

CANADA.

**CORRESPONDENCE**

RELATIVE TO THE

**AFFAIRS OF CANADA.**

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PART I.

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Presented to both Houses of Parliament by Command of Her Majesty.

LONDON:

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FOR HER MAJESTY'S STATIONERY OFFICE.

1840.

## SCHEDULE.

### LOWER CANADA.

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**LOWER CANADA.**

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**From the Marquis of Normanby and Lord John Russell.**

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# CANADA.

COPIES and EXTRACTS of CORRESPONDENCE relative to the AFFAIRS of  
CANADA.

From the Marquis of Normanby and Lord John Russell.

(No. 6.)

No. 1.

COPY of a DESPATCH from the Marquis of NORMANBY to Lieutenant-General  
SIR JOHN COLBORNE, G.C.B.

SIR,

Downing-street, 28th Feb. 1839.

I HAVE the honour to acknowledge the receipt of your despatches of the  
22d January, Nos. 13, 14, and 15, reporting the proceedings of Courts-Martial on  
certain persons in Lower Canada, in custody on charges of treason and murder.  
In conformity with the course adopted by my predecessor, I have referred these  
proceedings for the consideration of the Judge Advocate General, but in the mean  
time I have to convey to you my approval of your decision to allow the law to take  
its course in the case of five of these individuals, four of whom had been implicated  
in the murder of Mr. Walker.

No. 1.  
Marquis of Normanby  
to Sir John Colborne,  
February 28, 1839.

Sir John Colborne, G.C.B.  
&c. &c. &c.

I have, &c.  
(Signed) NORMANBY.

(No. 12.)

No. 2.

COPY of a DESPATCH from the Marquis of NORMANBY to Lieutenant-  
General Sir JOHN COLBORNE, G.C.B.

SIR,

Downing-street, 11th March, 1839.

I HAVE the honour to acknowledge the receipt of your despatch of the 31st  
January last, No. 24, reporting that you have requested the Executive Council to  
collect information on certain remedial measures, the immediate adoption of which  
you consider essential to the well-being of Lower Canada, with the view to the  
introduction of such changes as may be necessary, and as may be within the com-  
petency of the Governor and Special Council.

No. 2.  
Marquis of Normanby  
to Sir John Colborne,  
March 11, 1839.

I have to convey to you my approval of the steps which you have taken, and I  
beg to assure you that any suggestions which, with the advice of the Executive  
Council, you may offer on the subjects to which you have adverted will receive  
from myself and my colleagues the most attentive consideration.

Sir John Colborne, G.C.B.,  
&c. &c. &c.

I have, &c.  
(Signed) NORMANBY.



4  
CORRESPONDENCE RELATIVE TO THE

(No. 15.)

No. 3.

COPY of a DESPATCH from the Marquis of NORMANBY to Lieutenant-General Sir JOHN COLBORNE, G.C.B.

SIR,

Downing-street, 22d March, 1839.

No. 3.  
Marquis of Normanby  
to Sir John Colborne.  
March 22, 1839.

I TRANSMIT herewith, for your information, the copy of a petition to the House of Commons from Messrs. Lafontaine and Mondelet, complaining of their arrest and imprisonment at Montreal in the month of November last. This petition was ordered by the House, to be printed, but did not give rise to any discussion. Should you desire to offer any explanation respecting the statements contained in it, I shall of course be happy to receive them.

I have, &c.

(Signed)

NORMANBY.

Sir John Colborne, G.C.B.

&c. &c. &c.

(No. 17.)

No. 4.

COPY of a DESPATCH from the Marquis of NORMANBY to Lieutenant-General Sir JOHN COLBORNE, G.C.B.

SIR,

Downing-street, March 27th, 1839.

No. 4.  
Marquis of Normanby  
to Sir John Colborne.  
27th March, 1839.

I HAVE the honour to acknowledge the receipt of your Despatch of the 19th February, No. 29, enclosing the proceedings of three courts-martial held on persons concerned in the late rebellion, and reporting that after the most ample and deliberate consideration you had authorized the execution of the sentence of death in the case of five of these persons.

I have to convey to you my approbation of the course which you adopted in this matter. I have also to express the high satisfaction with which my colleagues and myself have learned that in your opinion it will not be necessary for the public safety to carry into effect any further sentences of death in cases of high treason.

It is, I am convinced, no less gratifying to yourself than to Her Majesty's Government to be able to dispense with a mode of punishment which can never be resorted to without reluctance; and I feel confident that the lenity shown towards the great mass of the persons arrested for participation in the rebellion will have a beneficial effect in attaching the lower classes of the French Canadians to the Government of the country, and in disabusing their minds of the false opinions which had been inculcated by designing and ill-affected persons.

With respect to those persons who are now or may shortly be under sentence of transportation in Upper and Lower Canada, my predecessor's Despatch of the 18th January will have apprised you that Her Majesty's Government intended to take measures for their removal from Canada directly to the place of their destination. I have now to inform you that the necessary orders have been issued to the Lords Commissioners of the Admiralty to send to the St. Lawrence, as early as possible, a vessel capable of conveying not less than 200 convicts from Canada to Australia. This vessel will therefore be able to carry to their destination the persons sentenced to transportation in the Upper Province, as well as in Lower Canada.

I have, &c.

(Signed)

NORMANBY.

Sir John Colborne, G.C.B.

&c. &c. &c.

(No. 33.)

No. 5.

COPY of a DESPATCH from the Marquis of NORMANBY to Lieutenant-General  
Sir JOHN COLBORNE, G.C.B.

SIR,

Downing-street, 15th May, 1839.

I HAVE the honour to acknowledge the receipt of your despatch of the 16th April, No. 58, enclosing the copy of a letter which you had received from Sir George Arthur, accompanied by a congratulatory address from the two branches of the legislature of Upper Canada, on your appointment to be Governor-General of British North America.

I have laid this despatch before The Queen, and Her Majesty has commanded me to express her satisfaction at the high esteem in which you are held in that important part of Her Majesty's dominions. Her Majesty feels that this testimony must be doubly gratifying to you as proceeding from the legislature of a province with which you were long intimately connected, and the inhabitants of which have consequently had ample opportunity of estimating your public services.

I have, &c.

Sir John Colborne, G.C.B.  
&c. &c. &c.

(Signed)

NORMANBY.

No. 5.  
Marquis of Normanby  
to Sir John Colborne,  
May 15, 1839.

No. 6.

COPY of a DESPATCH from the Marquis of NORMANBY to Lieutenant-General  
Sir JOHN COLBORNE, G.C.B.

SIR,

Downing-street, 12th June, 1839.

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

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

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

I have, &c.

Sir John Colborne, G.C.B.  
&c. &c. &c.

(Signed)

NORMANBY.

No. 6.  
Marquis of Normanby  
to Sir John Colborne,  
June 12, 1839.



(No. 47.)

No. 7.

COPY of a DESPATCH from the Marquis of NORMANBY to Lieutenant-General  
Sir JOHN COLBORNE, G.C.B.

SIR,

Downing-street, 18th June, 1839.

No. 7.  
Marquis of Normanby  
to Sir John Colborne.  
June 18, 1839.

I HAVE had the honour to receive your despatch of the 6th May, No. 67, vindicating yourself and the civil and military officers of your Government from the charges preferred by Messrs. Lafontaine and Mondelet in their petition to the House of Commons.

I am happy to inform you that this despatch, and the documents which it contains, fulfil the confident expectation entertained by me, that you had in your possession the means of completely refuting the injurious accusations brought by the petitioners against the local authorities. I have read that refutation with a deep sense of the difficulties with which you have had to contend, as well as of the energy, prudence, and moderation with which they have been encountered.

Sir John Colborne, G.C.B.  
&c. &c. &c.

I have, &c.  
(Signed) NORMANBY.

(No. 52.)

No. 8.

COPY of a DESPATCH from the Marquis of NORMANBY to Lieutenant-General  
Sir JOHN COLBORNE, G.C.B.

SIR,

Downing-street, 2nd July, 1839.

No. 8.  
Marquis of Normanby  
to Sir John Colborne.  
July 2, 1839.

I HAVE received your despatch, No. 55, of the 13th April last, transmitting various ordinances which have been passed by yourself and the special council of Lower Canada.

I have found it necessary to refer several of them to the Lords of the Treasury, the Lords of the Committee of Privy Council for Trade, the Master-General and Board of Ordnance, the Secretary at War, and the Law officers of the Crown, for reports, which must precede the confirmation of those ordinances by Her Majesty in Council. Until those reports are received, it will not be practicable to take the Queen's decision on the subject. The delay, however, is the less inconvenient, as all the ordinances, with the exception of that which relates to the seignory of Montreal, and of those for naturalising A. Rambau and H. Valotte, will have come into immediate operation.

I postpone expressing an opinion on the provisions of the ordinance relating to the seignory of Montreal, until I shall have had before me the report of the law officers of the Crown; but, if the Bill which has been introduced into Parliament for amending the Act 1 Vict. cap. 9, shall pass into a law, it will be in the power of yourself and the special council to legislate permanently on the subject.

I beg to call your particular attention to the importance of inserting, for the future, in the printed copies of the ordinances of your Government, marginal abbreviations in the usual form. The absence of them considerably enhances the difficulty of perusing enactments of that description, and of referring to any particular passages.

Sir John Colborne, G.C.B.  
&c. &c. &c.

I have, &c.  
(Signed) NORMANBY.

(No. 55.)

No. 9.

COPY of a DESPATCH from the Marquis of NORMANBY to Lieutenant-General  
Sir JOHN COLBORNE, G.C.B.

SIR,

Downing Street, 5th July, 1839.

No. 9.  
Marquis of Normanby  
to Sir John Colborne.  
July 5th, 1839.

WITH reference to my despatch of the 12th ultimo, I have the honour to transmit herewith for your information copies of two Bills introduced into Parliament on the subject of Canada. The Bill to amend the Act 1 Vic. cap. 9, was last night read a second time in the House of Commons, and will go into Committee on Thursday next.

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

I have, &c.

Sir John Colborne, G.C.B.  
&c. &c. &c.

(Signed)

NORMANBY.

No. 9.  
Marquis of Normanby  
to Sir John Colborne.  
July 5th, 1839.

(No. 69.)

No. 10.

COPY of a DESPATCH from the Marquis of NORMANBY to Lieutenant-General Sir JOHN COLBORNE, G.C.B.

SIR, Downing-street, 31st August, 1839.

WITH reference to your despatches of the 6th and 20th May, Nos. 67 and 75, I have the honour to inform you that representations have been addressed to Her Majesty's Government, to the effect that M. Viger and others, at present in custody in Lower Canada, are treated with unnecessary severity, and subjected to unusual and needless restraint. I am well assured that these representations are unfounded, and that no proceedings have been adopted by your authority against these individuals beyond what are indispensable for the public safety; but I would request you to furnish me with a report on the subject, in order that, in the event of its being again brought forward, I may have it in my power to afford the most ample explanation respecting it.

I have, &c.

Sir John Colborne, G.C.B.  
&c. &c. &c.

(Signed)

NORMANBY.

No. 10.  
Marquis of Normanby  
to Sir John Colborne.  
August 31, 1839.

No. 11.

COPY of a DESPATCH from Lord JOHN RUSSELL to Lieutenant-General Sir JOHN COLBORNE, G.C.B.

SIR, Downing-street, 30th Nov. 1839.

I HAVE had the honour to receive your letter of the 20th instant, containing copies of various Addresses which had been presented to you at Montreal, and Quebec, previously to your departure for this country.

It has afforded Her Majesty's Government the greatest satisfaction to receive so conclusive a proof as is afforded by these Addresses, that the high estimate which the Queen had been graciously pleased to form, and to express of the eminent services rendered by you to Her Majesty, and to the country at large in Lower Canada, is so fully confirmed by the spontaneous suffrages of so many of those whose local observations and knowledge best qualified them to appreciate at once the difficulty and the value of those services: and I am happy in the opportunity of depositing amongst the records of this department a series of testimonials so honourable to your personal and public character.

I have, &c.

(Signed)

JOHN RUSSELL.

Sir John Colborne, G.C.B.  
&c. &c. &c.

No. 11.  
Lord John Russell to  
Sir John Colborne.  
30th Nov. 1839.

(No. 1.)

No. 12.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

SIR, Downing-street, 7th September, 1839.

THE Queen having been pleased to confide to you the government of the

No. 12.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
September 7, 1839.

