to meet the emergency of a sudden call to which they might expose him. When the two branches of agriculture and commerce are widely separated and in distinct hands, as in England, that lands should be unavailable as capital is of secondary importance; but in a new country, where the two interests are more closely blended, and almost inseparable, the importance of giving every facility to the transfer, and, as it may be termed, the negotiability of landed property, is of much moment.

To effect this entirely is out of the question; but to facilitate the speedy sale of land, and the raising of money upon it, by laying open to intended purchasers or incumbrancers the charges which may affect it, will go far towards effecting this object. This may be done under any system of law, and is the proper office of a Registry Act.

It is with this view that the draft of the accompanying Registry Bill was prepared, and not for the mere purpose of obviating those inconveniences which arise from the old French law. Its "feudal tenures," its "privileges," and "hypotheques" offer in themselves great obstacles to the use of land as a security for loans, or even as a safe investment of money; but the object in view has been to frame such a Bill as shall be applicable to any system of law—which, as founded on the abstract principle, that "all charges on land, of whatever nature they may be, ought to be registered, in order to their being known to intended purchasers or lenders of money upon the security of such lands," should equally apply whether or not any change should take place in the law which now prevails in Lower Canada. If this principle be incorrect the Bill is founded on error; if in any respect the Bill does not carry out this principle it is defective.

As founded on this principle it avoids all allusion to the ancient French law, or any other system of law, as far as possible. As more especially called for by the commercial and British community, it adopts English language and expression rather than French. As founded on no particular system of law, it has separated entirely the general question of the French law, and all alteration which may be desirable therein, from the question of registry: although it is beyond dispute that to make any registry system in Lower Canada of practical benefit or advantage, certain changes must be effected in the French law as it at present prevails there. The Code Napoleon, when it adopted a system of registration, found it necessary to adopt various modifications of the law previously existing in France.

Such changes in the present law of Lower Canada as are immediately and pressingly called for to make the registry system work with advantage, form the subject of a separate and distinct Bill, which it has been thought more convenient to offer separately, though in fact forming a part of the registry system. They ought to be judged of and weighed together, and it must be recollected that the second Bill proposes no changes which are not considered necessary with reference to the registry—all other changes being left for separate consideration.

Such are the general objects of the Bill. It has been objected to by almost every Canadian who has been consulted, and has given any opinion upon it, as making alterations of great extent in the French law. It is sufficient to say, in answer to this objection, that it is not true; the present Bill, as altered from the original draft, makes scarcely any alteration. The original draft submitted to the parties made none. It may be added, however, that no one individual pointed out a single alteration that it would effect, or any disadvantage that such supposed alterations might be expected to produce.

The only objections made by the English party were, that it did not go far enough, and that those alterations of the French law which it was intended to make were not included in the Registry Bill, but that the two subjects were to receive separate consideration. It may be proper to observe that one or two English seigneurs made the same objections as the Canadians, but without pointing out any one distinct alteration which the Bill as submitted to them would make. The seigneurs generally objected to the expense and inconvenience of registering

registering their claims for cens et rentes, or other seigniorial petty dues. The chief alterations from the original draft now introduced have been made to obviate this latter objection, which was thought a reasonable one. Most of the others were introduced on the recommendation of Mr. Valliere St. Real, the judge of Three Rivers, than whom there could be no better representative of the Canadian interests; others were made on the suggestion of some of the English party, and with the assistance and advice of Mr. Buchanan and Mr. Badgeley of the Montreal bar.

In the details of the Bill there are two points which it may be proper to notice more particularly. There is a difference of opinion whether registration ought to be compulsory and the securities rendered void if not registered within a certain period from their execution, or whether the securities if not registered should only be void against third parties. The latter course has been adopted in the proposed Bill. Again it has also been a disputed point whether notice of an instrument by a third party ought to supply the defect of registration. The English law, so far as the registry system has been adopted in it, maintains, on the authority of Lord Hardwicke, the affirmative of this proposition; and in this is followed by that of New York, and some others of the American States. The Code Napoleon, and various other codes (that of Louisiana, for instance, which is chiefly founded on the Code Napoleon) hold the contrary doctrine—most of them with some modification. The present Bill adopts in most respects the doctrine of the Code Napoleon.

On the first point it has been considered sufficient that the registry should protect third parties—that as between the two original parties there can be no necessity for registration, each being cognizant of the transaction; and if they have any objection to registration the public has no interest in it, or in their concerns, further than to prevent fraud. By the proposed Bill a party entitled may make registry at any time he pleases. If he omit to do so and an innocent party lends money upon the faith of there being no prior incumbrance, such innocent party will have a prior security if he register it. If therefore any fraud is committed, or permitted, by the omission to register, the person who is in fault will alone be the one to sustain the loss. This is sufficient for the protection of the public; and the legislation and interference with the concerns of individuals, will not extend beyond the mischief to be remedied, and the public good to be effected. One strong case of a fraud perpetrated, and heavy loss sustained, under the compulsory system of registration in the townships has already occurred.*

As to the second point, it has been very generally admitted that allowing any substitute for the registry has been productive of much litigation, and is of doubtful advantage. As notice of a former deed is generally the subject of mere vivâ voce evidence, it substitutes oral testimony for a solemn written instrument; and there are few systems of law which approve the principle, whilst they adopt it as introduced by a great English lawyer. It has been alleged that there are facilities for procuring oral evidence of disputed facts in Lower Canada which would make such a principle highly objectionable; and though this might hardly furnish a sufficient reason alone, it may not be improper to be weighed with others as a ground for rejecting a principle of a somewhat doubtful nature. It has accordingly been determined to propose that actual registry shall be held absolutely necessary, and that notice of a prior instrument shall not supply the omission to register it, unless the person to be affected by such notice was one who was employed to effect, and ought to have effected the registry, or was guilty of direct fraud; or unless the deed was one of actual and positive sale. The reason for making a distinction between securities for loans or conditional sales, and deeds of absolute sale is, that in the one case the person to take the benefit of the security may have chosen to look to the mere personal security, or to some other security, or may have received back the amount; or the condition may not have been performed, or may have been released or satisfied. But a man who, knowing of an actual positive sale, nevertheless enters into a bargain for a re-sale to him by the same party of the same property, enters into a conspiracy with the vendor to defraud the first purchaser, and voluntarily purchases that which he knows the other party not to be entitled to convey. This distinction has been drawn without the knowledge of its being sanctioned by precedent in any code, but it has received the approbation of lawyers of eminence, both in Lower Canada and New York, and has not been questioned by any one.

Subject to much consideration and consultation with those in this country, who have taken an interest in the subject of a registry, it has been decided that registry alone shall neither confer title nor be evidence of title. A man who has no title, and never had a title, can confer none. But a man who has had a title, and has purported to convey that partially or wholly to another, may possibly have a right to make another conveyance of the same property. The registry, therefore, is only made evidence of priority of title from the same party. As between all claiming under A. the registry of conveyances from A. will be conclusive

* Mr. James Stuart, the present Chief Justice, who is entitled in right of his wife to a considerable estate, under a conveyance upwards of 30 years old, which gives a prescriptive title, was absent in England when the Act passed requiring registration within a certain time, and when such time was extended by a subsequent Act for another year. Persons who had wished to get grants from him took advantage of the want of registry, searched out the old grantor (an old widow) still living, obtained a new sale to themselves, and succeeded in the first court in an action upon it. If Mr. Stuart succeeds in the court of appeal, it will be on the ground that his title is prescriptive, and that it is not necessary by the existing law to register such title.

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clusive evidence; but if another claims to be entitled from Z. the question will be, whether A. or Z. had the title to the property, not who had the prior registry.

It is believed that with these observations the general nature and purport of the Registry Bill, as prepared for passing as an ordinance by the Special Council, will be sufficiently apparent from the Bill itself.

I have, &c.

(signed) *Thos E. M. Turton.*

Quebec, 20 October 1838.

DRAFT of an ORDINANCE for establishing a REGISTRY of all TITLES and INCUMBRANCES affecting LANDS in the Province of *Lower Canada*.

Preamble.

WHEREAS the registration of all titles to immoveables and of alienations thereof, and of all charges and incumbrances thereon in this province is likely to encourage and promote the introduction and investment of capital, by facilitating and rendering more secure all pecuniary transactions relating thereto, and by the prevention of all secret and fraudulent conveyances thereof or charges thereon: And whereas the value of all lands in this province will be thereby greatly increased:

All sales and alienations of and charges upon lands which shall not have been registered as hereinafter provided, to be void as against subsequent bonâ fide purchasers or incumbrancers, for a valuable consideration, duly registered.

I. Be it therefore enacted, &c. That from and after the day of all alienations of, and all charges and incumbrances whatsoever on, or in any manner affecting any immoveables within this province other than as hereinafter expressly excepted, howsoever such immoveables may be holden, or such charges or incumbrances be created or arise, which shall not have been registered in the manner hereinafter provided and directed, shall be deemed, holden and taken to be null and void and of no effect whatsoever, as against any subsequent bonâ fide purchaser or incumbrancer for a valuable consideration, whose title or right, charge or incumbrance shall have been duly registered, according to the provisions of this Ordinance.

II. And be it further enacted, That the following charges are and shall be excepted from the necessity of registration, and wholly exempted from the operation of this Ordinance:

1. Arrears of *cens et rentes* due for any period not exceeding five years, and seigniorial dues and services other than arrears of *lods et ventes*.
2. Costs of suit (*frais de justice*).
3. Funeral expenses and those of the last sickness.
4. Servants' wages for any period not exceeding two years.

Registry offices to be established in every county in the province for registering all titles and charges howsoever arising.

III. And be it further enacted, That there shall be established in every county throughout this province now existing, or which may hereafter be created or made, at such central places in such counties respectively as the governor or person administering the government of this province, by proclamation, may from time to time appoint, registry offices for the registration of all titles and claims to, and of all charges and incumbrances on any immoveables whatsoever, excepting as is hereinafter excepted, lying within such counties respectively, whether such title or claim, or such charge or other incumbrance shall originate or be evidenced by any notarial act, or other deed or instrument, conveyance, assignment, gift, appointment, marriage contract or settlement, or by the legal rights of marriage, or by devise or by the operation of law, by judicial proceedings or otherwise, or by the act, or the neglect or default of any party or parties interested therein or entitled thereto.

Who may cause registry to be made.

IV. And be it further enacted, That whenever any person or persons whosoever, or bodies politic or corporate, shall or may have or claim to have, whether in his or their own right, or as legally representing the rights of others, and shall seek to preserve the same against any subsequent bonâ fide purchaser or incumbrancer, any title or claim to any immoveables, or any charge or incumbrance thereon, howsoever the same shall be derived or be created or arise, any such person or persons, bodies politic or corporate, shall and may at any time or times after the day of cause the act or deed in law or instrument in writing, under or by virtue whereof he or they may have or claim to have such title, claim or incumbrance to be registered in the manner hereinafter directed, in order to the more perfect knowledge of the same; and no person shall be capable of enforcing any such title or claim, charge or incumbrance against third parties until the same shall have been duly registered according to the provisions of this Ordinance; save and except so far as to enforce any judgment or other judicial proceeding by process of execution, interlocutory or final, in due course of law, according to the course and practice of the court from or out of which such judgment or other judicial proceedings may emanate.

Registry by one party to enure for the benefit of all claiming under the same instrument.

V. And be it further enacted, That the registration of any deed or instrument whereby any immoveables shall have been alienated, charged or incumbered, whether such registration shall be made by any purchaser or incumbrancer, or by any vendor or other *bailleur de fonds*, or by the lender who shall have furnished the monies paid, and by the same contract shall be subrogated into the right of the vendor of any immoveables, shall, when once made, extend to the preservation of all rights appearing by such deed or instrument; and the register with whom such registration shall be made shall be bound, on pain of all damages and interest towards third parties, to enter in his registry with due references thereto, according to the provisions of this Ordinance, all charges on such immoveables resulting from such deed or instrument, as well on behalf of the person making such registration as on behalf of all other persons, whether purchaser or incumbrancer, or vendor or other *bailleur de fonds* or lender of monies as aforesaid.

VI. And

How the registration shall be made. Judicial Acts.

VI. And be it further enacted, That in all cases where any alienation may have been effected, or any charge or incumbrance may have been created, by virtue of any judgment, recognizance, acte of curatelle or tutelle, or of any record or other proceeding in any court of judicature, such registration shall be made by filing with the registrar for the county within which the immoveables intended to be thereby affected may be situate an office copy of every such judgment, sale, recognizance, acte of curatelle or tutelle, record or other proceeding of any court of judicature, whereby or under and in virtue of which such alienation may have been effected, or by which such charge or incumbrance may have been or may be supposed to have been created, with a sufficient description of the person or persons whom by such registry it is intended to affect, and a specification of such immoveables within the district of such registry which such judgment, recognizance, acte of curatelle or tutelle, record or other proceedings of any court of judicature affects or is intended to affect; provided always, that if any such charge or incumbrance shall be general in its terms and nature (such charge or incumbrance having been created before the passing of this Ordinance, or being such as may hereafter be allowed by law to be general) then it shall be a sufficient specification, if the party entitled to such charge or incumbrance shall insist thereon, to state that such judgment, recognizance, acte of curatelle or tutelle, record or other proceeding of any court of judicature, affects all immoveables within the district of such registry then belonging to, or which may be subsequently acquired by, the person in relation to whom such registration shall be sought, and such office copy of any judgment or other judicial act or proceeding shall require no further proof to be admitted to registry.

Mode of registering titles under letters patent or seigniorial grants.

VII. And be it further enacted, That all letters patent and grants of seigniories or other grants from the Crown, or conveyance of seigniories or fiefs to individuals, may and shall be registered, either by filing with the register where the immoveables may be situated a copy of the original letters patent or grant, certified by the provincial secretary to be a true copy thereof, with the date of the entry thereof in his office, or by the acts of fealty and homage of any seigniory certified in like manner, or otherwise by a minute or memorandum of the principal contents of such letters patent, grants or acts of fealty and homage, that is to say, the names of the parties, the nature and extent and subject matter of the grant, and the amount and nature of the rentes or other dues or duties reserved thereby, and the dates and execution of such letters patent, grants or acts of fealty and homage, certified in like manner, and such registration may be made in either of such modes, at the option of the party requiring such registration, and with such certificate of the provincial secretary, shall be made without further proof being required.

The mode of making registration of claims under notarial Acts.

VIII. And be it further enacted, That in all cases where any title, claim, charge or incumbrance may be derived from or under, or may have been created by any act or instrument passed before notaries or before a notary and witnesses, the registration shall be made by filing of record with the register for the county within which the immoveables intended to be thereby affected may be situate a notarial copy under the hand of and certified by the notary before whom it was acknowledged of every act or instrument by which such title, claim, charge or incumbrance may have been or is supposed to have been created, or is or may be evidenced or corroborated, affirmed or supported, in anywise howsoever, which notarial copy shall require no further proof to be admitted to registry.

Wills.

IX. And be it further enacted, That the mode of registering every title or claim, charge or incumbrance, under any will or testamentary instrument shall be by filing with the register of the county where the immoveables affected by such will or testamentary instrument may be situate a copy of such will or testamentary instrument, and the registration of such will or testamentary instrument shall take place in manner herein provided for notarial acts or instruments *sous seing privé*, or other instruments, according to the nature and quality of such will or testamentary instrument.

Instruments *sous seing privè*.

X. And be it further enacted, That in all cases where any title, alienation, charge or incumbrance may have been or may be supposed to have been created, by or under any instrument under signature, whether executed as an English deed under seal or without seal, or in any manner as an instrument commonly termed *sous seing privé*, the registration shall be made by filing of record with the register where the immoveables to be affected thereby may be situate a true copy of every such instrument *sous seing privé*, with a statement of the party by whom such registration is required, that the same is in fact a true and exact copy of every such instrument *sous seing privé*, and that the same was duly executed by the party whose instrument it purports to be, and a statement of the address and calling of each of the subscribing witnesses to such instrument to the best of the knowledge and belief of the party so requiring such registration.

Claims arising by operation of law, &c. not evidenced, or only partially evidenced, by written proof.

XI. And be it further enacted, That in all cases where any title or claim, charge or incumbrance may have been, or may be supposed to have been created by, or to have risen from the operation of the law (as by prescription or otherwise,) or by or from the act, neglect or default of any party or person whatsoever, and shall not be evidenced or supported by any written instrument whatsoever, or only in part evidenced or supported by written instruments, not sufficient fully to testify the same, the registration of such title, claim, charge or incumbrance shall be made by filing of record with the register of the county where the land so affected thereby may be situate, all such written instruments or documents, if any, as may be in the power, custody, control or procurement of the person requiring such registration, together with (or if no such written instruments or documents shall exist, then by filing with such register) a full, true, correct and detailed statement in writing, by way of memorial, of the nature and amount of every such supposed charge or incumbrance, the circumstances relating thereto, and the manner in which the same, or any part thereof, may have accrued or been created, so as to show distinctly the nature, extent and amount of the claim made by the person or persons so registering the same, to the best of his, her or their knowledge thereof, or in cases in which the exact amount of such charge cannot be ascertained at the time of such registration, then the approximate or probable amount thereof, so far as the same can be then ascertained or appreciated, together with a distinct statement or designation of the person or persons, and of the lands intended to be affected by the same; and in case no acknowledgment by the parties to be affected by such registration as is hereinbefore provided, shall be filed with such statement, showing the amount and nature of such charge or incumbrance, and if the whole of the documents, statements, memorials and accounts in the custody, power or procurement of the party requiring such registry, relating to any such charge or incumbrance, or supposed charge or incumbrance, with such statement in writing by the party requiring such registration, so far as the party may be enabled to

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supply the same, shall not be sufficient to afford a distinct intimation of the nature and extent, other than the precise amount of such charge or incumbrance, and of the immoveable property affected thereby, to all such persons as may afterwards have occasion to inquire into the same, every such charge or incumbrance, or supposed charge or incumbrance, so defectively registered, shall be deemed, holden and taken to be null and void to all intents and purposes as against any subsequent *bonâ fide* purchaser or incumbrancer for a valuable consideration, whose title, charge or incumbrance shall have been duly registered according to the provisions of this Act, in the same manner as if such charge or incumbrance so defectively registered had never been made or created.

Registration of leases.

XII. And be it further enacted, That in all cases of persons holding or claiming under any lease for years, the mode of registration shall be by filing an abstract or memorandum of such lease, containing the name and residence of the lessor, the name and residence of the lessee, the term for which the lease was made, stating the period of its commencement and termination, the nature of the rights demised, the rent or other dues or duties or rights reserved, and a description of the immoveables comprised in such lease, and the boundaries thereof, and a solemn statement of the truth of the facts contained in such abstract, to the best of the knowledge and belief of the party requiring such registration.

Ordinance not to compel registration of leases not exceeding three years with possession.

XIII. Provided nevertheless, and be it further enacted, That nothing herein contained shall extend or be construed to extend to rendering it compulsory on any person holding and being in the actual possession of any immoveables, under a lease of not exceeding three years from the commencement of such term, to make registration of such lease; but all persons whosoever, parties to such lease, shall and may enjoy, hold, sue and prosecute all claims arising out of such lease, whether registered or not registered, as if this Ordinance had not been passed.

The preservation of privileges. The privileges of *lods et ventes*.

XIV. And be it further enacted, That the privilege of seigneurs for *lods et ventes* on any immoveables within their respective seigniories shall only be defeated by a certificate of the seigneur, that all *lods et ventes* on any immoveables alienated, charged or incumbered, have been paid, satisfied or discharged, up to a day to be named in such certificate; and all seigneurs shall be bound by law, upon the request of any person in possession of such property, or having any charge or incumbrance thereon, to grant a certificate under the hand of any such seigneur, stating the name of the proprietor of such immoveables in the books of such seigneur, and whether any, and if any what *lods et ventes* are due in respect thereof; and any person interested therein may register such certificate according to the provisions of this ordinance, and until such certificate shall be duly registered, and as to all *lods et ventes* mentioned in such certificate, the privilege of any seigneur, in respect of *lods et ventes* due to him, shall continue as it existed before the time of the passing of this Ordinance.

Privileges of vendor and other *bailleur de fonds*.

XV. And be it further enacted, That the privilege of the vendor, or other *bailleur de fonds*, or lender, who shall have furnished the monies paid, and who shall be subrogated into the right of the vendor, may and shall be preserved by registration at any time within sixty days from the time when the title deeds conveying such immoveables was executed, during which period no other charge or incumbrance created on such immoveables shall be effectual against the claim of such vendor, *bailleur de fonds*, or lender, aforesaid.

Privileges of co-heirs or co-partitioners.

XVI. And be it further enacted, That every co-heir or co-partitioner may preserve his privilege on the property in each share, or on the property in licitation, for the difference on the shares (*soulte ou retour*), or for the price of the licitation, by causing the registration to be made within sixty days from the date thereof, during which sixty days no mortgage shall be constituted upon the property charged with such difference (*soulte ou retour*) or adjudged by licitation, to the prejudice of the creditor of the difference (*soulte ou retour*) or of the price.

Privilege of architects, builders, &c.

XVII. And be it further enacted, That architects, builders, masons, and the workmen employed to build, rebuild or repair houses and other buildings, and entitled to any privilege in respect thereof by the laws of this province, and persons who have lent the monies to pay and reimburse them, the application of which was established, shall preserve their privilege, on causing registration to be made within sixty days from their respective dates; first, of the agreement or estimate made for the said works; and secondly, of the *procès verbal* of the reception thereof.

Privilege of creditors and legatees, praying for separation of the patrimony of the deceased from the property of the heir.

XVIII. And be it further enacted, That creditors and legatees praying for the separation of the patrimony of any deceased person from the property of the heir of such person, shall preserve, as against the creditors of the heirs or representatives of the deceased, their privilege on the immoveables of his succession, on registering their claims according to the provisions of this Ordinance on all such immoveables within six calendar months from and after the opening of the succession, and that before the expiration of such term of six months no mortgage shall be constituted with effect upon such immoveables by the heirs or representatives of the deceased to the prejudice of his creditors.