No. 12.  
 Lord John Russell  
 to the Right Hon. C.  
 Poulett Thomson.  
 September 7, 1839.

British provinces in North America, I now transmit to you the various Commissions under the Great Seal, which authorize you to assume and execute that office. The intimate knowledge which, as one of Her Majesty's confidential advisers, you have acquired, of the progress of Canadian affairs during the last few years, and of the views of Her Majesty's Government on that subject, relieves me from the necessity of entering on various explanations, which it would otherwise have been my duty to afford you. But it is fit that I should on the present occasion record for your guidance the intentions of the Ministers of the Crown on the principal topics of Canadian policy, on which you will be called, as the governor of those provinces, to co-operate with them.

The Bill introduced into the House of Commons during the present session of Parliament, embodied, as you are aware, the results of deliberate reflection on the various suggestions contained in the reports of the Earl of Durham. The hope of passing that measure into a law before the Parliamentary recess was defeated by various circumstances which occurred, and especially by the intelligence which, in the commencement of the month of June, reached us from the Lieutenant-Governor of Upper Canada, of the state of public opinion in that colony, as expressed by the resolutions of the Council and Assembly. We have never concealed from ourselves that the success of any plan for the settlement of Canadian affairs must depend on the concurrence and support of the provinces themselves. To learn their deliberate wishes, and to obtain their co-operation by frank and unreserved personal intercourse, will therefore be the first and most important of the duties which you will be called upon to perform.

In our anxiety thus to consult, and as far as may be possible, to defer to public opinion in the Canadas on the subject of constitutional changes, Her Majesty's Government must be understood as entertaining a very strong conviction in favour of the policy of the measure which they have proposed for the adoption of Parliament. Attaching minor importance to the subordinate details of that Bill, we have found no sufficient reason for distrusting the principles on which it proceeds. These are—a legislative Union of the two provinces—a just regard to the claims of either province in adjusting the terms of that Union—the maintenance of the three estates of the provincial legislature—the settlement of a permanent civil list for securing the independence of the judges, and to the executive government that freedom of action which is necessary for the public good—and the establishment of a system of local government by representative bodies, freely elected in the various cities and rural districts. From any of these principles Her Majesty's Government would be most reluctant to recede. After a full investigation of every other plan which has been suggested they have not been able to discover in any but this, the reasonable hope of a satisfactory settlement. It will, therefore, be your first duty to endeavour to obtain for that measure, such an assent in its general principles, and such a correction of its details, as may render it acceptable to the provinces, and productive of permanent advantage. There are various modes by which this object may be accomplished, and in giving an outline of them, Her Majesty has commanded me to express to you her reliance upon your judgment, to be formed upon the spot, as to the employment of such as may be most conducive to the contentment and advantage of Her Canadian subjects.

1. You may appoint, by authority of the executive, a certain number of persons of weight and experience, selected from each province, to frame articles of Union, to be afterwards proposed to the legislature of Upper Canada.

2. You may assemble the legislature of Upper Canada, and propose to them the appointment of a certain number of Commissioners, to confer with others named by the special council of Lower Canada.

3. If you find that your overtures to the assembly of Upper Canada are not met in a fair, conciliatory, and reasonable spirit, you may proceed to dissolve the present assembly, and appeal to the sense of the inhabitants of the province. But in the late unsettled state of the province, in the presence of repressed disaffection, with the necessity of a second dissolution before the assembly of the united province can meet—this step must not be resorted to, without the gravest deliberation.

In whatever method you may proceed, Her Majesty's Government will expect to receive from you, founded on competent authority, such a plan of representation, with a division into cities and districts, as may enable them to lay the scheme before Parliament with confidence in the data on which it has been formed, and in the justice of the general arrangement.

I will not now argue on a further supposition, viz., that from difficulty of detail,

or mutual disinclination, the plan of Union may be found altogether impracticable. Should you find, after all your efforts, that such is the result, you will lose no time in communicating to me, for Her Majesty's information, the grounds of your opinion, and the nature of any alternative which may seem to you more conducive to the general good.

But above all things, it is important to avoid unnecessary delay. The discussion, which has already been protracted at the expense of so much evil, and still greater hazard to the interests of the Canadian provinces, and of this kingdom, cannot be too speedily brought to a close. Her Majesty's Government will, therefore, anxiously await the result of your inquiries as to the state of public opinion in the Canadas respecting the proposed Union, and the terms on which, in your opinion, it should be effected. I earnestly trust that it may be received in this country by a period sufficiently early to enable us to communicate it to Parliament at the commencement, or soon after the commencement of the session of 1840, and then to proceed at once with such measures as may be required to meet the exigencies of the case.

The intelligence which has reached me from Upper Canada, makes it probable that you may be called upon for some explanation of the views of the Ministers of the Crown, on a question respecting which the Bill to which I have referred is necessarily silent. I allude to the nature and extent of the control which the popular branch of the united legislature will be admitted to exercise over the conduct of the executive government, and the continuance in the public service of its principal officers. But it is evidently impossible to reduce into the form of a positive enactment a constitutional principle of this nature. The importance of maintaining the utmost possible harmony between the policy of the legislature and of the executive government admits of no question, and it will of course be your anxious endeavour to call to your counsels and to employ in the public service those persons who, by their position and character, have obtained the general confidence and esteem of the inhabitants of the province.

The military defence of the Canadas is another subject of common interest to both provinces, on which it is necessary that you should be apprized of the views of Her Majesty's Government. In the correspondence between Lord Glenelg and Sir John Colborne, and especially in the despatches of the latter, you will find a full discussion of the plans which have been devised for that purpose. Amongst them is a scheme for extended fortifications, to be erected and maintained at an expense, which it is not evident will be compensated by any equivalent advantage. For the present, at least, notwithstanding the deference so justly due to the opinions of that distinguished Officer, the Ministers of the Crown cannot recommend the adoption of this scheme. On the other hand, the plan suggested from this country and sanctioned by Sir John Colborne, of creating military settlements on the frontier, on the principle of veteran battalions, appears to the Ministers of the Crown as at once the most effective and the most economical plan of defence which could be pursued. Measures will be taken, with the least possible delay, for carrying it into effect; and in the mean time you will discourage and prevent, as far as may be compatible with the public safety, either the augmentation, or the continuance on foot of the volunteers, or the sedentary corps, which were embodied during the last winter as a reinforcement to the regular army. On all subjects of this nature, however, you will consult Sir Richard Jackson, whose judgment and military knowledge, will be of the greatest service to you.

The only topic which it remains to notice, as affecting the two Canadian provinces alike, is that of raising an emigration fund from the proceeds of the sales of the Crown lands. Unfortunately, the very elaborate report communicated to me by Lord Durham on this subject, serves but to confirm, and to place in a still clearer light, the difficulties by which, as we were previously aware, the promotion of this most important object is obstructed. Such is the extent of land alienated, and so inconsiderable the proportion which still remains vested in the Crown, that the hope of rendering any effectual aid to emigration by the sale of such lands, cannot at present be reasonably entertained. The necessary preliminary to the introduction of any such system, would be the resumption of the large tracts of land held by grantees in a barren and unprofitable state. This could be effected only by the imposition of a tax on uncleared land, and by enactments for the collection of that tax, to insure the due execution of the law. In the Lower Province there exists, at the present time, no authority by which such a tax could be imposed. In the Upper Province it is hardly to be expected that, in the present state of affairs,

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the difficulties which encompass the subject will be effectually overcome. Amongst the benefits to be anticipated from the union of the provinces, it is not the least important that the united legislature would be able to act upon subjects of this nature with a great comparative freedom from the undue bias of local interests, and with a large view to the permanent improvement of the provinces.

Such being the principal subjects of common interest to the two provinces, to which your attention will be immediately called, I have next to notice those which will relate exclusively to the province of Lower Canada:

The Act which has been passed in the last session of Parliament, in amendment of the Act of the first year of Her Majesty's reign, providing for the temporary administration of the government of Lower Canada, will relieve you and the Special Council from many of the impediments by which your immediate predecessor has been encountered in the attempt to promote the internal interests of the province. Sir John Colborne's despatches, and especially that of the 15th of March, 1839, have pointed out very clearly many objects of great public utility, which he was unable to advance; in consequence of the restrictions under which the legislative powers confided to him and to the Special Council were exercised. To these your attention will of course be given. Much as the suspension of constitutional government in Lower Canada is to be regretted, it will not be without a very considerable compensation; if, during the interval, arrangements should be maturely and wisely made for securing to the people at large the benefit of those social institutions from which, in former times, the thoughts of the local legislature were diverted, by the controversies which then agitated the provincial society.

The establishment of Municipal Institutions for the management of all local affairs, will be among the most important of the subjects to which your attention will be called. On this subject I would refer you to the report of the Earl of Durham, and the Appendix marked C., by which it is accompanied. Although the commissioners whom his Lordship appointed to investigate the question were unable, from the shortness of the time, to submit to him any conclusive recommendations respecting it, the information which they collected will prove of much advantage to you. On the importance of such institutions I need not enlarge. Your acquaintance with the system of municipal government in this country will point out to you that there is no mode in which local affairs can be so properly administered, and that they form, at the same time, the most appropriate and effectual means of training the great body of the people to the higher branches of legislation.

The promotion of education among all classes of the people will also engage your earnest attention. On this subject I can add nothing to the information afforded by the reports of the Earl of Gosford, and his colleagues, and of the Earl of Durham. It will afford Her Majesty's Government the most sincere satisfaction to co-operate with you in any measures which you may adopt for the furtherance of this important object.

In any view which can now be taken of the affairs of British North America, it is obvious that those of Upper Canada must occupy a very prominent place. I am persuaded that the zeal for the public good, and the superiority to considerations of a nature merely personal, by which the present Lieutenant-Governor has been distinguished during his long career of public service, will obviate the risk of any dissatisfaction being entertained by him, if you should find it necessary, for a time, to assume in person the administration of the government of Upper Canada, and during that period, to supersede him in the discharge of his functions. In the prosecution, therefore, of your endeavour to obtain as much agreement as possible in the plan to be hereafter submitted to the Imperial Parliament, you will not hesitate to repair to Toronto. When there, you would of course avail yourself of the experience which Sir George Arthur has acquired; and of the assistance which he will have both the ability and the disposition to afford you.

The first topic which will engage your attention in Upper Canada is the present financial state of the province. This has been most elaborately explained in the Lieutenant-Governor's recent despatches. Embarrassing as the immediate state of the question is, it is yet gratifying to learn from those communications, that the difficulties in which the provincial treasury is involved, originate in causes which do not affect the wealth or the ultimate resources of the province. Having undertaken great internal improvements, especially those of the Welland and Rideau canals; with inadequate resources, the works have been very imperfectly completed, and the returns are absorbed in a succession of repairs, which would not have been



required if the canals had been originally formed with a greater command of capital. These works having also been effected by borrowed money, the loans have been raised at a higher rate of interest than would have been required if the credit of the province had not been diminished by the absorption of its revenue in such undertakings. Further, it appears that the provincial treasury might have been recruited with no perceptible addition to the public burdens, if it had been possible to increase, to a moderate extent, the duties of import on goods introduced for consumption. But, under the combined influence of these causes, the expenditure has at length far exceeded the receipt; and some measures for reinstating the provincial treasury in a secure condition have become indispensable.

Her Majesty's Government willingly acknowledge the great advantage which will arise from extending to Upper Canada such aid as the revenue of Great Britain could afford, consistently with a due regard to the interest of this kingdom, and of the other members of the empire at large. This is, however, a subject for distinct consideration. For the present I shall confine my attention to the remedial measures adopted by the local legislature in their last session.

Of these, the first was the raising a loan by Government debentures, which was sanctioned by a Bill, entitled "An Act to afford further facilities to negociate debentures for the completion of certain works."

This Bill was reserved for the signification of Her Majesty's pleasure, and has been confirmed by the Queen in Council.

The second financial measure of the year was the enactment of a Bill, authorizing the issue of treasury notes to the amount of 250,000<sup>l</sup>. sterling, for 1<sup>l</sup>. each. This Bill has also been reserved for the signification of Her Majesty's pleasure. I regret to state that Her Majesty cannot be advised to confirm it. The issue of such an amount of small inconvertible paper money, as a resource for sustaining the public credit, is not to be justified even by the present exigency of public affairs. The effect of the measure on the currency and monetary transactions of Upper Canada, and on the value of private property throughout the province, must be such as to counterbalance any advantage which could be obtained from this temporary relief. If the credit of the country can be made available to sustain for a time the transactions of the local treasury in a less hazardous and objectionable form, you will accede to any plan of that nature. It is only as a temporary expedient that any such resource will be requisite; and it is of great importance to the future welfare of the province, that the scheme devised to meet the pressure of the passing day should not be such as to preclude the early return to a more salutary course of financial operations.