Privileges not duly registered to rank only as mortgages.

XIX. And be it further enacted, That all privileges liable to registration by virtue of this Ordinance which shall not have been duly registered within the respective periods hereinbefore provided, shall from and after such respective times lose their respective priorities, and shall from thenceforth operate as mortgages only, and shall take effect as such mortgages from the period of their registration, according to the provisions of this Ordinance, as all other mortgages.

Mode of authenticating instruments presented for registration

XX. And be it further enacted, That whenever the authenticity of any instrument whatever, presented for registration, and the right of the party presenting it to have the same registered, shall be admitted by the person executing such instrument, the same shall and may be forthwith registered by the register to whom the same shall be presented without further proof; and such admission shall and may be made by the person being the party to be affected, or if more than one person shall execute the same, and shall be affected thereby, then by any one such person; and such admission shall and may be made either in person to such register or under power of attorney, duly authenticated before a justice of the peace or notary public, or before one of the judges of the superior court of the district, and such power of attorney shall be filed with such instrument so registered; but if any instrument, not being a notarial instrument, or the record

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or other proceeding of a court of law duly authenticated according to the usual course and practice of such court, hereby directed to be registered without any further proof, shall be presented for registration, every such instrument shall be accompanied by a solemn declaration, to be filed with such register, signed by the party demanding such registration, containing a statement of all facts necessary to be stated, according to the provisions of this Ordinance, and of the authenticity of such instrument and the truth of such facts, according to the best of the belief of the party seeking such registration.

How any solemn declaration required by this Ordinance may be made, and punishment of any person falsely personating another, and falsely admitting any such document.

XXI. And be it further enacted, That in all cases in which any solemn declaration is required by this Ordinance to be made, or any acknowledgment to be given, such declaration may be made or acknowledgment given by the party required to make or give the same in person to the register, or by any other person under power of attorney, duly authorized for that purpose, before any judge of the superior court of the district where the same is to be used or filed, or before any justice of the peace for such district, or before the register with whom such document is to be filed, and such judge or justice of the peace or register shall satisfy himself, by the affidavit of the party or others, before accrediting such declaration or acknowledgment, of the identity of the person making such declaration or acknowledgment, and of the authenticity of the power of attorney under which any attorney shall act in such matter; and any person who shall knowingly and wilfully, with any corrupt or fraudulent purpose, or with the intention of injuring or defrauding any other person, make or declare to be true any false statement in and by such solemn declaration, or knowingly and wilfully, with such intent as aforesaid, acknowledge any instrument or matter to have been duly executed, contrary to the fact and without lawful authority, or falsely personate any other person in making such acknowledgment, every person shall be thereby taken and deemed to have been guilty of a misdemeanor, and being thereof lawfully convicted, shall be liable to suffer the like pains and penalties as by law are inflicted on persons convicted of wilful and corrupt perjury.

Where registry is required of a title, &c. not derived from a judicial nor notarial act, the party requiring such registry to make and deliver a declaration of his title and requisition of registry, and therein to elect a domicile.

XXII. And be it further enacted, That in all cases in which any title, claim, charge or incumbrance, not created or derived from some judgment or other judicial act or sale, or by letters patent or grant from the Crown, or under some notarial act, shall be required by any person or persons having or claiming to have such title, claim, charge or incumbrance, to be registered by any register, such person or persons shall, before the same shall be so registered, make and deliver to such register a solemn declaration that such his or their interest, title, claim, charge or incumbrance, to the best of his belief, is just and true, and sign and deliver to such register a requisition demanding such registry, and stating whether or not such title, claim, charge or incumbrance is admitted or denied by the person in possession of the property whereto or whereon, or in respect whereof such title, claim, charge or incumbrance exists or is claimed, and in and by such requisition he shall elect, and all persons whosoever requiring a registration shall elect a domicile in the place wherein such registry shall be made, or within three miles thereof, where he or they may be summoned or called upon to support or defend the same, which said declaration, requisition and election of domicile shall be in the form or to the effect of the formula contained in the schedule to this Act.

Lawful to change domicile.

XXIII. And be it further enacted, That it shall and may be lawful for any person who may have elected a domicile, on obtaining registration, or for his representatives or assigns, at any time thereafter, by an authentic acte, to change the domicile so by him elected, on naming and electing a new domicile within the same limits as such former domicile, and causing the same to be entered and registered by the register with whom such former registration shall have been made, who shall thereupon make a marginal note of and reference to such new domicile, at the page in the books of registry where such preceding election is entered.

When instruments not acknowledged by the party, register to give notice.

XXIV. And be it further enacted, That in all cases where the person or persons whose names appear upon any instrument, other than notarial or judicial, presented for registration, as the executing parties thereof, shall not be personally present, or appear by attorney duly authorized to acknowledge the same as herein provided, the register with whom such instrument shall be registered shall forthwith, and within seven days after such registry at the farthest, cause notice to be given to the executing parties of such instrument, and to any party appearing on the face of such instrument to be affected thereby, residing within his district, of the presentation of every such instrument for registration; and such notice shall be given in writing by such register, at the place of residence of the party to receive the same within the district of such register, and shall be affixed on the church door of the parish wherein the lands whereto such notice shall relate may be situate, unless the party receiving such notice shall request such register, in writing, to abstain from affixing the same; and in case any party to receive such notice shall have no place of residence within the district of such register, it then shall be sufficient to give such notice on the door of the parish church, or if there be no church, on the door of the registry office wherein such lands shall be situate aforesaid.

Registration tantamount to delivery or tradition.

XXV. And be it further enacted, That from and after the passing of this Ordinance, the registration of any instrument of transfer (*acte translatif de propriété*) shall be tantamount to and operate as delivery or tradition.

Registration not to confer title.

XXVI. And be it further enacted, That no registration shall confer any title upon, or confirm any title derived from, a person who may not have any just title or claim at law to the immoveables so registered at the time of such registry, and who never had any just title or claim at law thereto, save and except as against prior purchasers and incumbrancers not registered claiming under the same person; but all purchasers and holders of security on immoveables shall be held, and bound to satisfy themselves of the right and title of every vendor and incumbrancer to alienate or incumber such immoveables, as they would have been if this Ordinance had not been made and passed, save and except as to all prior sales or incumbrances by the party selling or incumbering such immoveables, of which such registry shall be conclusive evidence.

Notice of a prior sale or incumbrance not registered not to vitiate a bonâ fide sale for consideration registered.

XXVII. And be it further enacted, That no notice on the part of any subsequent actual purchaser or incumbrancer, for a valuable consideration, of a prior conditional sale or incumbrance not registered, shall vitiate or render void such subsequent purchase or incumbrance, duly registered, if made for a valuable consideration, unless such subsequent purchaser or incumbrancer was a person employed to effect the registration of such first conditional sale or incumbrance, and shall have

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neglected so to do, or unless he shall be a person who by any fault, negligence, fraud or misrepresentation prevented such registration from taking place or being duly made, or fraudulently combined or conspired with any person or persons to prevent, obstruct or delay the same: Provided always, That evidence of such notice and other circumstances as above shall be regulated by the law of this province, as it stood at and before the passing of this Ordinance: and provided also, That no subsequent purchaser, with actual notice or knowledge of a prior absolute sale to any other person for a good and valid consideration of the same property, shall be entitled to avail himself of such subsequent purchase, by reason of the want of a due registry of such prior sale, until after he shall have given or caused to be given public notice to such prior purchaser to register such his prior purchase, by public advertisement in the Quebec Official Gazette twice in one calendar month, if such prior purchaser shall be living in this province, or six several times in the said Gazette in the course of one year, and also by a written notice during such year on the door of the registry office where such lands may be situate, if such prior purchaser be living in any other part of the world.

Any party selling or incumbering may sell or incumber, subject to a prior unregistered claim, which in that case shall continue valid.

XXVIII. And be it further enacted, That it shall and may be lawful for any person having conditionally sold or incumbered any immoveables, which conditional sale or incumbrance may not have been duly registered, subsequently to sell or incumber the same, subject to such prior claim, and in such case, such conditional sale or incumbrance as against such subsequent purchaser shall remain good and valid for the amount mentioned in such subsequent sale or incumbrance due thereon, and subject whereto such immoveables may have been sold or again incumbered, and the amount thereof in such case, in pursuance of such subsequent sale or incumbrance, may be enforced, with all interest due from the period of such last sale or incumbrance, not exceeding the usual period of prescription relating to such cases by the laws of this province and according to the provisions of this Ordinance, when and as soon as such original conditional sale or incumbrance shall have been registered in manner hereinbefore provided.

Persons having sold or incumbered, again selling or incumbering without notice of prior sale or incumbrance, subject themselves to an immediate action for original purchase-money and damages, at suit of non-registering purchaser or incumbrancer.

XXIX. And be it further enacted, That if any one having before conditionally sold or in any manner specially incumbered any immoveables, and received the consideration thereof, which conditional sale or incumbrance may not have been duly registered, shall subsequently sell or incumber the same, or any part thereof, to any other person, without disclosing at the time and in the instrument of such subsequent sale or incumbrance, such prior conditional sale or incumbrance not registered, and reserving the right of such prior conditional sale or incumbrance, every person so making such second sale or incumbrance shall thereby, notwithstanding any terms or conditions in the original contract to the contrary, render himself subject to an immediate action at law, at the suit of such prior purchaser or incumbrancer, for the full amount of such original consideration, and of any interest due upon any incumbrance, and of all damages which such incumbrancer may sustain by reason of such subsequent sale or incumbrance.

All sales and incumbrances to take effect from registry, except as otherwise prescribed.

XXX. And be it further enacted, That from and after six calendar months after this Ordinance shall come into operation, every alienation of or charge or incumbrance upon or in any manner affecting any immoveables in this province, of whatsoever nature or description the same may be, or howsoever the same may be evidenced, arise, be created or originate, other than the privileges duly registered, in manner hereinbefore provided, shall take effect and have priority, according to and from the period and in the order of such sales and incumbrances being duly registered in manner in this Ordinance provided, and not otherwise, save and except as herein expressly excepted and directed.

The Governor to appoint a register of the province.

XXXI. And be it further enacted, by and with the authority aforesaid, That it shall and may be lawful for the Governor, Lieutenant-governor or person administering the government of this province for the time being, by warrant or commission under his hand and privy seal, and recorded in the office of the provincial secretary of this province, to nominate and appoint, from time to time, one or more fit and proper person or persons of integrity and ability to be provincial register of this province, who shall have, under such Governor, Lieutenant-governor or person administering the government of this province, the general superintendence, control and direction, subject to the provision of this Ordinance, or of any other Ordinance or Act which may hereafter be passed by competent authority, of all registry offices throughout this province, whose duty it shall be to make frequent visits to such registry offices, and to see that the books and entries therein are properly kept and made, and the duties thereof properly, regularly and systematically performed, and to make reports thereon to such Governor, Lieutenant-governor or person administering the government of the province, to be laid before the legislative authority of the province in each and every year; and such provincial register shall have the power of appointing a deputy, or superintendent of registers, in each of the districts of this province, for whose conduct and performance of the duties entrusted to him in the superintendence of the respective registry offices in their respective districts the said provincial register shall be answerable.

The Governor to appoint registers in each county.

XXXII. And be it further enacted, That it shall and may be lawful for such Governor, Lieutenant-governor or person administering the government of this province, by warrant or commission under his hand and privy seal, recorded in the office of the provincial register, to appoint some one or more fit and proper person or persons of integrity and ability in each and every county throughout this province, to hold and exercise, jointly if more than one shall be appointed, in each of the said counties respectively the office of county register for each of such counties; and such said county register shall hold and exercise the office of county register in a public office to be established for that purpose, in the town or place where the court of circuit shall be usually held within the county for which he shall be appointed to act, or at such other central and convenient town or place in such county as shall, by proclamation from time to time, as circumstances may require, be appointed for that purpose by the said Governor, Lieutenant-governor or person administering the government of this province as hereinbefore provided: Provided nevertheless, That it shall and may be lawful for the Governor, Lieutenant-governor or person administering the government of this province, in case any county shall appear to him to be inconveniently large for one registry office, by proclamation, to divide such county, for the purpose of this Ordinance, into one or more counties, as shall appear to him the most convenient for the inhabitants thereof, and to appoint one or more registers for each of such subdivisions as for the whole of a county.

XXXIII. And

XXXIII. And be it further enacted, That the original warrant or commission of every person so appointed such county register shall be forwarded to the person so appointed, and remain in his office as his authority, whilst he shall continue such register, and be at all times during the hours of office, open to the inspection of all persons whomsoever: And every such provincial register or county register, or any person claiming to be, or to be entitled to be, such register, shall be removeable at the pleasure of the Governor or person administering the government of this province, by any warrant or other act of revocation, under the hand and privy seal of the said Governor, or person administering the government of this province, to be likewise recorded in the office of the said provincial register, and the original thereof shall be forwarded to the person so removed at the office of the registry, or where he claims to be register, who shall forthwith give up charge of his said office and of the seal of office thereof, and of all registers and documents therein to such persons as shall by the Governor, or person administering the government of this province, be appointed or named to receive the same; and if any person so removed or ordered to give up such charge shall refuse or neglect for the space of four days next after the time when he shall be required so to do, to deliver up such office, or the books, papers or documents therein contained, or any of them, or shall have at any time wilfully mutilated, destroyed or allowed to be mutilated or destroyed, any such books or papers, or if after the expiration of such four days after he shall have received the warrant of removal, (he not having then delivered up such office,) any such books or papers shall be mutilated or destroyed, whether by fire or other accident, such person shall forfeit for every such book, paper, document or instrument which shall be so mutilated or destroyed, and for every subsequent day that he shall continue in possession of, or refuse or neglect to deliver up such office or any such books, papers, documents or instruments, the sum of five pounds currency, to be sued for, recovered and applied as hereinafter provided, and for the amount thereof so far as such recognizance as hereinafter is provided shall extend, the same shall stand and be a security; and such person so filling or having filled the office of register, and so as aforesaid offending, shall be considered as having for every such offence committed a misdemeanor, and may be prosecuted accordingly in the superior court of the district wherein such offence may have been committed, and being thereof convicted, shall be subject to such reasonable fine and imprisonment as the court in its discretion shall award.

The warrant of appointment and revocation of every register to be forwarded to his place of office, and remain registered, and penalty on any register refusing to deliver up on removal books or papers, or on their being mutilated, &c.

XXXIV. And be it further enacted by the authority aforesaid, that every provincial register and register for any county, before he enters upon the execution of his office, shall take and subscribe before a judge of the superior court for the district wherein his registry office shall be situated, or before one of the judges of Her Majesty's Court of King's Bench for the district of Montreal or Quebec, an oath of office in the following words, that is to say;

> "I, do solemnly swear, that I will faithfully, diligently and impartially, to the best of my understanding and ability, execute the office and perform the duty directed and required to be by me done as provincial register, or register in and for the county of or district, (as the case may be,) of under and by virtue of an Ordinance made and passed by the special council for the affairs of the province of Lower Canada, in the year of our Lord 1838, intituled, 'An Act or Ordinance,' &c."

Every provincial register and register to take an oath of office, and enter into recognizance for the due execution of his office, to be binding from the time of acknowledgement. To pay a penalty of 5*l.* for acting without doing so.

And every county register shall take the like oath before some judge of Her Majesty's Court of King's Bench, or justice of the peace for the district wherein his registry office is situate: And every such provincial or other register, before he enters upon the execution of his office, shall also enter into and acknowledge a recognizance unto Her Majesty, her heirs and successors, with tow good and sufficient sureties, before one or more of the judges of the superior court of the district wherein his registry office shall be situated, in the following sums, that is to say; such provincial register in the sum of pounds, and each surety in the sum of pounds, such county register in the sum of pounds, and each surety of such county register in the sum of pounds, conditioned for the true and faithful performance of their duty as such registers respectively, in the execution of their said offices, in all things directed or required by this Ordinance; and two office copies of such recognizance of every such county register shall be forwarded within two days from the acknowledgment thereof to the office of the provincial register, by the prothonotary of the court before which, or a judge of which, such recognizance was acknowledged, under a penalty by such prothonotary of five pounds for every day's default after such two days, one copy whereof shall remain in the office of such provincial register, and the other whereof shall be registered in the office of the register acknowledging the same; and such recognizance shall bind the immoveables of the person acknowledging it from the day of such acknowledgment: And such oath of office so taken and subscribed by such county registers shall be forwarded to and remain deposited of record in the office of the provincial register of this province; and every provincial or other register, who shall take upon himself to act as such register before taking, subscribing and recording such oath of office, as aforesaid, and before entering into and acknowledging such recognizance as aforesaid, unless by the direct authority of the Governor, or person administering the government of the province, shall forfeit and pay for every act done by him as such register the sum of five pounds currency, to be sued for, recovered and applied as hereinafter provided: Provided nevertheless, and be it further enacted, That when within the space of three years from and after the death, removal or resignation of such register, no misbehaviour shall appear to have been committed by such register, in the execution of his office, then and in such case, and from thenceforth such recognizance so entered into and acknowledged shall be void and of no effect to all intents and purposes whatsoever, and neither Her Majesty or any other person shall from thenceforth have any claim in respect of any after discovered fraud, neglect or misconduct of such register, or of any damage or injury sustained thereby, save and except that any person whosoever who may sustain any loss or injury by the act, neglect, fraud or default of such register, may at any time within the period allowed by law as to prescription, proceed by personal action against such register, for the recovery of all damages by him sustained thereby, or such person at any time within three years from the death of such register, but not after, may proceed against his heirs and his unencumbered property, for the recovery of such damages.

Proviso: such recognizance to be void if no fraud discovered in three years after death or removal of the register.

Certified copy of any matter recorded in the provincial or county register's office to be evidence.

XXXV And be it further enacted, That a certified copy, under the hand and seal of every such provincial or county register of any document or writing by this Ordinance directed to be recorded in the office of such provincial or county registers respectively, shall be received in evidence in all courts whatsoever in this province, and shall be evidence of the existence, nature and contents of the registry, and shall also be evidence of the instrument whereto it relates, in case of the loss thereof; and in cases where such registration was made upon the admission of any party to be affected by such registration, such certified copy shall be evidence also of the signature of the party or parties, and of the execution of such document or instrument of admission, in like manner and to the same extent as if the original document had been produced and proved: Provided nevertheless, That such evidence shall be open to be rebutted by proof that any fraud, imposition, forgery or false personation was practised in obtaining such registration; and provided also, that no evidence shall be allowed to be given to rebut the legal effect of such registration, unless fifteen days' notice of the intention to produce such evidence shall be given to the adverse party before the day appointed for commencing the *enquête*: And every certificate produced in any court of justice, under the hand and seal of office of any register, shall be received in evidence without further proof.

Every register to keep an adequate number of clerks, for whom he is to be responsible, and not to allow any fee, &c. to be taken but what allowed by law; so doing to be a misdemeanor in the clerk, punishable by fine and imprisonment; and clerk and register to forfeit a penalty of 5 *l.* with treble costs.

XXXVI. And be it further enacted, by and with the authority aforesaid, That every register shall keep such number of fit and proper and well-qualified clerks for the execution of the duty of such registry office as the business therein shall from time to time require, so as the registry of every instrument presented for registration shall take place with every possible despatch; and such register shall be held responsible for the due, careful and expeditious performance of such duties as shall be committed to him by this Ordinance, whether such shall be performed by him, or by him committed to the charge or execution of, or shall be performed by such clerks, and for any default, misfeasance or nonfeasance by such clerks respectively; and such register shall not allow any fee, gratuity or emolument whatever to be taken by any clerk, in his office, in respect of any duty imposed upon such register, or his clerks, by this Ordinance, under any colour or pretence, or in consideration of greater expedition, or of any service rendered, or of any matter or thing done in connexion with his said office, or other pretence whatsoever beyond or over and above or other than such fee or fees as shall be fixed and allowed for the same by law, or to which he may become entitled by any future Ordinance or Act: And in case any clerk or other person in the office of any register, shall exact, take, demand or receive any sum of money whatsoever, or any article or thing of value, for the performance of any duty so imposed upon such register, contrary to the provisions of this Ordinance, other than as may be allowed by any future Ordinance, Act or law, every such clerk or other person shall be taken to be guilty of a misdemeanor, and being thereof lawfully convicted in any superior court in this province, may be punished by fine and imprisonment at the discretion of the court; and every such clerk or other person, and every register in whose office or in respect of whose duty the same shall be taken, shall respectively forfeit and pay for each such offence double the amount and value so received by such clerk or other person for such duty or under any such pretext as aforesaid, and also be liable to the penalty of five pounds currency, with treble costs of suit, to be recovered and applied as hereinafter provided: Provided nevertheless, That nothing herein contained shall be construed to prevent any register from abandoning or relinquishing to any person, at his free will or pleasure, if he shall desire so to do, all or any fee, remuneration or reward to which he may be by law or may become by any future Ordinance or Act entitled, so that the abandonment and relinquishment of any such fee, remuneration or reward, shall in no wise remove or affect the liability of such register to the due and full performance of the duty in respect of which he would have been entitled to receive such fee, remuneration or reward.

Declaration that no register is to be allowed by law to receive any fee, &c. not authorized by Act of Parliament or future Ordinance, or by tariff duly authorized by such future Acts, except as sanctioned expressly by this Ordinance, and as authorized under existing registry Acts now in force.