A third measure of the same general character has been adopted by the local legislature, to provide for the indemnity of the sufferers by hostile incursions from the United States. The Bill for this purpose, entitled "An Act to ascertain and provide for the payment of all just claims arising from the late rebellion and invasions of this province," has also been reserved for the signification of Her Majesty's pleasure. I fear that Her Majesty's assent to this Bill, in its present form, cannot be given. The objection is not to the measure itself, in the propriety of which Her Majesty's Government entirely concur; but we think it impossible to advise The Queen to assent to an Act, which, if so sanctioned, would, by the terms of the preamble, convey a pledge from Her Majesty that the charge of this indemnity should be ultimately borne by the British treasury. The principle involved in this declaration is of too much importance to be thus incidentally recognised, even supposing it to be right that it should be admitted at all. Neither could Her Majesty properly affirm, in so solemn a manner, her acquiescence in this claim on the revenue of this country, unless it had been previously sanctioned by Parliament,—a sanction which has not been, and which could not hitherto have been, obtained. If a similar Bill should be passed, with the omission of the preamble, you will readily concur in the enactment of it.

The Legislature of Upper Canada have also passed a Bill, which has in like manner been reserved, for settling a civil list on Her Majesty in exchange for the Crown revenues of the province. It is with sincere regret that I am compelled to announce that this is also a measure from which, in its present form, the assent of the Crown must be withheld. The effect of it is to exclude from the protection of the grant the clergy, who at present derive their maintenance from the Crown revenue, and of whom the great majority have resorted to Upper Canada on the assurance that their stipends would be thus secured to them. Now as this charge has been lawfully fixed upon the Crown revenue, and as the Crown has no other

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resource from which it could be paid, it is impossible to accept the proposed civil list on such terms. Anxious as Her Majesty's Government are to defer to the representatives of the people of Upper Canada in all matters connected with the internal government of that province, they cannot consent to a measure which would practically involve a violation of the pledged faith of the Crown. We cannot decline the obligation of maintaining the rights of the clergy in question; and I can only express my hope that the local legislature may concur with the Ministers of the Crown as to the propriety of re-enacting this Bill, with the addition of the charge necessary for the maintenance of those rights. The burthen will cease with the lives of the present incumbents, and is now in the course of a progressive diminution.

The last of the reserved Bills of the late Session has reference to the long controverted subject of the clergy reserves. To this Bill the Royal assent could not have lawfully been given, until it had been laid for 30 days before either House of Parliament. It was not until the 15th August that I received from the Lieutenant-Governor the document necessary to enable me to fulfil the requisition of the Constitutional Act of 1791. It was, therefore, impossible that the Bill should be finally enacted by the Queen in Council until after the commencement of the Parliamentary Session of 1840. But had this difficulty not arisen, there were other motives which would have effectually prevented the acceptance of this measure by Her Majesty. Parliament delegated to the local legislature the right of appropriating the clergy reserves, and the effect of the Bill is to retransfer this duty from the local legislature to Parliament, with a particular restriction. I am advised by the law officers of the Crown that this is an unconstitutional proceeding. It is certainly unusual and inconvenient. Her Majesty cannot assume that Parliament will accept this delegated office, and if it should not be so accepted the confirmation of the Bill would be productive of serious prejudice, and of no substantial advantage. It would postpone indefinitely the settlement of a question which it much concerns the welfare of the provinces to bring to a close; besides I cannot admit that there exist in this country greater facilities than in Upper Canada for the adjustment of this controversy; on the contrary, the provincial legislature will bring to the decision of it an extent of accurate information as to the wants and general opinions of society in that country, in which Parliament is unavoidably deficient. For all these reasons Her Majesty will decline to give her assent to this Bill.

I have thus adverted to the principal topics which will engage your attention as Governor-General of British North America, in reference to the two Canadas, omitting many minor questions which will form the subject of future correspondence, and passing by for the present all that relates to the affairs of New Brunswick, Nova Scotia, and Prince Edward Island. I reserve these for consideration hereafter.

Finally, I am commanded to direct that in all the provinces of British North America you will inculcate upon the minds of The Queen's subjects Her Majesty's fixed determination to maintain the connexion now subsisting between them and the United Kingdom, and to exercise the high authority with which She has been invested by the favour of Divine Providence, for the promotion of their happiness and the security of her dominions.

I have, &c.

(Signed) J. RUSSELL.

The Right Hon. C. Poulett Thomson,  
 &c. &c. &c.

(No. 3.)

No. 13.

COPY of a DESPATCH from LORD JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

SIR,

Downing Street, 10th Sept. 1839.

I HAVE the honour to transmit herewith for your information a copy of a despatch from Lieutenant-General Sir John Colborne, containing his suggestions in regard to the proposed Bill for the union of the Canadas.

I have, &c.

(Signed) J. RUSSELL.

The Right Hon. C. Poulett Thomson,  
 &c. &c. &c.

No. 13.  
 Lord John Russell  
 to the Right Hon. C.  
 Poulett Thomson.  
 September 10, 1839.  
 Aug., 19, 1839,  
 No. 107.

(No. 16.)

No. 14.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

SIR,

Downing Street, 2d Oct. 1839.

I TRANSMIT herewith for your information a copy of a despatch, which I have received from the Lieutenant-Governor of Upper Canada, relating to the affairs of that province; together with a copy of the answer which I have returned to that communication.

I have, &c.

(Signed) J. RUSSELL.

The Right Hon. C. Poulett Thomson,  
&c. &c. &c.

No. 14.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
October 2, 1839.  
Sir G. Arthur's De-  
spatch.  
August 27, 1839,  
No. 179.

Vide Upper Canada  
Correspondence,  
"Political."

(No. 18.)

No. 15.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

SIR,

Downing Street, 10th Oct. 1839.

I HAVE to acknowledge the receipt of Sir John Colborne's despatch, No. 111, of the 10th ultimo.

In reply, I have to express to you the satisfaction with which Her Majesty's Government have received the intelligence therein contained, that martial law has ceased to exist in every part of Lower Canada, the state of the province having enabled Sir John Colborne to revoke the proclamation of martial law which had been in operation in the district of Montreal since November last.

I have, &c.

(Signed) J. RUSSELL.

The Right Hon. C. Poulett Thomson,  
&c. &c. &c.

No. 15.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
October 10, 1839.

(No. 19.)

No. 16.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

SIR,

Downing Street, 14th Oct. 1839.

It appears from Sir George Arthur's despatches that you may encounter much difficulty in subduing the excitement which prevails on the question of what is called "Responsible Government." I have to instruct you, however, to refuse any explanation which may be construed to imply an acquiescence in the petitions and addresses upon this subject. I cannot better commence this despatch than by a reference to the resolutions of both houses of Parliament, of the 28th April and 9th May, in the year 1837.

The Assembly of Lower Canada having repeatedly pressed this point, Her Majesty's confidential advisers at that period thought it necessary not only to explain their views in the communications of the Secretary of State, but expressly called for the opinion of Parliament on the subject. The Crown and the two houses of Lords and Commons having thus decisively pronounced a judgment upon the question, you will consider yourself precluded from entertaining any proposition on the subject.

It does not appear, indeed, that any very definite meaning is generally agreed upon by those who call themselves the advocates of this principle; but its very vagueness is a source of delusion, and if at all encouraged, would prove the cause of embarrassment and danger.

The constitution of England, after long struggles and alternate success, has settled into a form of government in which the prerogative of the Crown is undisputed, but is never exercised without advice. Hence the exercise only is questioned, and however the use of the authority may be condemned, the authority itself remains untouched.

This is the practical solution of a great problem, the result of a contest which from 1640 to 1690 shook the monarchy, and disturbed the peace of the country.

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Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
October 14, 1839.



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But if we seek to apply such a practice to a colony, we shall at once find ourselves at fault. The power for which a minister is responsible in England, is not his own power, but the power of the Crown, of which he is for the time the organ. It is obvious that the executive councillor of a colony is in a situation totally different. The Governor, under whom he serves, receives his orders from the Crown of England. But can the colonial council be the advisers of the Crown of England? Evidently not, for the Crown has other advisers, for the same functions, and with superior authority.

It may happen, therefore, that the Governor receives at one and the same time instructions from the Queen, and advice from his executive council, totally at variance with each other. If he is to obey his instructions from England, the parallel of constitutional responsibility entirely fails; if, on the other hand, he is to follow the advice of his council, he is no longer a subordinate officer, but an independent sovereign.

There are some cases in which the force of these objections is so manifest, that those who at first made no distinction between the constitution of the United Kingdom, and that of the colonies, admit their strength. I allude to the questions of foreign war, and international relations, whether of trade or diplomacy. It is now said that internal government is alone intended.

But there are some cases of internal government, in which the honour of the Crown or the faith of Parliament, or the safety of the state, are so seriously involved, that it would not be possible for Her Majesty to delegate her authority to a ministry in a colony.

I will put for illustration some of the cases which have occurred in that very province where the petition for a responsible executive first arose—I mean Lower Canada.

During the time when a large majority of the assembly of Lower Canada, followed M. Papineau as their leader, it was obviously the aim of that gentleman to discourage all who did their duty to the Crown within the province, and to deter all who should resort to Canada with British habits and feelings from without. I need not say that it would have been impossible for any minister to support, in the Parliament of the United Kingdom, the measures which a ministry, headed by M. Papineau, would have imposed upon the Governor of Lower Canada;—British officers punished for doing their duty; British emigrants defrauded of their property; British merchants discouraged in their lawful pursuits,—would have loudly appealed to Parliament against the Canadian ministry, and would have demanded protection.

Let us suppose the Assembly as then constituted, to have been sitting when Sir John Colborne suspended two of the judges. Would any councillor, possessing the confidence of the Assembly, have made himself responsible for such an act? And yet the very safety of the province depended on its adoption. Nay, the very orders of which your Excellency is yourself the bearer, respecting Messrs. Bedard and Panet, would never be adopted, or put in execution by a ministry depending for existence on a majority led by M. Papineau.

Nor can any one take upon himself to say that such cases will not again occur. The principle once sanctioned, no one can say how soon its application might be dangerous, or even dishonourable, while all will agree that to recall the power thus conceded would be impossible.

While I thus see insuperable objections to the adoption of the principle as it has been stated, I see little or none to the practical views of colonial government recommended by Lord Durham, as I understand them. The Queen's Government have no desire to thwart the representative assemblies of British North America in their measures of reform and improvement. They have no wish to make those provinces the resource for patronage at home. They are earnestly intent on giving to the talent and character of leading persons in the colonies, advantages similar to those which talent and character, employed in the public service, obtain, in the United Kingdom. Her Majesty has no desire to maintain any system of policy among her North American subjects which opinion condemns. In receiving the Queen's commands, therefore, to protest against any declaration at variance with the honour of the Crown, and the unity of the empire, am at the same time instructed to announce Her Majesty's gracious intention to look to the affectionate attachment of her people in North America, as the security for permanent dominion.

It is necessary for this purpose that no official misconduct should be screened by Her Majesty's representative in the provinces; and that no private interests should be allowed to compete with the general good.

Your Excellency is fully in possession of the principles which have guided Her Majesty's advisers on this subject; and you must be aware that there is no surer way of earning the approbation of The Queen, than by maintaining the harmony of the executive with the legislative authorities.

While I have thus cautioned you against any declaration from which dangerous consequences might hereafter flow, and instructed you as to the general line of your conduct, it may be said that I have not drawn any specific line beyond which the power of the Governor on the one hand, and the privileges of the Assembly on the other, ought not to extend. But this must be the case in any mixed government. Every political constitution in which different bodies share the supreme power, is only enabled to exist by the forbearance of those among whom this power is distributed. In this respect the example of England may well be imitated. The sovereign using the prerogative of the Crown to the utmost extent, and the House of Commons exerting its power of the purse, to carry all its resolutions into immediate effect, would produce confusion in the country in less than a twelvemonth. So in a colony: the Governor thwarting every legitimate proposition of the Assembly; and the Assembly continually recurring to its power of refusing supplies, can but disturb all political relations, embarrass trade, and retard the prosperity of the people. Each must exercise a wise moderation. The Governor must only oppose the wishes of the Assembly where the honour of the Crown, or the interests of the empire are deeply concerned; and the Assembly must be ready to modify some of its measures for the sake of harmony, and from a reverent attachment to the authority of Great Britain.

I have, &c.,

(Signed)

J. RUSSELL.

The Right Hon. C. Poulett Thomson,

&c.

&c.

&c.

(No. 20.)

No. 17.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

Sir,

Downing Street, 16th October, 1839.

I AM desirous of directing your attention to the tenure, on which public offices in the gift of the Crown, appear to be held throughout the British Colonies. I find that the governor himself and every person serving under him are appointed during the royal pleasure, but with this important difference. The Governor's commission is, in fact, revoked whenever the interests of the public service are supposed to require such a change in the administration of local affairs. But the commissions of all other public officers are very rarely indeed recalled, except for positive misconduct. I cannot learn that during the present or the two last reigns, a single instance has occurred of a change in the subordinate colonial officers, except in cases of death or resignation, incapacity or misconduct. This system of converting a tenure at pleasure into a tenure for life, originated probably in the practice, which formerly prevailed of selecting all the higher class of colonial functionaries from persons who, at the time of their appointment, were resident in this country; and, amongst other motives which afforded such persons a virtual security for the continued possession of their places, it was not the least considerable, that, except on those terms, they were unwilling to incur the risk and expense of transferring their residence to remote, and often to unhealthy climates. But the habit which has obtained of late years of preferring, as far as possible, for places of trust in the colonies, persons resident there, has taken away the strongest motive which could thus be alleged in favour of a practice to which there are many objections of the greatest weight. It is time, therefore, that a different course should be followed, and the object of my present communication is to announce to you the rules which will be hereafter observed on this subject in the province of Lower Canada.

No. 16.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
October 17, 1839.

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October 16, 1839.

You will understand, and will cause it to be made generally known, that hereafter the tenure of colonial offices held during Her Majesty's pleasure, will not be regarded as equivalent to a tenure during good behaviour; but that not only such officers will be called upon to retire from the public service as often as any sufficient motives of public policy may suggest the expediency of that measure, but that a change in the person of the governor will be considered as a sufficient reason for any alterations which his successor may deem it expedient to make in the list of public functionaries, subject of course to the future confirmation of the sovereign.

These remarks do not extend to judicial offices, nor are they meant to apply to places which are altogether ministerial, and which do not devolve upon the holders of them duties, in the right discharge of which the character and policy of the government are directly involved. They are intended to apply rather to the heads of departments than to persons serving as clerks or in similar capacities under them. Neither do they extend to officers in the service of the Lords Commissioners of the Treasury. The functionaries who will be chiefly, though not exclusively, affected by them, are the Colonial Secretary, the Treasurer, or Receiver-general, the Surveyor-General, the Attorney and Solicitor-General, the Sheriff or Provost Marshal, and other officers; who, under different designations from these, are entrusted with the same or similar duties. To this list must also be added the members of the council, especially in those colonies in which the Legislative and Executive Councils are distinct bodies.

The application of these rules to officers to be hereafter appointed will be attended with no practical difficulty. It may not be equally easy to enforce them in the case of existing officers, and especially of those who may have left this country for the express purpose of accepting the offices they at present fill. Every reasonable indulgence must be shown for the expectations which such persons have been encouraged to form. But even in these instances it will be necessary that the right of enforcing these regulations should be distinctly maintained in practice, as well as in theory, as often as the public good may clearly demand the enforcement of them. It may not be unadvisable to compensate any such officers for their disappointment, even by pecuniary grants, when it may appear unjust to dispense with their services, without such an indemnity.

I have, &c.

(Signed.)

J. RUSSELL.

(No. 22.)

No. 18.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C.  
POULETT THOMSON.

SIR,

Downing-street, 18th October, 1839.

I am anxious to bring under your notice the enclosed communication which I have received from Sir George Arthur, in which he reports the success which has attended the measures adopted by Colonel Wyndham, for providing for a large body of emigrants, whom he has lately sent out to Upper Canada, from his estates in Clare and Limerick.

The prosperous condition in which these persons have been placed by the well directed generosity of Colonel Wyndham, will probably induce many other landlords, especially in Ireland, to imitate his example. With a view to encourage similar undertakings, I have instructed the emigration agent-general, to give publicity to the statement received respecting Colonel Wyndham's emigrants, and to lend every assistance in furtherance of similar experiments. Beyond this, I fear that it is not in the power of the Government to extend their co-operation, from the want of funds; but fully concurring in the opinion expressed by Sir George Arthur, as to the importance of encouraging colonization from this country to the Canadas; I am unwilling to neglect any means by which it may be promoted. The local Legislature may do much to forward this object, by affording the pecuniary assistance which might be required for organizing and working a scheme for the location in the province of settlers from the mother country. The knowledge that provision was made for their reception on their arrival, and for their being allocated where their labour might be at once profitably employed,

No. 18.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
October 18, 1839.  
September 18, 1839.  
No. 187.

Vide Upper Canada  
Correspondence,  
"Financial."

would encourage landlords to incur the preliminary expenses of outfit and passage, who might be disinclined to make themselves responsible for the additional expense of the emigrants, until they could be so disposed of as to provide for their own subsistence. In the case of Colonel Wyndham's emigrants, that object was accomplished with facility and expedition; but such a result could not always be expected, and it would be an important object, if some arrangement could be made for confining the responsibility and charge of the landlord within the bounds which I have stated. As regards the details of any such scheme, the extent of the aid which would be required from the local Legislature to carry it into effect, and the nature of the proposal which it would be proper to submit to them, you will be best able to form an opinion when you shall have considered the subject on the spot. I shall therefore confine myself to these few observations, which will be sufficient to explain to you the nature of the measure, which it appears to me might be beneficially adopted; and I shall be glad if you will direct your attention to the subject, and report to me your opinion upon it.

No. 18.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
October 18, 1839.

Right Hon. C. Poulett Thomson,  
&c. &c. &c.

I have, &c.  
(Signed) J. RUSSELL.

(No. 26.)

No. 19.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

SIR, Downing Street, 26th October, 1839.

I have to acknowledge the receipt of Sir John Colborne's despatch, No. 118, of 27th September, inclosing two lists of prisoners convicted in Lower Canada of high treason, who have either had their sentences commuted for transportation for life, or have received conditional pardons.

The list of the former class of convicts consists of 58, who are stated by Sir John Colborne, to have been on the point of sailing for Australia from Quebec, in Her Majesty's ship Buffalo.

I have not been furnished with copies of the legal records applying to these cases, but I presume that the proper documents are on board the Buffalo, and that they have been prepared with that care, and under that legal advice, which will prevent any difficulty when the convicts shall arrive at their destination.

The list of prisoners who have received a conditional pardon, consists of 29, two who are named having been pardoned on the condition that they should leave the province for ever, and the remaining 27 having been recommended to the Governor's favourable consideration.

It only remains that I should convey to you the Queen's approval of the exercise of her prerogative of mercy in these cases.

Right Hon. C. Poulett Thomson,  
&c. &c. &c.

I have, &c.  
(Signed) J. RUSSELL.

(No. 27.)

No. 20.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

SIR, Downing Street, 27th October, 1839.

I have to acknowledge the receipt of Sir John Colborne's despatch (No. 117) of the 27th ult. reporting that he had authorized the continuance of the services of the detached companies of embodied Canadian militia on the St. Lawrence, and on the Niagara frontier, for a further period of six months.

I have, in reply, to convey to you my approval of this measure.

The Right Hon. C. Poulett Thomson,  
&c. &c. &c.

I have, &c.  
(Signed) J. RUSSELL.

No. 20.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
October 27, 1839.



(No. 28.)

No. 21.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

SIR,

Downing Street, 28th October, 1839.

No. 21.  
 Lord John Russell  
 to the Right Hon. C.  
 Poulett Thomson.  
 October 28, 1839.

In the Marquis of Normanby's despatch of the 2nd of July (No. 52), his Lordship apprised Sir John Colborne of the receipt at this office of sixty-seven ordinances, passed by the Governor and Special Council of Lower Canada in the months of February, March, and April of the present year. Lord Normanby further explained the necessity of postponing the intimation of Her Majesty's pleasure on this series of enactments until his Lordship should be able to lay before Her Majesty the result of the references made upon them to various other departments of the Government; observing, at the same time, that as all these ordinances had, with one exception, gone into immediate operation, the delay would be attended with no practical inconvenience.

I regret to state that some of the departments of the Government to whom references of this nature have been made, have not yet been able to complete their inquiries on the subject, so that even now it is not in my power to convey to you any instructions embracing the whole of this series of enactments. But having, on the 25th inst., received the answer of the Lords Commissioners of the Treasury to the reference made by Lord Normanby to their lordships, I will no longer postpone apprising you, as far as it is in my power, of the course which will be taken on each of the sixty-seven ordinances transmitted with your predecessor's despatches of the 13th of April last (No. 55.)

I subjoin a schedule, marked A, which comprises a list of the whole of this series, in which each ordinance is distinguished by the number it bears in the records of this office, from 48 to 114, both inclusive.

I further subjoin a schedule, marked B, in which are enumerated such of the sixty-seven ordinances as have appeared to Her Majesty's Government to be open to no objection; and which it is therefore proposed to leave to their operation. But it is necessary to qualify this statement by one general remark: These laws were passed in pursuance of the statute 1st and 2d Vict., c. 9, which limited to the 31st of December, 1842, the duration of the ordinances of the Governor and Special Council. Yet, amongst those enumerated in the schedule marked B some will be found which, from the nature of their provisions, would be useless, if not unmeaning, if the operation of them were to be really limited within that narrow period of time. For example, one of these ordinances authorizes the granting of a very long lease, which would endure till nearly the close of the present century; and another provides for registrations of births, deaths, and marriages, which, if not valid beyond the year 1842, it would be to no purpose to compile at all. I mention these merely by way of illustration. On reference to the whole series, you will find many enactments which, like these, contemplate permanent or lasting improvements, and not regulations expiring in less than three years from their commencement.

I do not refer to this circumstance as affording any ground of objection to the ordinances themselves, and still less as suggesting any matter of blame to the authors of them. The Governor and Special Council obviously legislated with the full recollection that their laws must cease to be binding after the close of the year 1842, unless in that interval provision should be made by Parliament for their longer continuance; but, hoping that such provision would be made, they passed some ordinances which, though of great value on that supposition, would, in the opposite event, be at least innocuous. Now, although it appears to me that in taking this course the Governor and Special Council judged very correctly, yet I also apprehend that, unless in pursuance of the statute of the last session of Parliament, 2d and 3d Vict., c. 53, laws be passed to give a permanent, or, at least, a protracted duration to the ordinances I have mentioned, those ordinances, as having been passed under the 1st and 2d Vict., c. 9, must cease to be in force from the 31st of December, 1842, and must consequently lose their chief value. You will therefore instruct the law officers of the Crown for Lower Canada to revise all the ordinances enumerated in the subjoined schedule, marked B; and to report to you which of them contemplate objects, to the right accomplishment of which it is necessary that a longer duration should be assigned to the laws than that limited by the 1st and 2d Vict. c. 9; and in those cases, you will submit to the Special Council the propriety of prolonging the operation of such ordinances, in exercise of the powers vested in that body by the 2d and 3d Vict. c. 53.

I inclose a third schedule, marked C, in which are enumerated such of the ordinances of the Governor and Special Council of Lower Canada as are still resting with other departments of Her Majesty's Government, and on which it will not be in my power to announce to you Her Majesty's decision until I shall be in possession of the reports of those departments.

No. 21.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
October 28, 1839.

I have, &c.

The Right Hon. C. Poulett Thomson, (Signed) J. RUSSELL.  
&c. &c. &c.

SCHEDULE A.

Titles of Ordinances of Special Council, Lower Canada, 2d Victoria.