XXXVII. And be it further enacted, and it is hereby declared, That no register can or shall be entitled by law to take or receive any fee, remuneration or reward for any act, matter or thing by him done or to be done under this Ordinance, save and except as hereby expressly sanctioned and authorized, or such fee, remuneration or reward as shall or may be fixed and prescribed for the same by Act of the Imperial Parliament of Great Britain or Ireland, or by some Act or Ordinance of this province, under due authority which may be hereafter passed for the same, or such fee, remuneration or reward as may be fixed and prescribed in some schedule or tariff of fees, duly authorized by such future Act or Ordinance, and save and except also that the registers or registrars of the counties of Drummond, Sherbrooke, Stanstead, Shefford, Missisquoi, Ottawa, Beauharnois, Megantic, Two Mountains and Acadie, shall and may accept, take and receive all such fees, emoluments and rewards as are now authorized to be taken under and by virtue of the several Acts of the parliament of this province made and passed and now in force relating to the establishment of registry offices in and their extension to such several counties or any of them.

Every county register to appoint a deputy, to act in case of his death or absence.

XXXVIII. And for the more sure performance of the duties of the office of such county registers, and to prevent as far as possible any interruption therein, be it further enacted, by and with the authority aforesaid, That every county register shall, within one calendar month next after the receipt of his appointment as such register, appoint some fit and proper person to be deputy-register of such county during the pleasure of such county register, who having taken the same oath in substance as his principal before some justice of Her Majesty's Court of King's Bench, provincial judge or justice of the peace, shall be considered as the head clerk of such county register, and whose name shall be fixed up in large and legible letters in the office for which he shall be appointed such deputy-register; and as often from time to time as such deputy-register shall die or be removed from office, or become incapable of efficiently executing the office, another shall be appointed in his place by writing under the hand and seal of the register of such county, and all such appointments or removals shall be certified under the hand and seal of such county register, and forwarded within three days from the time of such appointment or removal to the provincial register and recorded in the office of the provincial register, and be open to the inspection of all parties, in like manner as the appointment of such register; and such deputy-register, in the absence of the county register, shall perform all the duties of the said office, and in case of the death of the county register, shall perform all the duties of the said office, using the seal of such deceased register where necessary, and shall give immediate notice to the provincial register of the death of such county register, and from the period of so giving notice, shall receive all such fees, remuneration and emoluments, as such register, if living, would have been entitled to, and shall be subject to

to the same penalties, save and except as to the acting before taking such oath, and before entering into such recognizance as is hereinbefore provided, that such register would be liable to if living, until a new register be duly appointed and sworn.

Register to provide a fit house and office, which to be open for registration from nine to twelve and from two to five every day, Sundays and holidays only excepted. The provincial register's office to be open from ten to four.

XXXIX. And be it further enacted, That every county register shall provide some fit and proper house or place for the transaction of the business of his said office, and the safe custody and keeping of the registries therein, regard being had to the preservation of all such registries from the danger of fire, until some proper and suitable building shall be provided for such purpose by the Governor or person administering the government of this province, and such office shall be open for the transaction of the business of registration therein from the hour of nine in the morning until twelve at noon, and from the hour of two in the afternoon until the hour of five, on every day in the year, Sundays and such holidays as with reference to the religious rites and customs of the inhabitants of this province may be fixed for that purpose, by the Governor or person administering the affairs of this province, only excepted; and the office of the provincial register shall be open for the transaction of the business of his office under this Ordinance on the same days as the office of such county registers, from the hour of ten in the forenoon to the hour of four in the afternoon of each and every day.

Recital that registers shall be paid by fees (when the offices fully established) to be settled according to a tariff to be established by the Governor in Council; but as no power now exists to establish such by legislative authority, and it is not expedient to postpone the benefits of a registry until such power exists, the Governor, &c. authorized to pay out of any unappropriated funds, &c. reasonable salary to the registers, &c., and their expenses of office, &c., not exceeding in the whole pounds annually.

XL. And whereas it is expedient that when registry offices shall be fully established in the several counties of this province, the several registers thereof shall be remunerated by fees to be paid for the work which may be transacted in their several offices by the parties making registry therein, according to a regular tariff of fees to be established by the Governor or person administering the government of this province, by and with the advice of the executive council; but no power at present exists to establish such fees or tariff by legislative authority, save and except so far as the same may be taken under the existing Acts of the legislature of this province relating to registry offices in the counties of Drummond, Sherbrooke, Stanstead, Shefford, Missisquoi, Ottawa, Beauharnois, Megantic, Two Mountains and Acadie: And whereas it is not expedient that the benefit which is expected to arise from a system of registration should be postponed until such power may exist; Be it therefore further enacted, That it shall and may be lawful for the Governor or person administering the government of this province, from and out of any unappropriated sums of money in the hands of the receiver-general, from time to time, by warrant under his hand, to pay such reasonable salaries and allowances for two years from the period of this Ordinance coming into operation, as may be necessary for the remuneration of the several registers, and the establishing and maintenance of their offices and the expenses thereof, and for the other purposes of this Act: Provided nevertheless, That such sums of money shall not exceed in the whole the sum of currency annually.

Books of registry to be kept by each register.

XLI. And be it further enacted, That every county register shall keep in his office one general book of registry, in which shall be entered at length in the order in which they shall be presented for registration, all instruments entitled or liable to registration, and shall keep one other book of registry, to be called The Book of Requisitions, in which shall be entered, day after day successively and in numerical order, without any blank or interlineation, all requisitions for registration of any document or instrument presented for that purpose, and in the order in which such requisitions shall be received and come to the hands of such register, in which entry shall be specified the number of documents and their respective natures, whether judgments or other judicial acts, letters patent or grants from the Crown, acts of fealty and homage, notarial acts, claims from inheritance or wills, instruments *sous seing privé* or claims from operation of law, or leases or other evidence of title, charge or claim which the party may desire to register, with the day of the month, week and year, and the hour of the day in which the same shall be presented for registration, and the name, addition, address and domicile of the person presenting the same to be registered, and of the person or persons in whose behalf such registration may be required, and whether such person or persons appeared personally or by attorney, and if by attorney, the name, address and domicile of such attorney, and in which entry shall also be specified by general description and by the name of the town, township, seigniory, parish or extra-parochial place or village where situate the lands intended to be thereby affected, all which particulars shall be supplied in writing by the person appearing and requiring for himself or any other person such registration. A copy of which entry with the number affixed thereto in the said book shall be delivered to the person presenting such documents for the use of the person requiring such registration, together with a certificate that such documents have been duly registered (when such is the case), and the number of such registry in the principal book or books of such registry, and which certificate shall be signified by the register at the foot of the copy of such entry.

All documents relating to the same Act of requisition to receive the same number as in the book of requisitions, and the registry to take effect according to such number, except otherwise provided by this Ordinance.

XLII. And be it further enacted, That all documents, instruments or papers relating to the same lands and to the same act of registration shall be kept by the county register by whom the same may be registered, in one packet under one number, and shall be entered under the same number in the several principal books of registry, which number shall be the same as that under which the requisitions for registry shall be entered and made in the book of requisitions; and every registry when made and perfected shall be taken to have effect and rank in priority of time, subject to the rights of privileges if preserved in manner and within the respective times hereinbefore provided, according to the number under which it may be entered in such book of requisitions, save and except where it may be otherwise expressly provided and enacted by this Ordinance.

Requisitions received at the same time to be entered according to the date of the instruments.

XLIII. Provided nevertheless, and be it further enacted, That when two or more requisitions for registration from different parties shall be made at the same precise time, that is to say, by the same post or otherwise, the documents or instruments which may be first in order of date shall be the first entered in the said book of requisitions; and where two or more may be of the same date and to different parties, then the same shall be entered of the same number, but with letters in addition to distinguish them, and their respective priorities as between each other shall depend upon the priority of the execution of each respectively: Provided also, That no document or instrument which shall have been antedated at or after the time of its execution shall receive any priority of registry from or by reason of any such prior entry in the said book of requisitions, but all such documents or instruments

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ments received at the same time before actual entry of any other requisition for registration shall rank in priority of date, according to the priority of their actual execution.

The county register to transmit to the provincial register monthly exact copies of all requisitions received in the month.

XLIV. And be it further enacted, That every county register shall transmit monthly an exact copy of all requisitions received within the month preceding, and of the entry thereof in the order and manner in which the same shall be entered in the said book of requisitions to the provincial register, who on receipt thereof shall cause the same forthwith to be entered in the like order and under the like numbers in a book of registry in his office relating to the county from the register of which such requisitions shall be received, with proper alphabetical indexes to all such books, which last-mentioned book and indexes shall be open at all hours of business to all persons desiring to make search in the office of the provincial register concerning such registry in the county to which such books may respectively relate.

County register to keep a book of index.

XLV. And be it further enacted, That every county register shall, over and above such other books of registry and requisitions, keep a book of index, wherein shall be entered in alphabetical order (according to the names of the owners or proprietors of any lands or immoveable property in any manner alienating or incumbering the same, or whereon any incumbrance may be charged (references to every entry of registry in the other books of registry, with the numbers of such entries respectively as numbered in the said books, and the pages of the book or books wherein all such entries respectively may be made, and the name of the city, town, township, seigniory, parish, extra-parochial place or village within which the same may be situated, and of the person or persons to be affected by such registry or registrys, so far as the same may appear from such requisition and documents presented for registration, so as at all times to give a perfect and ready reference to every entry of registry, and every requisition of registration made in such books, as the same may be made from time to time.

County register also to keep a registry, with an alphabetical list of all places within his county, and with references to all entries relating to lands within such places made in his books.

XLVI. And be it further enacted, That every such county register shall, over and above all other books by this Ordinance required by him to be kept, keep a book containing an alphabetical list or calendar of all townships, seignories, parishes, extra-parochial places and villages within the county or division for which such register shall have been appointed to act, with distinct reference under the respective heads of such several towns, townships, seignories, parishes, extra parochial places and villages to all and every of such entries in the registry books kept by such register relating to any immoveables lying within such several towns, townships, seigniories, parishes, extra-parochial places and villages respectively, and the numbers of such entries respectively, and setting forth the names of all parties to the same, and the particular land to which the same relates, so that by the aid of such two books of reference or index as aforesaid, any person acquainted with the name of the owner or proprietor, or the description or locality of the property respecting which he seeks such information, as it is the intention of this Ordinance to afford, through the means of a registry, may readily discover the matter which he shall desire to know.

To preserve uniformity of registry, &c., the provincial register to supply every county register with all such books as may be required, so bound, &c. as to prevent interpolation, &c.

XLVII. And whereas uniformity of books both of registry and index will greatly further the general objects of this Ordinance, and tend to prevent interpolation, alteration and fraud in such books, be it therefore further enacted, That the provincial register shall supply to every county register all such books of registry, requisition and index as may be required for all entries hereby directed to be made, which books shall be prepared, bound, ruled and lettered in an uniform manner before delivery by such provincial register, and marked and signed by him, so far as is possible to prevent any alteration, interpolation, extraction or forgery of any part of such books without discovery; and all such books and all other minutes and entries whatsoever in the office of such registers, and all papers and documents whatsoever which may be filed with or kept by them in the course of the execution of their duty, shall at all times be kept and arranged in such a manner, and with all such necessary references from one to the other as may afford the greatest possible facility of search and reference, and such as to enable every such register or any other person who may be desirous to search and to discover what charges or incumbrances may be in existence respecting any particular estate, the local description of which he may be in possession of, or against the real estate or immoveable property of any person or persons, whose names and designation he may know, to discover and ascertain whether any such do or do not exist, and if any such do exist, the nature and extent thereof and the description of the security whereon the same may be founded or depend, and so as to enable every such register to certify the same, and the particulars thereof, so far as the same may appear from any documents or instruments registered with him.

Provincial register also to supply a seal of office, with which the official books shall be sealed.
Penalty for counterfeiting seal or forging book or entry, &c.

XLVIII. And be it further enacted, That the provincial register shall likewise supply to each and every register who shall be appointed for any county or division of a county under this Act an official seal of office, with the name of such register and his office and the date of his appointment engraved thereon, with such other device as shall be common to all county registers and shall be determined by the Governor or person administering the government of this province from time to time; and no other seal of office shall be used by any such register; and every such official book supplied by the provincial register shall be sealed with the seal of office of such provincial register, and also with the seal of the county register, to whom the same is forwarded or by whom the same is used, before any entry shall be made therein; and if any person shall forge or counterfeit any such book, or any entry which ought to be or which by law could be contained in any such book, or any such seal of office of any such register or county register, and the impression thereof, or shall without the authority of the register or deputy register of the office whereto such seal shall belong, affix any such genuine seal to any document, instrument or certificate, or if any person shall forge or counterfeit the signature of the provincial register, or any county register or deputy register, or if any person shall steal, take or carry away any such book or seal of office, any such person so offending and being thereof convicted before any superior criminal court of Her Majesty in this province, shall be taken and deemed to have committed felony, and shall be liable to be transported to one of Her Majesty's penal colonies for life, and shall also be liable in law for any loss, injury or damage which any person may sustain by reason of any such act done or committed by any person so offending, whether such person may or may not have been thereof criminally convicted: Provided nevertheless, That no execution for such damages in any civil action shall in any degree bar or prevent the criminal conviction and punishment of any such offender.

XLIX. And

The registers to grant every facility of search, &c.

XLIX. And be it further enacted, That the provincial register and every such county register shall grant every facility of search, and afford every information in his power to persons seeking to ascertain through the means of the registry books in his charge, any matter or thing therein contained; and every such county register when and so often as he shall be thereto required, by any person, who shall pay to him the sum of two shillings currency for every such search, shall make search, from and for such period not exceeding the period of thirty years, as he shall be required by the party seeking such information, concerning all titles, alienations, charges, incumbrances and claims which shall or may at any time theretofore during such period have been registered in his office, relating to any immoveables within the circle of his registry, and every such county register shall, when thereto required, by such person as shall have paid to him for every such search such sum of two shillings currency, and who shall also tender, offer, and undertake to pay to him the sum of one shilling currency for every separate registration which shall appear to have been made in such book of registry, relating to such immoveables, during the period of such search, or if no such registration shall have been made during such period, the sum of two shillings currency for such certificate, certified under the official signature and seal of the office of such register, whether at the time and on the day of the date of such certificate, or whether at any time after the commencement of the period to which such search shall relate, and which shall be named or specified in such certificate, any title, alienation, claim, charge or incumbrance, affecting any such lands or immoveable property, is or has been registered in his office; and if any such there be, what is the nature and extent thereof, and the nature and description of the security, instrument or document whereon every such title, alienation, claim, charge or incumbrance may depend, or be founded, as the same may appear from the official books of such county register, and every such certificate shall be received in every court of justice in this province without further proof, and shall be admitted as evidence of the facts contained therein, so far as such county register is required by this Ordinance to certify the same: Provided nevertheless, That if any such county register shall have omitted to include in his certificate any document or instrument of title, alienation, claim, charge or incumbrance, which at the time of his granting such certificate was registered in his said office, proof of the registry thereof at that time may be admitted by the court, before whom such certificate may be produced, in opposition to such certificate.

Register giving a false certificate, with intent to defraud, guilty of felony, and may be transported for 14 years.

L. And be it further enacted, That if any such county register shall knowingly and wilfully, with intent to defraud or injure any person whatever, give any false certificate to any party applying for a certificate of any title, alienation, claim, charge or incumbrance, every such register shall be taken to have committed felony, and being thereof convicted, may be sentenced to transportation to one of Her Majesty's penal colonies, for any period not exceeding fourteen years, and every such register who may give any such false certificate, whether with fradulent intention, or through inadvertence or negligence, or otherwise, shall be liable to all damages sustained by any person by reason thereof, whether he may have been criminally prosecuted and convicted or not: Provided nevertheless, That no execution for such damages in any civil action, shall bar or prevent the criminal prosecution and conviction of any such offender.

No claim for interest or rent to be valid against subsequent purchasers on incumbrances beyond three years.

LI. And be it further enacted, That no claim for any accruing interest on any security for money, or any claims for rent of any description upon any immoveables shall be a charge or incumbrance upon any immoveables, after the period of registration, although the security on which such claims may be reserved may be duly registered, beyond a period of five years, but all such claims shall be absolutely null and void as against subsequent bonâ fide purchasers or incumbrancers for a valuable consideration beyond such period of five years, unless registered afresh as a principal and integral sum and charge, with the assent of the person subject to the payment thereof, or accompanied by the declaration hereinbefore directed and required for the registration of instruments *sous seing privé*.

When any part of a charge, incumbrance or claim shall have been discharged or satisfied, a release, &c. may be demanded and registered.

LII. And be it further enacted, That whenever any charge, incumbrance, or claim affecting any immoveables, which shall have been duly registered according to the provisions of this Ordinance, shall have been wholly or in part paid off, satisfied, or discharged, whether such charge, incumbrance or claim shall consist of principal money, interest, lods et ventes, or rent of any description, or otherwise, it shall and may be lawful for the person whose property shall have been so affected, to demand of and from the party or parties in whose favour any such charge, incumbrance or claim may have operated, a release or discharge of such charge, incumbrance or claim, to be addressed to the register of the county in which the same may have been registered, to the effect that such payment, satisfaction and discharge, whether wholly or in part, and if in part to what extent, have been made; and the register to whom such release or discharge shall be addressed, on proof of the authenticity thereof by affidavit, shall file the same of record, and preserve the same in the same packet as the documents relating to the original registration, and enter a minute thereof or a reference thereto in the margin of the several books of registry, and the indexes thereto, in the same page in which such charge, incumbrance or claim or reference thereto was originally entered, so that the same may be manifest upon the inspection of such registry, to all persons whom it may concern; and such register shall also transmit a copy of such release or discharge and minute, to the provincial register with the next monthly report to be made by him, according to the provisions of this Ordinance, who shall forthwith, in like manner, cause such minute to be entered in the books of registry in his office, relating to such county, in the place or places where the original entry or entries of such register may appear.

If upon such charge, &c. being paid off, &c., the person in whose favour it operated refuse to grant such release, &c., the party entitled may apply by summary action or motion to the Court of Queen's Bench, to compel the party to grant the same; such court may inquire and adjudge summarily, and give damages and costs.

LIII. And be it further enacted, That when any duly registered charge, incumbrance or claim affecting any immoveables in this province, shall have been so paid off, satisfied or discharged, either wholly or in part, or where any such duly registered judgment shall have been reversed either wholly or in part, and the person or persons in whose favour the same may have operated, upon being requested so to do, by or on behalf of the person whose immoveables may have been so charged, incumbered, or affected, shall refuse or neglect to grant, at the proper costs and charges of the party applying for the same, such release or discharge as is hereinbefore mentioned, of such partial or total payment, satisfaction or discharge thereof, or if any seigneur shall refuse, after request duly made, to grant such certificate relating to any lods et ventes upon any immoveables within his seignory as hereinbefore provided, it shall and may be lawful for the persons so as aforesaid entitled to such release, discharge or certificate, to bring a summary action or suit in, or to move any of Her Majesty's

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superior courts in the district where the immoveables may be situated, or where the party whose duty it may be to grant such release, discharge or certificate, shall reside, to compel the execution and delivery of the same; and such court shall have power and authority in every such case to inquire summarily into the same, and to do justice in a summary manner between the parties, and, if justice shall require, to award the grant and execution of such release, discharge or certificate, and for that purpose to summon all witnesses and examine the parties and witnesses *vivâ voce* in open court, or on affidavit, as the court may think fit, and to award such damages as to the said court shall seem just and reasonable, and to give such costs to either of the parties as the court in their discretion shall think fit; and in case such court in its judgment shall award the grant and execution of such release, discharge or certificate, either wholly or in part, such judgment may be filed with such register, and shall have the same effect as any such release, discharge, or certificate, and a minute thereof shall accordingly be made by such register, in the said books of registry.

LIV. And be it further enacted, That in making registration of any instrument, and before completing the same, it shall be lawful for any register to correct or erase any error made in writing the same, or to make any necessary addition thereto, either in the body of such registry, or in the margin of the page wherein such error may occur, signing his initials in the margin to each such marginal correction, and noticing at the foot of the Act of Registration, the number of words erased, and of marginal additions or corrections.

No erasure or obliteration to be made in any registry book or entry, but if any false or fraudulent or defective entry made, the register, or any party affected may apply by motion to the Queen's Bench to annul or rectify the same. Such court may take cognizance of it, and either direct an action to be instituted, or dispose of the case summarily, with power to examine the parties or witnesses *vivâ voce*, or on oath.

LV. And be it further enacted, That it shall not be lawful for any court whatever to direct to be made, or any register to make, any erasure or obliteration in any registry book, after any registration shall be completed, but in all cases in which any false or fraudulent registration shall have been made, and in all cases in which it shall at any time appear that any defective or imperfect entry has been made in any registry appointed by this Act to be kept, whether any such defect or imperfection shall consist of a misdescription of the property, or of the amount of charge, or of the parties concerned in the matter to which such entry shall relate, or of an insufficient description of any of the above, or of a matter of date or of any inaccuracy whatsoever, or whenever any judgment or instrument, whereon any charge or incumbrance may rest or depend, shall have been vacated, or shall be otherwise invalid or null, it shall and may be lawful for the register, or for any party interested in such registration, or who might be affected thereby, to move the Court of Queen's Bench, or the Provincial Court of the district within which such registry office shall be situated, or to a judge thereof in vacation, upon affidavit, setting forth all essential particulars, and annexing a certified copy of the entry in question, to annul or rectify the same, as the case may require. And it shall and may be lawful for the said court or judge, upon such application as aforesaid, to take cognizance of such matters, and the said court or judge shall have full power and jurisdiction upon sufficient cause shewn, to call before it or him by rule to appear and shew cause, all such parties and witnesses as to the said court or judge shall appear to be interested in such registration, or in the determination of such case, or able to contribute to the elucidation of such matter, examining the said parties, or any of them, and such witnesses, either upon affidavit or *vivâ voce* in open court, or by both or either of such means, as to the said court or judge shall appear advisable, and to determine the same in a summary way. And it shall and may be lawful for the said court or judge, on any such application, to order that any register shall forward to the said court, certified under his signature and seal of office, an exact copy of any entry or entries in the books of his office. And the said court or judge shall have power, and is hereby authorized in all cases of such applications, in which it shall fully appear to the satisfaction of such court, that any false or frandulent or undue registration, or any defective or imperfect entry has been made in any such registry, to adjudge and order that such false or fraudulent or undue registration shall be annulled, or to direct and adjudge that such further entry or addition shall be made in every such book of registry as shall amend any such defective or insufficient entry and remove its defect, so that the said entry may correspond in all essential particulars with the specific transaction to which the same may profess to have reference, according to the true intent and purport of this Act; and every such judgment or adjudication, duly certified by the prothonotary of the said court, shall be forwarded by the party in whose favour it shall be given, or by any party to the suit to, and shall thereupon be entered by the register to whose office the same may relate in the book of requisitions, in the order and of the proper following number, according to the time when it may be received, as if the same were an original requisition for registry; and a reference shall be made in every entry in the books of such registry relating to the immoveables affected thereby, to such correctional entry of such judgment or adjudication, so that any person seeing any entry of the original registration may at once see the correction or alteration thereof: Provided nevertheless, That whenever any such judgment or order may be given by a single judge in the vacation, such judgment or order shall be open to an appeal to the full court, within one calendar month from the date of such judgment or order, by entering the same with the prothonotary of such court.