- No. 48.—An Ordinance to suspend, for a limited time, part of certain Acts of the legislature of this province, therein mentioned, and for other purposes.
- No. 49.—An Ordinance to authorize the assistant judge, appointed in lieu of the resident judge of the district of Three Rivers, to sit and act in the Court of Queen's Bench for the district of Saint Francis, in this province, and to explain a certain Act therein mentioned, and for other purposes.
- No. 50.—An Ordinance to extend the provisions of a certain Act of the legislature of this province, therein mentioned.
- No. 51.—An Ordinance to facilitate the manner in which registers of baptisms, marriages, and burials, shall in future be numbered and authenticated; in the province of Lower Canada.
- No. 52.—An Ordinance to prevent the fraudulent manufacture, importation, or circulation of spurious copper and brass coin.
- No. 53.—An Ordinance to incorporate the Canada Marine Insurance Company.
- No. 54.—An Ordinance to amend the Act, passed in the thirty-sixth year of the reign of King George the Third, chapter nine, commonly called the Road Act.
- No. 55.—An Ordinance to suspend, for a limited time, certain parts of two Ordinances, therein mentioned, as far as the same relate to the city of Montreal, and to establish a society therefor for preventing accidents by fire.
- No. 56.—An Ordinance to repeal so much of an Act of Parliament of Great Britain, of the twenty-fifth year of the reign of His late Majesty, George the Second, as directs the period of the execution of persons convicted of the crime of murder, and for other purposes.
- No. 57.—An Ordinance to suspend certain Acts therein mentioned, and to regulate in a better manner the packing and inspection of flour and Indian meal.
- No. 58.—An Ordinance to secure to and confer upon Alfred Rambau, an inhabitant of this province, the civil and political rights of a natural born British subject.
- No. 59.—An Ordinance to secure to and confer upon Henry Vallotte, an inhabitant of this province, the civil and political rights of a natural born British subject.
- No. 60.—An Ordinance for the better regulation of ferrymen and others conveying persons for hire across the rivers and waters of this province.
- No. 61.—An Ordinance to amend a certain Act therein mentioned, and to provide for the better regulation of taverns and tavern keepers.
- No. 62.—An Ordinance to regulate the curing, packing, and inspection of beef and pork, intended for exportation.
- No. 63.—An Ordinance to amend a certain Act, therein mentioned, and for the more effectual punishment of such persons as shall seduce soldiers to desert.
- No. 64.—An Ordinance to extend certain privileges, therein mentioned, to the ministers of the Methodist New Connexion, and the congregations under their care.
- No. 65.—An Ordinance for establishing regulations respecting aliens coming into this province, or residing therein.
- No. 66.—An Ordinance to suspend, in part, certain Acts therein mentioned, and to establish and incorporate a Trinity House, in the city of Montreal.
- No. 67.—An Ordinance for the better information of the government and of the public, concerning prosecutions brought before justices of the peace.
- No. 68.—An Ordinance for vesting all the estates and property in the province of Lower Canada, occupied for the Ordinance service in the principal officers of Her Majesty's Ordinance, and for granting certain powers to the said principal officers, and for other purposes therein mentioned.
- No. 69.—An Ordinance to revive a certain Act, therein mentioned, and to make better provision with regard to the inspection of pot and pearl ashes.
- No. 70.—An Ordinance to abolish the practice of permitting defendants to traverse indictments for misdemeanors, before courts of Oyer and Terminer, in this province.
- No. 71.—An Ordinance to prolong the term of the royal charter, incorporating the Quebec Bank, and to make further provision for the government and management of the said bank.
- No. 72.—An Ordinance to suspend, in part, certain Acts therein mentioned, and to consolidate the laws relating to duties, levied under the authority of the provincial legislature.
- No. 73.—An Ordinance to suspend an Act passed in the tenth and eleventh years of the reign of His late Majesty George the Fourth, intitled, "An Act for the relief of certain religious congregations therein mentioned," and to make other legislative provision in the place thereof.

Schedule A.

## Schedule A.

- No. 74.—An Ordinance to provide for the more speedy attainder of persons indicted for high treason who have fled from the province, or remain concealed therein to escape from justice.
- No. 75.—An Ordinance to exempt certain articles from seizure in satisfaction of debts.
- No. 76.—An Ordinance concerning the erection of parishes, and the building of churches, parsonage-houses, and churchyards.
- No. 77.—An Ordinance to suspend, for a limited time, certain parts of two Ordinances therein mentioned, as far as the same relate to the city of Quebec, and to establish a society therein for preventing accidents by fire.
- No. 78.—An Ordinance to continue, for a limited time, a certain Ordinance relative to persons charged with high treason, suspicion of high treason, misprision of high treason, and treasonable practices.
- No. 79.—An Ordinance to provide for the subsistence of volunteers and militia men, who may have been or may be wounded, and for that of the families of those who may have been or may be killed, in certain cases hitherto unprovided for.
- No. 80.—An Ordinance to repeal a certain Act, therein mentioned, relative to a certain market place at Près de Ville, in the city of Montreal.
- No. 81.—An Ordinance to provide for the improvement, during the winter season, of the principal post roads from various parts of the province of Montreal, and for other purposes.
- No. 82.—An Ordinance to extend the provisions of the Ordinance therein mentioned, to the losses sustained by certain loyal inhabitants of this province, during the rebellion which has occurred since the passing of the said Ordinance.
- No. 83.—An Ordinance, concerning bankrupts, and the administration and distribution of their estates and effects.
- No. 84.—An Ordinance to change the place of the registry-office for the county of Stanstead.
- No. 85.—An Ordinance for erecting a court-house, with proper offices, at Sherbrooke, in the district of Saint Francis, and for defraying the expense thereof.
- No. 86.—An Ordinance to make provision for defraying the civil expenditure of the provincial Government, for the year ending on the tenth day of October, one thousand eight hundred and thirty-nine.
- No. 87.—An Ordinance to continue certain Acts therein mentioned, relating to the administration of justice in the inferior district of Gaspé.
- No. 88.—An Ordinance to remove certain doubts as to the extension of the benefit of the warehousing system, established by a certain Act of the Imperial Parliament, passed in the third and fourth years of his late Majesty's reign, to duties imposed by provincial Acts.
- No. 89.—An Ordinance to appropriate certain sums of money to the support of certain charitable institutions.
- No. 90.—An Ordinance to appropriate certain sums therein mentioned to the encouragement of education.
- No. 91.—An Ordinance to amend an Ordinance intituled, "An Ordinance for establishing regulations respecting aliens coming into this province or residing therein."
- No. 92.—An Ordinance to continue the Act to provide less expensive means for the recovery of wages due to seamen of vessels belonging to or registered in this province.
- No. 93.—An Ordinance to regulate the currency of this province.
- No. 94.—An Ordinance to amend and continue the Act to regulate the exercise of certain rights of lessors and lessees.
- No. 95.—An Ordinance to prevent real property, under seizure, from being injured or wasted, to the damage of the party seizing.
- No. 96.—An Ordinance to regulate the practice of the courts of judicature in this province, respecting certain proceedings.
- No. 97.—An Ordinance to incorporate the ecclesiastics of the seminary of Saint Sulpice, of Montreal, to confirm their title to the fief and seigniorj of the Island of Montreal, the fief and seigniorj of the Lake of the Two Mountains, and the fief and seigniorj 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.
- No. 98.—An Ordinance to repeal a certain Ordinance intituled, "An Ordinance to declare that the second chapter of the Statute of the Parliament of England, passed in the thirty-first year of the reign of King Charles the Second, is not, nor has ever been, in force in this province, and for other purposes."
- No. 99.—An Ordinance to revive and continue certain Acts of the Legislature of this province therein mentioned.
- No. 100.—An Ordinance to provide for the completion of certain public works for the improvement of the internal communications, and for the encouragement of agriculture, and for other purposes.
- No. 101.—An Ordinance to continue for a limited time the "Act to create a fund for defraying the expense for Medical Assistance for Sick Emigrants, and of enabling indigent persons of that description to proceed to their place of destination."
- No. 102.—An Ordinance to extend the provisions of the Ordinance for establishing an efficient system of police in the cities of Quebec and Montreal.
- No. 103.—An Ordinance to amend an Act of the Legislature of this province, intituled, "An Act for repealing certain Acts granting rates and duties to His Majesty, and for granting new and additional duties in lieu thereof, and for appropriating the same

towards defraying the expenses of the administration of justice and support of the civil government within this province, and for other purposes therein mentioned."

- No. 104.—An Ordinance to regulate private banking, and the circulation of the notes of private bankers.
- No. 105.—An Ordinance to establish Circuit Courts of Requests in the districts of Quebec, Montreal, and Three Rivers, and for other purposes.
- No. 106.—An Ordinance to suspend for a limited time certain sections of the Ordinance for the better packing and inspection of flour and meal.
- No. 107.—An Ordinance to amend certain Acts therein mentioned relative to a certain market at Montreal.
- No. 108.—An Ordinance to authorize the commissioners for making the canal from St. John's to Chambly, to borrow a certain sum of money to complete the said canal.
- No. 109.—An Ordinance for the more easy and certain collection of the harbour dues of Montreal.
- No. 110.—An Ordinance to provide for the distribution of the printed copies of the Ordinances passed by the Governor of this province and the Special Council for the affairs thereof.
- No. 111.—An Ordinance to establish a Board of Works in this province.
- No. 112.—An Ordinance to provide for the inspection of fish and oil.
- No. 113.—An Ordinance for indemnifying persons who, since the twenty-first day of December, one thousand eight hundred and thirty-eight, have acted in apprehending, imprisoning, or detaining in custody, persons suspected of high treason, or treasonable practices, and in the suppression of unlawful assemblies, and for other purposes therein mentioned.
- No. 114.—An Ordinance to repeal a certain Ordinance therein mentioned relating to the district of Saint Francis.

## SCHEDULE B.

List of Ordinances to be re-enacted, or left to their operation.

- No. 48.—An Ordinance to suspend for a limited time part of certain Acts of the legislature of this province therein mentioned, and for other purposes.
- No. 49.—An Ordinance to authorize the assistant judge, appointed in lieu of the resident judge of the district of Three Rivers, to sit and act in the Court of Queen's Bench for the district of Saint Francis, in this province, and to explain a certain Act therein mentioned, and for other purposes.
- No. 50.—An Ordinance to extend the provisions of a certain Act of the legislature of this province therein mentioned.
- No. 51.—An Ordinance to facilitate the manner in which registers of baptisms, marriages, and burials, shall in future be numbered and authenticated in the province of Lower Canada.
- No. 52.—An Ordinance to prevent the fraudulent manufacture, importation, or circulation of spurious copper and brass coin.
- No. 54.—An Ordinance to amend the Act passed in the thirty-sixth year of the reign of King George the Third, chapter nine, commonly called the Road Act.
- No. 56.—An Ordinance to repeal so much of an Act of the Parliament of Great Britain of the twenty-fifth year of the reign of his late Majesty George the Second, as directs the period of the execution of persons convicted of the crime of murder, and for other purposes.
- No. 58.—An Ordinance to secure to, and confer upon, Alfred Ranbar, an inhabitant of this province, the civil and political rights of a natural born British subject.
- No. 59.—An Ordinance to secure to, and confer upon, Henri Vallotte, an inhabitant of this province, the civil and political rights of a natural born British subject.
- No. 60.—An Ordinance for the better regulation of ferrymen and others conveying persons for hire across the rivers and waters of this province.
- No. 61.—An Ordinance to amend a certain Act therein mentioned, and to provide for the better regulation of taverns and tavern-keepers.
- No. 63.—An Ordinance to amend a certain Act therein mentioned, and for the more effectual punishment of such persons as shall seduce soldiers to desert.
- No. 64.—An Ordinance to extend certain privileges therein mentioned, to the ministers of the Methodist New Connexion, and the congregations under their care.
- No. 65.—An Ordinance for establishing regulations respecting aliens, coming into this province and residing therein.
- No. 67.—An Ordinance for the better information of the Government and of the public, concerning prosecutions brought before justices of the peace.
- No. 70.—An Ordinance to abolish the practice of permitting defendants to traverse indictments for misdemeanors before courts of Oyer and Terminer in this province.
- No. 71.—An Ordinance to prolong the term of the royal charter incorporating the Quebec Bank, and to make further provision for the government and management of the said bank.
- No. 72.—An Ordinance to suspend in part certain Acts therein mentioned, and to consolidate the laws relating to duties levied under the authority of the provincial legislature.
- No. 73.—An Ordinance to suspend an Act passed in the tenth and eleventh years of the reign of His late Majesty George the Fourth, intituled, An Act for the relief of certain



Schedule B.