The court on such application may award costs.

LVI. And be it further enacted, That on any such application or action as hereinbefore provided it shall and may be lawful for the said court to award to either party such costs as may be thought just and proper by such court, to be paid by that party whose falsehood or fraud, error or neglect, shall have occasioned such suit or proceedings, or against any party bringing any suit or proceeding without just or sufficient cause.

If attendance of the register with his books in any court shall be absolutely necessary, the provincial register may order the registry books required to be closed on the day of his attendance, and a fresh set of books to be opened, such order being entered in the registry.

LVII. And be it further enacted, That if for the attainment of the ends of justice it shall appear necessary to the court wherein any cause or proceeding may be pending in this province to require the attendance of any register or deputy-register with his original books of office, and that such ends cannot be attained by the production of certified copies of any entries in such books, and by the original papers in such registry office, or by the appointment of experts or examiners, it shall be lawful for such court to require the attendance of such register with his books, giving not less than 15 days' notice to such register of his attendance with his original books being required, who shall thereupon instantly communicate the fact of his having been so summoned to the provincial register; and thereupon, if it shall appear to such register so summoned and to the provincial register that serious interruption to the business of the office shall be apprehended, to the detriment of the public interests, it shall be lawful for the said provincial register to order such register so summoned to close the books of his office on the day on which he shall quit his office to attend such court, and thereupon to open a fresh set of books on such day for the business of such office, entering such order

order in the last page of such books so closed, immediately under the last entry therein, and at the commencement of such new books which may be thereupon opened, before any other entry shall be made therein, together with a memorandum of the name and date of the last registration of such books so closed; and no other entry whatever shall at any time after be made in any of such books so closed, save and except such correctional entries as may be made under and in pursuance of the provisions of this Ordinance.

No county register to be compelled to attend on any business relating to the business of his office, except on payment of his expense of travelling at ten shillings currency per day

LVIII. And be it further enacted, That no county register shall be liable to any punishment for not attending as a witness in any civil court of justice in this province relating to any matter arising out of or connected with the business of his office of register, unless previously to his leaving his said office there shall be tendered and offered to him the amount of his expenses of travelling, at the rate of one shilling per mile, going and returning from the place of his office to the place where the court is to be held, and unless the party requiring his attendance shall undertake to pay to such register the sum of ten shillings currency for each day or portion of a day during which, travelling at the rate of 30 miles a day, he may be necessarily absent from the duties of his said office.

Where registry books or entries may be destroyed by fire or accident, fresh books to be made from the corresponding entries remaining in the registry offices, and original documents, &c. Registers to make such new books without fee or reward.

LIX. And be it further enacted, That in all cases wherein the original minute or entry, or any documents, instruments or papers which may have been filed with any of such county registers, or any minute or entry in the office of the provincial register, shall have been destroyed by fire or other unavoidable accident, or shall be in a state of great decay, it shall be lawful for the provincial register to direct fresh registries to be made out from the entries remaining in his office or in the office of the county register, as the same may be; or if any original judgment, act, deed or instrument from which the copy destroyed was taken shall be in existence, from such original judgment, act, deed or instrument, in new books of registry, so far as such remaining entries or original documents may enable the same to be done; and such new books of registry shall remain in the office of such register or provincial register, in lieu of the books so destroyed, or together with such books in such state of decay, and shall be taken and received in all courts and places as *primâ facie* evidence of the contents of such former books; and it shall be the duty of every register or provincial register in whose office such books or entries may be destroyed or decayed to make and perfect all such new entries and books of registry to the best and utmost of his power; and for that purpose to make all necessary searches and to procure all such documents as may be necessary or useful and procurable without any fee, remuneration or reward to be therefore paid such register.

Oaths to be taken in the form which the party may declare he considers most binding on his conscience. Quakers, &c., by affirmation. False oaths or affirmation punishable as perjury.

LX. And be it further enacted, That when any oath is required by this Ordinance to be taken, the same may be administered in that form which the party to take the same may declare to be most binding on his conscience; and any Quaker or other person who may have an objection, founded upon religious scruples, to take an oath, shall be permitted to make a solemn affirmation in lieu thereof: Provided nevertheless, and be it further enacted, That when any person taking any oath either on the Holy Evangelists or in any other form, or making solemn affirmation in lieu thereof, under this Ordinance, shall knowingly and wilfully make any false statement therein, with intent to injure or defraud any person whatever, every person making such false oath or affirmation shall be taken to be guilty of wilful and corrupt perjury, and being thereof convicted, shall be liable to suffer the same pains and penalties which now are by law inflicted on persons guilty of wilful and corrupt perjury.

Forging or counterfeiting any Act, &c., not otherwise provided for, to be punished as for forgery of deeds.

LXI. And be it further enacted, by and with the authority aforesaid, That if any person or persons shall at any time fraudulently forge or counterfeit any act, deed, instrument, or paper, whatsoever, or any copy, abstract, minute or entry which shall or may at any time hereafter be filed or registered or be presented for that purpose with or to any of the registers to be appointed under or by virtue of this Ordinance, for which no other punishment is provided by this Ordinance, such person or persons upon being thereof lawfully convicted, shall incur and be liable to such pains and penalties as by the laws of this province are now imposed upon persons for forging and publishing false deeds, charters, writings and wills.

All offences against this Ordinance to be prosecuted, and all penalties to be sued for in the Queen's Bench.

LXII. And be it further enacted, That all offences against this Ordinance may and shall be prosecuted, and all penalties for any offence or omission of every duty under this Act for which no other remedy is provided, may and shall be sued for in Her Majesty's Court of Queen's Bench in the district where such offence, or wherein any portion thereof may have been committed, or wherein such omission of duty may have occurred, and all pecuniary penalties which may not be otherwise disposed of by this Ordinance, shall go one-half to the person who shall sue for the same and the other half to Her Majesty.

Ordinance to come into operation on day of period of registering all existing rights, to be six months for person residing in North America, and 10 months in any other part of the world, such registration to be made in separate and distinct books.

LXIII. And be it further enacted, That this Ordinance shall have come into operation, on the day of and that every person seeking to avail himself of the benefit of this Ordinance and to register his title, or to preserve the priority of any alienation, claim, charge or incumbrance, then existing, relating to any immoveables in this province, shall and may cause the same to be registered in manner herein provided within the several times following, that is to say: every such person who, at the time when this Ordinance shall come into operation shall reside in or come into any part of the continent or islands of North America, shall cause such registry to be made within the space of six calendar months, and if such person shall reside in any other part of the world within 10 calendar months, next after the coming into operation of this Ordinance; and in default hereof every such alienation, claim, charge or incumbrance, shall only rank in priority from the period of its being registered in manner herein provided (subject nevertheless to the proviso hereinbefore contained, as to charges and incumbrances having special privilege), and shall be absolutely null and void as against subsequent *bonâ fide* purchasers, or incumbrancer for a valuable consideration; but, if registered within such period as aforesaid, every alienation, claim, charge or incumbrance which may be in existence at the time of this Ordinance coming into operation, shall take effect and have priority from the date of its actual commencement, in the same manner as it would have done in case this Ordinance had not been passed: and until the expiration of such six months, every register shall cause all entries relating to any such title, alienation, claim, charge or incumbrance whereto any person may be entitled at the time of this Ordinance coming into operation to be made in a separate and distinct set of books to be provided by the provincial register as other books of registry under this Ordinance, which books

Appendix (E.)

shall be closed at the expiration of such six months, save and except as to any claims to such registration which may be thereafter made by parties who may not at the time of this Ordinance coming into operation be residing on the continent or islands of North America; and all entries relating to subsequent registrations of any such title, alienation, claims, charges or incumbrances existing at the time of this Ordinance coming into operation by any person entitled to such registration within the time hereby prescribed, shall be made in the same books, numerically, and from time to time, as the requisitions for such registrations may be received, and subject to the several rules and provisions, whether as to the nature of the books or the forms to be observed, hereinbefore provided and enacted for other registrations.

Registers to be at liberty to require applicants to refer doubtful cases of existing claims for such registration to the Court of Queen's Bench, who shall have power to issue a mandate to the register to admit or reject such claims. All decisions of the court as to registry to be open to the like appeals as other cases.

LXIV. And be it further enacted, That if upon this Ordinance coming into operation any claim to such registrations according to the priority of their respective dates, shall appear to any such county register or the provincial register to be of a doubtful nature, either as regards the place of residence of the party claiming registration, or as to the period of time when any such title, alienation, claim, charge or incumbrance, may have commenced or accrued, such claim to registration shall nevertheless be received and entered in the book of requisition in the order and of the number in which it shall be received; but it shall be lawful for any such register to require such person to apply in the manner prescribed and according to the provision hereby made for annulling or rectifying any false, fraudulent or defective registry to Her Majesty's Court of Queen's Bench for the district within which the immoveables to which such claim for registration may apply may be situate; and such court shall have the like jurisdiction and powers in all doubtful cases of such registration to inquire into, adjudge and determine such cases as are hereby provided and given in cases of false, fraudulent or defective registry, and to issue a decree or mandate thereupon directory to such register to admit or reject such claim to registration; and such claim, when admitted, shall have and take effect from the time when such claim to registration was received: Provided nevertheless, That all cases whatsoever of registration determined by such courts shall be open and subject to the like appeals and on the same terms, rules and conditions as are now by law applicable to other cases determined by such courts, save and except as in and by this Ordinance otherwise expressly provided.

Gaspé, for the purposes of this Ordinance to be considered as one county, and prothonotary to continue registrar. All provisions herein to apply to him in his character of registrar.

LXV. And whereas it is inexpedient at present to make further alteration in the system of registry which now prevails by law in the inferior district of Gaspé, than to secure uniformity of registry throughout the province, be it therefore further enacted, That for the purposes of this Ordinance, the said inferior district of Gaspé, consisting of the two counties of Gaspé and Bonaventure, shall be deemed and taken to be but one county, and that the prothonotary of the provincial court for the said inferior district of Gaspé, for the time being, shall be and continue the registrar or register for the said two counties of Gaspé and Bonaventure, and shall execute the office of such registrar or register, at his office of prothonotary of the said court, and that the several rules, regulations, enactments and provisions of this Ordinance shall be taken and held to apply in all things to such prothonotary, so far as the execution of his duties as such registrar or register may extend, in the same manner as to any such county registers appointed as hereinbefore provided.

Continuing part of Act 4 Geo. 4, c. 15.

LXVI. And be it further enacted, That so much of an act of the legislature of this province passed in the fourth year of the reign of his late Majesty George the Fourth, intitutled, "An Act to render valid certain Acts, Agreements in Writing, and Contracts of Marriage (*Contract de Mariage sous seing privé*) heretofore executed in the inferior District of Gaspé, and to provide for the want of Notaries in the said inferior District," as enacts that the prothonotary of the court of the said inferior district for enrolling every will, act, or agreement in writing, inventory, partage, donation, contact of marriage (*contract de mariage sous seing privé*) if the same do not exceed one hundred words, shall be entitled to demand and receive the sum of two shillings and sixpence currency, and for every hundred words exceeding one hundred words, at the rate of sixpence currency; and for every certified copy of any entry from such book or register, at the rate of one shilling currency for the first hundred words, and six pence currency for every hundred words exceeding the first hundred words, and which said Act was further continued by an Ordinance of the special council of this province, made and passed in first year of the reign of Her present Majesty, intituled, "An Ordinance to continue certain Acts of the Legislature of this Province, relating to the establishment of Registry Offices," until the first day of November, 1842, shall continue in force, and is hereby continued in force during the continuance of this Ordinance.

The books of registry kept under this Ordinance to be taken to be the books, and register and the certificates which may be given by the prothonotary as such registrar, according to this Ordinance, to be considered as the certificates directed under 4 Geo. 4, c. 15.

LXVII. And be it further enacted, That the registry books by this Ordinance directed to be kept by county registers, and which shall be kept under the authority hereof by the prothonotary of the said court of the inferior district of Gaspé, as such registrar or register, shall be taken and held to be such book and register, as in and by the said Act of the fourth year of the reign of his said Majesty, King George the Fourth, is directed to be kept by such prothonotary, and that all certificates which the said prothonotary may give under his hand and seal of office as such register of Gaspé, shall be held and taken to be, and shall be received in all courts of law, and have the like force and effect, as the certificates heretofore given under the said Act of the fourth year of the reign of his said Majesty, King George the Fourth.

So much of said 4 Geo. 4, c. 15, as is not hereby expressly continued, suspended and repealed.

LXVIII. And be it further enacted, That so much of the said Act passed in the fourth year of the reign of his said Majesty, King George the Fourth, as is not hereby expressly continued, shall be, and the same is hereby suspended and repealed during the continuance of this Ordinance, from and after the day of this Ordinance coming into operation.

10 & 11 Geo. 4, c. 8, s. 13; 1 Will. 4, c. 3, and 4 Will. 4., as far as extending 10 & 11 Geo. 4, c. 8, s. 13, to other counties, continued, and the remainder of such Acts and 2 Will. 4. c. 7, repealed and suspended during the con-

LXIX. And be it further enacted, That so much of an act of the legislature of this province, passed in the tenth and eleventh years of the reign of his late Majesty, King George the Fourth, intituled, "An Act to establish Registry Offices in the Counties of Drummond, Sherbrooke, Stanstead, Shefford, and Missiskoui," as provides that every registrar appointed under the said Act, as often as he shall be required, shall make search of all acts, deeds or instruments in writing, enregistered in the offices established under the said Act, and give certificates to any person respecting the same, under his hand if required, and that every such registrar shall be entitled to demand and receive forthwith, for the entry and registration of any such act, deed or instrument in writing, the sum of two shillings currency, and no more, provided the same does not contain

over

over six hundred words, and that if there be more than six hundred words, then and in that case there shall be allowed a sum not exceeding sixpence for every hundred words above six hundred; and that for every search in the said office, without a certificate being required, and where the names of the parties to the act, deed or instrument in writing are given, the registrar shall be entitled to demand and receive one shilling currency, and no more; and where the description of the immoveable property is given with a certificate thereof, the said registrar, or his deputy or clerk, shall be entitled to demand and receive one shilling currency for every search and certificate, and no more; and that for every certificate of registry, the said registrar, his deputy or clerk, shall be entitled to demand and receive one shilling currency, and no more: and so much of an Act of the legislature of this province 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 Missiskoui, and to extend the Provisions of the said Act,'" as extends the said provision of the Act passed in the tenth and eleventh years of the reign of his said Majesty King George the Fourth, hereinbefore recited, to the counties of Ottawa, Beauharnois and Megantic—and so much of an Act of the legislature of this province passed in the fourth year of the reign of his late Majesty King William the Fourth, intituled, "An Act to extend the Provisions of the Act to establish Registry Offices in the Counties of Drummond, Sherbrooke, Stanstead, Shefford and Missisquoi, to Lands held in free and common Soccage in the Counties of the Two Mountains and Acadie" as extends the said Provision of the Act of the tenth and eleventh years of the reign of his said Majesty King George the Fourth, hereinbefore recited, to the counties of Two Mountains and Acadie, shall be and the same are hereby extended and continued during the continuance of this Ordinance, and the several registers of the said several counties of Drummond, Sherbrooke, Stanstead, Shefford, Missiskoui, Ottawa, Beauharnois, Megantic, Two Mountains and Acadie, who may be appointed under this Ordinance, shall continue to have and enjoy all such fees and emoluments as are sanctioned and authorized by such several Acts. And be it further enacted, That the whole of the rest of the said several Acts of the tenth and eleventh years of the reign of his said Majesty King George the Fourth, the first year of the reign of his said Majesty King William the Fourth, and the fourth year of the reign of his said Majesty King William the Fourth, and also an Act of the legislature of this province passed in the second year of the reign of his said late Majesty King William the Fourth, intituled, "An Act to extend the Period limited by an Act passed in the first year of his Majesty's reign, chapter the third, for enregistering certain Acts or Deeds in Law, or Instruments in Writing therein mentioned," shall be and the same are hereby severally suspended and repealed during the continuance of this Ordinance from and after the day of its coming into operation.

tinuance of this Ordinance from the day of its coming into operation.

LXX. And be it further enacted, That whenever the papers of any notary, owing to his death or otherwise, shall be deposited with the prothonotary of any of the superior courts of this province, and any act may be required to be done, or any certificate to be given relating thereto, by such notary, such act may be done and such certificate may be given by such prothonotary, and shall have the like force and effect as if the same had been given by such notary.

Where the papers of a notary are deposited with the prothonotary, all acts to be done and certificates given relating to such papers by the prothonotary.

LXXI. And be it further enacted, That if any register appointed under the provisions of this Ordinance shall neglect to perform his duty in the execution of the duties of the said office, according to the rules and directions in this Ordinance contained, or shall commit or suffer to be committed any undue or fraudulent practice in the execution of the duties of the said office, and be thereof lawfully convicted, no other punishment being expressly imposed by this Ordinance for such offence, then such register shall forfeit his said office, and pay treble damages, with full costs of suit, to every person or persons that may or shall be injured thereby, to be recovered from the said register or his deputy or clerk, jointly or severally, by action in any of Her Majesty's superior courts in this province.

Penalty on register or his deputy or clerk for neglect of duty.

LXXII. And be it further enacted, That whenever the term "immoveables" may be made use of in this Ordinance, it shall be taken and held to mean not only lands, houses and tenements, according to the existing laws of this province, and according to the laws of England, but shall also be taken and held to mean and shall comprise all immoveables and leases of immoveables for a term exceeding three years, and chattel interests issuing from or consisting in the enjoyment of any immoveables.

Meaning of the term of "immoveables."

LXXIII. And be it further enacted, That whenever the terms "charge or incumbrance" may be made use of in this Ordinance, the same shall be taken and held to include *hypothèques, privileges, hypothèques, servitudes latentes, usufructs, substitutions* and *rentes foncières*, in such parts of this province as may or shall be held *en fief*, or in *en roture*; and in such parts of the said province as may or shall be held in free and common soccage or other English tenure, the said term shall be taken and held to mean every description of mortgage, lien or other charge or incumbrance to which lands in free and common soccage can or may be subject.

Meaning of the term "charge or incumbrance."

LXXIV. And be it further enacted, That whenever this Ordinance in treating of any person or party, or body, matter or thing intended to be affected by its provisions, may have used words importing the the singular number or the masculine gender only, yet such words shall be understood to include several persons or parties as well as one person or party and several bodies as well as one body, and bodies corporate as well as individuals, and several matters as well, and things as well as one matter and thing, and females as well as males, unless it be otherwise specially provided, or there be something in the subject or context repugnant to to such construction.

Words used in the singular to include the plural number, &c.

LXXV. And be it further enacted, That whenever the term Queen's Bench may be made use of in this Ordinance, the same shall be taken to mean and designate the Courts of Her Majesty in this province usually designated as the Courts of King's Bench.

Term Queen's Bench to mean King's Bench.

LXXVI. And be it further enacted, That this Ordinance shall be taken and deemed a public Act, and shall be taken notice of as such in every court in this province without being specially pleaded.

Ordinance to be a public Act.

Appendix (E.)

FORM of DECLARATION required by Section 15, to be made by persons demanding Registration of any title, claim, interest or charge upon immoveables, not derived from some Judicial or Notarial Act.

I, (or we, if more than one,) A. B. do hereby demand to have duly registered, according to the provisions of the Ordinance in that case made and provided, all that my (or our) right, claim, title, interest, charge or incumbrance, upon—(here describe the property by its name and localities, and state the name or names of the owner or reputed owner and occupier)—whereof the particulars in due form prescribed for registration, have been this day delivered to the register for the county of
at (the place where the office is situate.)

And I do hereby solemnly declare, that such right, claim, &c., as aforesaid, is, to the best of my belief, just and true, and that I (or we) do lawfully possess such right, claim, &c., as is hereby required to be registered.

And I (or we) do further solemnly declare, that such right, claim, &c., which I (or we) do hereby require to have registered, is admitted to be just and true (or denied to be just or true) by E. F., the person in possession of the property aforesaid, in respect whereof such registration is hereby required and demanded.

And I (or we) do further declare, that I (or we) elect (here state the name of the person, and describe the place and situation of the dwelling, office, or inhabited building to which letters may be sent by post or otherwise,) as my (or our) domicile for the purposes required by the said Ordinance.

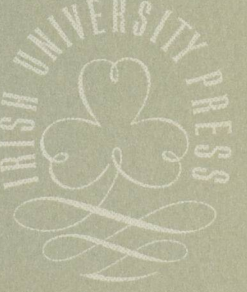
(signed) A. B.

day of

To the register, or person holding the office of register for the (county or subdivision) at

Date Due

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