- religious congregations therein mentioned, and to make other legislative provision in the place thereof.
- No. 74.—An Ordinance to provide for the more speedy attainder of persons indicted for high treason, who have fled from the province, or remain concealed therein to escape from justice.
- No. 75.—An Ordinance to exempt certain articles from seizure in satisfaction of debts.
- No. 76.—An Ordinance concerning the erection of parishes and the building of churches, parsonage houses, and churchyards.
- No. 77.—An Ordinance to suspend for a limited time certain parts of two Ordinances therein mentioned, as far as the same relate to the city of Quebec, and to establish a society therein for preventing accidents by fire.
- No. 78.—An Ordinance to continue for a limited time a certain Ordinance relative to persons charged with high treason, suspicion of treason, misprision of high treason and treasonable practices.
- No. 79.—An Ordinance to provide for the subsistence of volunteers and militia men, who may have been or may be wounded, and for that of the families of those who may have been or may be killed, in certain cases hitherto unprovided for.
- No. 80.—An Ordinance to repeal a certain Act therein mentioned, relative to a certain marketplace at Pres de Ville, in the city of Montreal.
- No. 81.—An Ordinance to provide for the improvement during the winter season of the principal post roads from various parts of the province of Montreal, and for other purposes.
- No. 82.—An Ordinance to extend the provisions of the Ordinance therein mentioned to the losses sustained by certain loyal inhabitants of this province during the rebellion which has occurred since the passing of the said Ordinance.
- No. 83.—An Ordinance concerning bankrupts, and the administration and distribution of their estates and effects.
- No. 84.—An Ordinance to change the place of the registry office for the county of Stanstead.
- No. 85.—An Ordinance for erecting a court-house with proper offices at Sherbrooke, in the district of St. Francis, and for defraying the expense thereof.
- No. 86.—An Ordinance to make provision for defraying the civil expenditure of the provincial government for the year ending on the tenth day of October, one thousand eight hundred and thirty-nine.
- No. 87.—An Ordinance to continue certain Acts therein mentioned, relative to the administration of justice in the inferior district of Gaspé.
- No. 88.—An Ordinance to remove certain doubts as to the extension of the benefit of the warehousing system, established by a certain Act of the Imperial Parliament, passed in the third and fourth years of his late Majesty's reign, to duties imposed by provincial Acts.
- No. 89.—An Ordinance to appropriate certain sums of money to the support of certain charitable institutions.
- No. 90.—An Ordinance to appropriate certain sums therein mentioned to the encouragement of education.
- No. 91.—An Ordinance to amend an Ordinance intitled, an Ordinance for establishing regulations respecting aliens coming into this province, or residing therein.
- No. 94.—An Ordinance to amend and continue the Act to regulate the exercise of certain rights of lessors and lessees.
- No. 95.—An Ordinance to prevent real property under seizure from being injured or wasted, to the damage of the party seizing.
- No. 96.—An Ordinance to regulate the practice of the courts of judicature in this province respecting certain proceedings.
- No. 97.—An Ordinance to incorporate the ecclesiastics of the seminary of St. 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 Two Mountains, and the Fief and Seigniory of St. Sulpice in this province, to provide for the gradual extinction of seigniorial rights and dues within the seigniorial limits of the said Fiefs and Seigniories, and for other purposes.
- No. 98.—An Ordinance to repeal a certain Ordinance intitled, "an Ordinance to declare that the second chapter of the statute of the Parliament of England, passed in the thirty-first year of the reign of King Charles the Second is not nor has ever been in force in this province, and for other purposes."
- No. 99.—An Ordinance to revive and continue certain Acts of the Legislature of this province therein mentioned.
- No. 100.—An Ordinance to provide for the completion of certain public works, for the improvement of the internal communications, and for the encouragement of agriculture, and for other purposes.
- No. 101.—An Ordinance to continue for a limited time the Act to create a fund for defraying the expense of Medical Assistance for Sick Emigrants, and for enabling indigent persons of that description to proceed to their place of destination.
- No. 102.—An Ordinance to extend the provisions of the Ordinance for establishing an efficient system of police in the Cities of Quebec and Montreal.
- No. 103.—An Ordinance to amend an Act of the Legislature of this province, intitled, "An Act for repealing certain Acts granting rates and duties to His Majesty, and for granting new and additional duties in lieu thereof, and for appropriating the same towards defraying the expenses of the administration of justice, and support of the civil government within this province, and for other purposes therein mentioned."

- No. 104.—An Ordinance to regulate private banking, and the circulation of the notes of private bankers. Schedule B.
- No. 105.—An Ordinance to establish circuit courts of request in the districts of Quebec, Montreal, and Three Rivers, and for other purposes.
- No. 107.—An Ordinance to amend certain Acts therein mentioned, relative to a certain market at Montréal.
- No. 108.—An Ordinance to authorize the Commissioners for making the canal from St. John's to Chambly, to borrow a certain sum of money to complete the said canal.
- No. 110.—An Ordinance to provide for the distribution of the printed copies of the Ordinances passed by the Governor of this province, and the Special Council for the affairs thereof.
- No. 111.—An Ordinance to establish a Board of Works in this province.
- No. 113.—An Ordinance for indemnifying persons who, since the 21st day of December, 1838, have acted in apprehending, imprisoning, or detaining in custody, persons suspected of high treason or treasonable practices, and in the suppressing of unlawful assemblies, and for other purposes therein mentioned.
- No. 114.—An Ordinance to repeal a certain Ordinance therein mentioned, relating to the district of St. Francis.

SCHEDULE C.

List of Ordinances on which Her Majesty's decision is at present suspended:—

- No. 53.—An Ordinance to incorporate the Canada Marine Insurance Company. Schedule C.
- No. 55.—An Ordinance to suspend for a limited time certain parts of two Ordinances therein mentioned, as far as the same relate to the city of Montreal, and to establish a society therein for preventing accidents by fire.
- No. 57.—An Ordinance to suspend certain Acts therein mentioned, and to regulate in a better manner the packing and inspection of flour and Indian meal.
- No. 62.—An Ordinance to regulate the curing, packing, and inspection of beef and pork intended for exportation.
- No. 66.—An Ordinance to suspend in part certain Acts therein mentioned, and to establish and incorporate a Trinity House in the city of Montreal.
- No. 68.—An Ordinance for vesting all the estates and property in the province of Lower Canada, occupied for the ordnance service, in the principal officers of Her Majesty's Ordinance; and for granting certain powers to the said principal officers, and for other purposes therein mentioned.
- No. 69.—An Ordinance to revive a certain Act therein mentioned, and to make better provision with regard to the inspection of pot and pearl ashes.
- No. 92.—An Ordinance to continue the Act to provide less expensive means for the recovery of wages due to seamen of vessels belonging to or registered in this province.
- No. 93.—An Ordinance to regulate the currency of this province.
- No. 106.—An Ordinance to suspend for a limited time certain sections of the Ordinance for the better packing and inspection of flour and meal.
- No. 109.—An Ordinance for the more easy and certain collection of the harbour dues of Montreal.
- No. 112.—An Ordinance to provide for the inspection of fish and oil.

(No. 30.)

No. 22.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

SIR,

Downing Street, 31st Oct. 1839.

THE despatch which was addressed to Lord Durham by Lord Glenelg, on the 3rd of April, 1838, transmitting the several commissions constituting him Governor-General of British North America, and Governor of each province respectively, contains a full exposition of the powers thus entrusted to his Lordship, and of the course of proceeding by which those powers were to be exercised. With the exception of that part relating to Newfoundland, (which island is not, as in the case of Lord Durham, included in your commission) these instructions appear to me to apply equally to your own appointment as Governor-General of British North America; and it is my wish that you should adopt them as the rule for your guidance in the discharge of your high and important duties.

A circular similar to that which was addressed to the Lieutenant-Governors on the appointment of Lord Durham, has on this occasion been forwarded to those officers for their guidance.

I have, &c.

The Right Hon. C. Poulett Thomson,  
&c. &c. &c.

(Signed) J. RUSSELL.

No. 22.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
October 31, 1839.

Vide Papers  
Relative to British  
North America,  
ordered to be printed  
February, 1839, p. 11

(No. 31)

No. 23.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

SIR,

Downing Street, 31st Oct. 1839.

I TRANSMIT to you herewith a copy of a despatch and its enclosures from the Lieutenant-Governor of Upper Canada, relative to the financial condition of that province, more particularly as that subject is connected with the improvement of the water communication.

I believe that I have nothing to add to the instructions which I have already addressed to you relative to the important question of Upper Canadian Finance, and the various projects of improvement which have been recently submitted to the consideration of Her Majesty's Government, in Sir George Arthur's despatches. I shall only observe, therefore, in transmitting this further representation on these subjects, that Her Majesty's Government will attach great weight to any recommendations which you may make on questions relating to Public Works, especially such as would facilitate Trade in the Upper Province.

Right Hon. C. Poulett Thomson,

I have &amp;c.

&amp;c.

&amp;c.

&amp;c.

(Signed)

J. RUSSELL.

(No. 34.)

No. 24.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

SIR,

Downing Street, 2d Nov. 1839.

WITH reference to the correspondence with Lord Durham and Sir John Colborne, relative to the expediency of a steam vessel being stationed in the St. Lawrence, to be employed by the Governor-General in such public services as might from time to time be required, I have to acquaint you that the Lords Commissioners of Her Majesty's Treasury have signified to me their concurrence in the proposal made to them on this subject, and their readiness to sanction such appropriation as you may be enabled to make for the purchase and maintenance of a steamer of the description required. You are, therefore, at liberty to make such arrangements as may appear to you to be most desirable for giving effect to this decision.

The Lords Commissioners of the Admiralty, who have been consulted on this subject, have stated it to be their opinion that a steam vessel such as the "Medea," which Sir John Colborne referred to as having been employed on the lakes, and as being suited to the navigation of the St. Lawrence, is not well adapted for that river, and that one of less size and draught of water would be preferable. As the employment of a smaller vessel than the "Medea" would, of course, much diminish the original cost and the expense of maintenance, you will, in your arrangements, have regard to the opinion entertained by the Lords of the Admiralty on this point.

Right Hon. C. Poulett Thomson,

I have, &amp;c.

&amp;c.

&amp;c.

&amp;c.

(Signed)

J. RUSSELL.

(No. 34.)

No. 25.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

SIR,

Downing Street, 9th Nov. 1839.

I HAVE to acknowledge the receipt of Sir J. Colborne's despatch, No. 114, of the 17th of September, transmitting the Returns of Sales of Clergy Reserves in Lower Canada, which were required by Lord Glenelg's despatch, No. 45, of the 25th of January last.

I regret to find, that the result of this inquiry has been to prove the abuses alleged to have been practised by Mr. Felton and his agents in this branch of their duty. The returns show that, in violation of the provisions of the Act of the Imperial Parliament, 7 & 8 Geo. 4, cap. 62, which limits the quantity of the clergy reserves to be sold in one year to 100,000 acres, and the whole amount to be sold to one-fourth of the whole: there were sold in 1835, 111,277 acres, and in the whole 309,551 out of 647,895. I cannot admit in extenuation the excuse which the present Commissioners of Crown Lands have suggested for Mr. Felton; that,

No. 23.

Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
October 31, 1839.

25th Sep. 1839,  
No. 195.

File Upper Canada  
correspondence,  
Financial.

No. 21.

Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
November 2, 1839.

No. 25.

Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
November 9, 1839.

taking a loose calculation of the whole amount which might be reserved at 1,500,000 acres, he proceeded to sell one-fourth of that quantity. Such an excuse is clearly inapplicable to the charge of having sold upwards of 100,000 in one year; and, if it were admitted in mitigation of the other charge against him, it cannot relieve him from the responsibility of having executed in a most careless and irregular manner a portion of his duties, which, from its very nature and from its being regulated by so high an authority as an Act of the Imperial Parliament, would appear to have demanded his especial care and attention.

An adequate remedy for these unjustifiable proceedings is not, I fear, in the power of Her Majesty's Government. Even if it were practicable to repudiate the acts done by Mr. Felton, as their agent, with a view to enforce the provisions of the Act, such a proceeding would be inexpedient as leading to much individual hardship. The purchasers of the excess of reserves sold cannot be regarded as responsible parties in the violation of the law, and the titles which they have acquired must be respected.

It is hardly necessary that I should instruct you that no further sale of clergy reserves should now take place in Lower Canada. I have, &c.

Right Hon. C. Poulett Thomson, (Signed) J. RUSSELL.  
&c. &c. &c.

No. 25.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
November 9, 1839.

(No. 38.)

No. 26.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

SIR, Downing Street, 19th November, 1839.

I HAVE the honour to acknowledge the receipt of your despatch, No. 1, of the 19th October, reporting your arrival and assumption of the government of Lower Canada, and transmitting the copy of a proclamation which you issued on that occasion, together with copies of an address presented to you by the magistrates of Quebec and of your reply to it. I have, &c.

Right Hon. C. Poulett Thomson, (Signed) J. RUSSELL.  
&c. &c. &c.

No. 26.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
November 19, 1839.

(No. 43.)

No. 27.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

SIR, Downing Street, 25th November, 1839.

I HAVE received your despatch, No. 2, of the 22d of October, enclosing a copy of an address which had been presented to you by the Committee of Trade at Quebec, together with a copy of your reply.

I have to express to you my satisfaction at the tone in which this address is framed, and my approval of the answer with which you acknowledged it. I have, &c.

Right Hon. C. Poulett Thomson, (Signed) J. RUSSELL.  
&c. &c. &c.

No. 27.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
November 25, 1839.

(No. 45.)

No. 28.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

SIR, Downing Street, 29th November, 1839.

I HAVE to acknowledge the receipt of your despatches, No. 4, of the 31st ultimo, and of the 1st instant, reporting your opinion on the state of public feeling in the Province of Lower Canada, and explaining the reasons which, after consultation with Sir George Arthur, had determined you to proceed at once to Upper Canada, there to meet the Provincial Legislature, which had been convened for that purpose for the 4th December.

I entirely approve of the course which you have adopted, and concurring in the view which you have taken on the question of the dissolution of the Assembly of Upper Canada, I am of opinion, that unless you should find great difficulties arise from the conduct of that body, such a step would be inexpedient. I have, &c.

Right Hon. C. Poulett Thomson, (Signed) J. RUSSELL.  
&c. &c. &c.

No. 28.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
November 29, 1839.

(No. 47.)

No. 29.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

No. 29.

Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
December 6, 1839.

SIR,

Downing Street, 6th December, 1839.

OF the nine Bills passed by the Legislative Council and Assembly of Upper Canada on the 11th May last, and reserved by Sir G. Arthur for the signification of Her Majesty's pleasure; there remain three respecting which the decision of Her Majesty has not yet been communicated to you.

These are the Currency Bill (No. 1149), the Bill (No. 1152) authorizing the purchase by the province of the private stock in the Welland Canal, and the Bill (No. 1154) relating to the division of District of Colborn.

The Currency Bill has been under the consideration of the Lords Commissioners of the Treasury, together with an Ordinance recently passed by the late Governor and Special Council of Lower Canada on the same subject.

I enclose for your information and guidance, an extract of a Minute passed by their Lordships on the 22d ultimo, stating that, for the reasons therein given, they cannot advise the confirmation of these laws.

Having submitted this report to the Queen, I am commanded by Her Majesty to instruct you to communicate it to the Council and Assembly as explanatory of the reasons why it will not be in Her Majesty's power to confirm this Bill. This report is likewise explanatory of the principles by which it is necessary that the legislation of the British North American Provinces on the subject of Currency should be governed, in order to establish that uniformity which it is indispensable to maintain on matters of this kind, between the laws in force throughout the various members and dependencies of the British empire.

I also transmit a copy of a Minute passed by the Lords of the Treasury on the 26th ultimo relating to the Bill for authorizing the purchase of the private stock in the Welland Canal. You will perceive that their Lordships are unable to form a just opinion on the propriety of making this purchase without further information on the subject, the nature of which is explained in the Minute. You will have the goodness to supply me with this information at your early convenience, and in the mean time Her Majesty's decision on this Bill will be suspended.

The Bill relating to the division of the district of Colborn, appears by Sir George Arthur's Despatch of the 22d May, No. 122, to have been "reserved" by him for two reasons: first, because some remonstrance had been made against it, of the nature of which I am not informed; and secondly, because there were obvious grounds for hesitation as to multiplying the electoral districts of the province at the present moment. I have thought it advisable not to take any steps upon this Bill until I should be in possession of your views upon the subject.

As this will, in all probability, have formed one of the subjects of your discussion with Sir George Arthur before you receive this despatch, Her Majesty's confidential advisers will be guided in disposing of this Bill by the report which I shall receive from you on the probable effect of its operation, if it should receive Her Majesty's confirmation.

Right Hon. C. Poulett Thomson,  
&c. &c. &c.

I have, &c.  
(Signed) J. RUSSELL.

Extract of Treasury Minute of 22nd November, 1839.

Extract.

My Lords have under consideration an ordinance passed by the governor and special council of Lower Canada, on the 3rd April last, entitled "An ordinance to regulate the currency of the Province." And an Act passed by the legislative council and assembly of Upper Canada in the month of May last, entitled "An Act to regulate the value at which gold and silver coins shall pass current within the Province," which enactments having been reserved for the signification of Her Majesty's pleasure, as they relate to the currency and circulating medium in those colonies, have been referred for the opinion of my Lords Board as to the directions it may be advisable for Her Majesty in Council to give thereon.

My Lords observe, that these enactments provide for fixing the comparative rates of value between British sterling money and the local currency, and money of account of the respective provinces; for giving currency, as legal tenders of payment, to certain foreign coins, as well as to the coins of the United Kingdom, and for the prevention and punishment of attempts to circulate counterfeit or spurious coin; and that in the case of Lower Canada, a reference is



made to arrangements for calling in and recoinng such imperfect or other coins now in circulation, as will not be legally current under the provisions of the ordinance.

My Lords have much satisfaction in remarking that the attention of the legislative authorities in the Canadian Provinces has been thus turned to the state of the local currency, and that the tendency of both the measures now before them is the introduction of a sound and intrinsically valuable circulating medium and standard of value, and the assimilation of the currency to that of this country, without depriving the inhabitants of the provinces of the accommodation and convenience that may attend the use of foreign coins of ascertained value.

My Lords, however, observe that the rates assigned by these enactments to the different coins to which it is proposed to give currency in the respective provinces, are not accurately fixed with reference to the comparative values of the coins, and are consequently such as would in both cases defeat the objects of the enactments. On this ground, therefore, my Lords are of opinion, that it would be inexpedient that either the Ordinance of the Lower Province, or the act of the Upper Province should be permitted to come into operation. In addition also to this conclusive reason for withholding Her Majesty's confirmation of both these enactments, the Act of the Upper Province would be liable to objection as regards the great variety of coins comprised in the Schedule A, and thereby constituted a legal tender, and as regards the limitation of the duration of the Act; for my Lords consider it to be desirable that the legalized tender should only extend to such coins as are constantly in circulation and well known, and consequently of ascertained fineness, and liable to frequent examination, but that coins which are obsolete or little known in the province, be left to pass as bullion only; and as it is always desirable to abstain as far as possible from proceedings that may tend to unsettle the currency, it appears to my Lords, that the prospective limitation of the duration of an enactment of this description would be inexpedient.

The clause also in the ordinance of the governor and council of Lower Canada, which purports to empower Her Majesty to direct that coins current under previous provincial enactments, but to which no current value is assigned by the Ordinance, may be called in and re-coined into British gold and silver coins, with a proviso that the actual expense only of such recoinage shall be borne by the province, would be objectionable, as the mode of effecting any such recoinage must be regulated by the existing laws of this country relating to the subject.

Adverting to these several considerations, my Lords conceive it will be proper to cause a copy of this minute to be forwarded to Lord John Russell, in order that his lordship, if he does not see reason to dissent from the opinion of this Board, may convey instructions to the officers administering the governments of the respective provinces to apprise the local legislatures of the objections which have prevented the confirmation of these enactments; and my Lords having before them a statement explanatory of the discrepancies in the valuations of the coins provided for by the Ordinance, and by the Act which must interfere prejudicially with their circulation, and showing the comparative rates it would be necessary to adopt to obviate those discrepancies, they will further cause the Secretary of State to be furnished with a copy of this statement, in order that it may likewise be communicated to the Canadian Governments.

Statement relative to the Metallic Currency of Upper and Lower Canada.

THE Ordinance passed in Lower Canada, after reciting that the rates and value assigned to the several coins therein mentioned are inconsistent with each other, and in many cases erroneous; and that it is highly desirable to establish a legal proportion between the pound sterling, as represented by the British Sovereign, and the pound currency of the province, and as far as circumstances will permit to assimilate the currency thereof to that of the mother country, but without injuriously affecting the interests of any party to any existing contract, proceeds to enact that a certain Act passed in the 48th of George III., entitled an Act "for better regulating the weight and rates at which certain coins shall pass current in the province, &c." shall be suspended during the time this Ordinance shall be in force.

The Ordinance then enacts that the pound currency shall be such, that the pound sterling, as represented by the British sovereign, of the weight and fineness now fixed by the laws of the United Kingdom, shall be equal to and pass for £1. 4s. 4d. currency.

	£.	s.	d.
The old Eagle of the United States, weighing 11 dwts. 6 grs.	2	13	4
New Eagle of ditto, 10 dwts. 18 grs.	2	10	0
Old Spanish Doubloon, Mexican and Columbia Doubloon coined in the years 1826, 27, and 28. 17 dwts. 9 grs.	3	17	8
French 40-franc piece coined before the commencement of the present year	1	18	7

The above-mentioned cases, and the multiples and subdivisions thereof being of proportionate weight, to be a legal tender to any amount by tale, so long as such coins shall not want more than two grains of the weight hereby assigned to them, deducting one halfpenny currency for each quarter of a grain any such coin shall want of such weight, and shall be in any case a legal tender, by weight, in sums exceeding twenty pounds currency; and in any payment above that sum, they payer may pay, or the receiver insist on receiving, coins by weight at the following rates:—

British gold coins	}	94 0 per ounce:
United States ditto		
Coined before July, 1834		

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	s.	d.
Ditto coined since July, 1834 . . . . .	93	0
French gold coins . . . . .	93	1
Doubleons . . . . .	89	5

The Ordinance then enacts that the Spanish millat dollar, the dollar of the United States and of the several states of South America and Mexico, coined before 1st January, 1839, and not weighing less than 17 dwts. 4 grs., shall pass for five shillings each, and shall be a legal tender, by tale, to any amount, as shall also any silver coins, being subdivisions of such dollars for proportionate sums, but the subdivisions of such dollars, being less than quarters thereof, shall be a legal tender for 50s., and no more; provided that the Governor, Lieutenant-Governor, or person administering the government, may by proclamation extend the provisions of this section, and the section preceding it, to any gold or silver coins of the weights and denominations above referred to, but of later dates, which having been assayed at the royal mint, shall be found to be equal in fineness to those above mentioned, or referred to, respectively.

It is further enacted, that all silver coins of the United Kingdom shall pass at the following rates:—

	s.	d.
British crown . . . . .	6	0
British half-crown . . . . .	3	0
British shilling . . . . .	1	3
British sixpence . . . . .	0	7½
British groat . . . . .	0	5

The crowns and half-crowns to be a legal tender to any amount, but the shillings, sixpences, and groats, to be a legal tender to the amount of 50s. currency, and no more.

The copper penny of the United Kingdom, or any other which Her Majesty may cause to be coined, if not less than 5-6ths of the weight of such copper penny, shall pass for one penny currency, and the halves and quarters thereof for proportionate sums; and such copper money to be a legal tender to the amount of 1s. currency, and no more.

In the preamble of this Ordinance it is declared, that it is desirable that the currency of the province should be assimilated, as far as circumstances will permit, and without injuriously affecting existing contracts, to that of the mother country.

With this intention it is also enacted, that the British sovereign shall be rated at, and pass current for 1*l.* *sd.* currency; and the gold coins of the United States of America, of France, and of the several States of Mexico, and South America, are rated according to their respective weights and fineness in exact proportion to the sovereign.

In so far as relates to the relative value of the gold coins, the intention of the Ordinance is thus successfully accomplished. But the Ordinance proceeds to enact, that the dollar of the United States of America, and of Columbia and Mexico, shall pass current, and be a legal tender at the rate of 5*s.* currency; and that the silver coins of Great Britain shall pass current at the several rates of 6*s.* for the crown, 3*s.* for the half-crown, 1*s.* 3*d.* for the shilling, 7½*d.* for the sixpence, and 5*d.* for the fourpenny piece.

Now these several rates are neither consistent with each other, nor with the rates assigned to the gold coins. The dollar, the British crown, and half-crown are *undervalued*; the British shillings, sixpence, and groat are *overvalued*, not only with reference to the gold coins, but likewise with reference to the crown and half-crown.

The dollar is rated in the Ordinance according to the proportion of gold to silver adopted at the mint of the United States, which proportion is about one and a-half per cent. below that which obtains in the general market of the commercial world. The ground for adopting the United States proportion would seem to be an apprehension, that while the two metals are valued by law in the United States, in the proportion of 16 to 1, their proportionate value in England, and in the general market of the world, is nearly 15½ to 1, and that if the latter proportion were adopted, the gold coins would soon leave the colony, and be exported to the United States.

It is, however, conceived that the overvaluation of gold in the United States may safely be disregarded, as its effect in that country must be to make gold the only practical standard, and to establish a premium on silver equal to the difference between the legal proportions in the United States, and the market proportions elsewhere; in which case, little or no inconvenience would be experienced in the colonies with respect to their exchange with the United States, if the market proportions were adopted.

On what principle the crown and half-crown are undervalued, and the shilling, sixpence, and groat overvalued in relation to the sovereign, is not so apparent. It is indeed enacted, that shillings, sixpences, and fourpenny pieces shall be a legal tender only to the extent of 50*s.* currency, but this limitation would not prevent the exclusion of the superior coins from circulation. It would still be the interest of the holders of gold coins, dollars, crowns, and half-crowns, to exchange these coins for shillings and sixpences, and to export them to Great Britain for that purpose. It would be the interest of the banks to pay all notes of lower denominations than 50*s.* currency, with British shillings and sixpences; for the larger notes they would be exposed to an inconvenient demand for gold, in consequence of the overvaluation of British silver coin.

If the proper proportions had been observed in the rates assigned to the several coins by this Ordinance, they would have been respectively as follows:—

	£.	s.	d.
Sovereign . . . . .	1	4	4
United States, old eagle . . . . .	2	13	4
Ditto, new ditto . . . . .	2	10	0

	£.	s.	d.
Doubloon . . . . .	3	17	8
French 40-franc piece . . . . .	1	18	7
Dollar . . . . .	0	5	1
British crown . . . . .	0	6	1
Ditto half-crown . . . . .	0	3	0½
Shilling . . . . .	0	1	2½
Sixpence . . . . .	0	0	7½
Groat . . . . .	0	0	4½

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UPPER CANADA.

By the Act passed in this province on the 11th of May, 1839, all former Acts for regulating the rates and value of gold and silver coins in the province, are repealed.

It is then enacted, that the gold coins mentioned in a schedule annexed to the Act shall be deemed a legal tender at the rates and value set opposite to them respectively in the Schedule: provided that whenever the said coins shall not be of the full weight set opposite to them, and also in case of payment of any sum over 25l., the said coins shall be paid by weight at the following rates:—

	s.	d.
British gold . . . . .	4	9 per dwt.
French gold . . . . .	4	8 ”
Spanish, Mexican, and Colombian gold . . . . .	4	6 ”

and all other coins at the rates deduced from the rates and weights set forth in the Schedule.

The rates for the undermentioned gold coins in the Schedule are respectively as follows:—

	dwts.	grs.	£.	s.	d.
Sovereign, weight . . . . .	5	2½	1	4	4
United States old eagle . . . . .	11	6	2	13	3¾
Ditto new eagle . . . . .	10	18	2	10	0
Doubloon . . . . .	17	9	3	17	8¼
French 40 franc . . . . .	8	7	1	18	6¼

According to these weights and rates the sovereign would not be a legal tender if its weight should be less than 5 dwts. 2½ grs.

This coin, when first issued from the mint, should weigh 5 dwts. 3·274 grs.

By a proclamation dated 1st July, 1817, the current weight was fixed at 5 dwts. 2¼ grs., being ½ under the full weight\*.

In fixing the current weight of the sovereign at 5 dwts. 2¾ grs. in the Upper Canada Act, it is apprehended that the proclamation of the 6th February, 1821, was overlooked.

The weight and fineness of all the various gold coins enumerated in the Schedule annexed to the Act, appear to be taken from a table of foreign coins made out in the United States of America, in pursuance of an Act passed by Congress, on 21st June, 1834. In the United States Act, it is enacted that it shall be “the duty of the secretary of the Treasury to cause assays of the aforesaid gold coins made current by this Act, to be had at the Mint of the United States, at least once in every year, and to make report of the result thereof to the Congress.”

This enactment was, no doubt, deemed necessary, in order to guard against any alteration that might be made in the weight or fineness of any of the various coins made current by the Act.

The Upper Canada Act is not equally guarded in this respect.

It is further enacted by the Upper Canada Act, in question, that the silver coins specified in a schedule annexed to the Act, shall pass current, and be a legal tender at the rates and value set opposite to them in the schedule. Provided that British shillings and sixpences shall not be a legal tender for any payment above 10l., and provided, also, that the said silver coins shall not be a legal tender, if reduced in weight above one twenty-fifth of the proper weight of such silver coins.

The following are the rates at which the silver coins specified in the schedule, are to pass current, and to be a legal tender:—

	s.	d.
Spanish, Mexican, Columbian, and United States dollar . . . . .	5	0
British crown . . . . .	6	0
British half-crown . . . . .	3	0
British shilling . . . . .	1	3
British sixpence . . . . .	0	7½
French crown . . . . .	4	8½

The rates and value assigned to the gold coins of Great Britain, France, the United States, Mexico, and South America, by the Act, are very nearly the same as those adopted in the Act passed by the legislature of Lower Canada. The rates and value assigned to the dollar, and to British silver coins, are exactly the same in both Acts, but according to the Upper Canada Act, shillings and sixpences are to be a legal tender to the extent of 10l.; in the Lower Canada Act, the limitation is 40s.

\* By a subsequent proclamation dated 6th February, 1821, the current rate was altered to 5 dwts. 2¾ grs., being ¼, or about ¼ of a grain under the full weight.



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The observations on the Lower Canada Ordinance, are equally applicable to the Act of the Upper Province. In both the rates and value assigned to the different coins specified in the Acts, are erroneous and inconsistent with each other.

Copy of Treasury Minute of 26th November, 1839.

24851. Read again.

My Lords have under consideration an Act passed by the Legislative Council, and House of Assembly of Upper Canada in the month of May last, entitled, "An Act to authorize the purchase of the private stock in the Welland Canal, on the part of the province, and for other purposes therein mentioned," which having been reserved by the Lieutenant-Governor for the signification of the Queen's pleasure, has been referred by the Secretary of State for the opinion of this Board as to the expediency of submitting the same for the confirmation of her Majesty in Council.

My Lords observe, that this Act, after reciting that it is desirable to place the canal under the exclusive control of the Government of the province, and for that purpose to provide for the purchase from the private stockholders in the undertaking of the stock by them held, amounting to £17,500, enacts that for effecting such purchase, the Receiver-General, with the authority of the Lieutenant-Governor, may issue debentures, redeemable in 20 years, bearing interest at 2 per cent. for the first two years, and increasing at the rate of 1 per cent. each year, to the maximum rate of 6 per cent. for the six and succeeding years, and to be chargeable upon, and payable out of the public revenues of the province. The Act further provides that on the contingency of the canal tolls, producing 30,000*l.* per annum; further debentures shall be granted to the stockholders for arrear interest, at the rate of 6 per cent. from the period at which their subscriptions were originally paid up to that of the issue of the before-mentioned debentures; that these arrangements shall not make it compulsory on any stockholder to transfer his stock, or deprive him if refusing to do so, of any claim he may have upon the tolls and revenues of the canal; and that upon two-thirds of the stockholders signifying their acceptance of the debentures, the existing regulations relating to the election of directors shall be annulled, and the concerns of the canal shall be managed by three directors, who may be appointed by the Lieutenant-Governor.

It does not appear to my Lords, that this proposed enactment would in any respect interfere with such lien as her Majesty's Government may have upon the tolls or property of the canal, in respect of the loan advanced from the funds of this country, towards defraying the expense of the work; but my Lords have no such information before them, with regard to the present state or prospective completion of the undertaking, and its probable utility, with reference to the altered state of the inland steam navigation in the Canadas, or of the circumstances that may have rendered the contemplated transfer of the whole direction and property of the work to the provincial government desirable, as enables them to form an opinion as to the expediency of subjecting the provincial revenue of Upper Canada to responsibility for the proposed debenture debt, and for the interest thereon whatever may be the state of the canal, or the amount of the tolls, or any other receipts accruing from it.

My Lords consequently deem it necessary to cause Lord John Russell to be apprized, that in the absence of information upon the points above referred to, and adverting also to the financial difficulties of the province of Upper Canada, which have been brought under their cognizance, they are not at present prepared to recommend that the Act now in question should be submitted for Her Majesty's confirmation.

(No. 49.)

No. 30.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Honourable  
C. POULETT THOMSON.

SIR,

Downing Street, 9th December, 1839.

With reference to my despatch, No. 28, of the 28th October last, I have now the honour to convey to you the decision of Her Majesty's government on the Ordinance, No. 93, which was included in Schedule C. in that despatch.

This Ordinance for the regulation of the currency of the Province has been under the consideration of the Lords Commissioners of the Treasury, together with an Act passed for a similar object by the Council and Assembly of Upper Canada, and reserved by the legislature for the signification of Her Majesty's pleasure.

I enclose for your information and guidance an extract of a minute passed by their Lordships, on the 22d ultimo, stating that for the reasons therein given, they could not advise the confirmation of these laws.

Having submitted this Report to The Queen, I am commanded by Her Majesty to instruct you to communicate it to the Special Council, as explanatory of the reasons why it will not be in Her Majesty's power to confirm this Ordinance, which has a suspending clause. This Report is likewise explanatory of the principles by which it is necessary that the legislation of the British North American Provinces, on the subject of currency, should be governed, in order to establish

No. 30.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
December 9, 1839.

File Enclosure in  
Lord John Russell's  
Despatch Dec. 6,  
1839, p. 26.

that uniformity which it is indispensable to maintain on matters of this kind, between the laws in force throughout the various members and dependencies of the British empire.

The Right Hon. C. Poulett Thomson,  
&c. &c. &c.

I have, &c.  
(Signed)

J. RUSSELL.

No. 30.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
December 9, 1839.

(No. 50.)

No. 31.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Honourable C. POULETT THOMSON.

SIR,

Downing Street, 9th December, 1839.

WITH reference to my despatch of this day's date, respecting the Currency Acts of the two Provinces, I enclose for your information and guidance, another extract from the same Treasury minute to which reference is made in that despatch, but which I have preferred making the subject of a separate communication.

In this extract you will perceive that their Lordships suggest the expediency of adopting the same course with regard to the regulation of the currency as that pursued in the West India colonies, namely, by means of Orders in Council, and of proclamations to be issued by Her Majesty and yourself. I enclose for your information copies of those which were issued in the case of the West Indies, which you will lay before the Special Council, and if this course be approved, it will, as their Lordships state, only be necessary to consider whether any further legislative enactments will be required to protect Her Majesty's Canadian subjects from the fraudulent circulation of forged or counterfeit coins.

I need only add, that it is desirable to pursue a strictly uniform course in both Provinces.

The Right Hon. C. Poulett Thomson,  
&c. &c. &c.

I have, &c.  
(Signed)

J. RUSSELL.

No. 31.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
December 9, 1839.

Extract Treasury Minute, 22nd November, 1839.

My Lords at the same time deem it advisable to suggest for the consideration of Lord John Russell, whether the principal objects of the Ordinance, and the Act now in question, might not be more properly attained by the issue, as in the case of the West Indian Colonies, of proclamations by Her Majesty, fixing the comparative rates at which the doubloon, the dollar, the eagle of the United States, and any other coins usually circulating in the Canadian Provinces should pass current with reference to the British sovereigns or pound sterling; and likewise fixing, with reference to the value of the sovereigns, the Canadian currency, as indicated both by the Ordinance and by the Act, the currency rate at which, on the principles developed in the statement, that and other coins, both British and Foreign, should circulate and be a legal tender of payment. My Lords also apprehend that if this course were adopted, it would only be necessary for the local governments and legislative authorities to consider whether any further legislative enactments are required to protect Her Majesty's Canadian subjects from the fraudulent circulation of forged or counterfeit coins, or whether the existing laws may in this respect be sufficient.

Enclosure No. 1.

Enclosure 2.

AT THE COURT AT WINDSOR,—the 7th day of September, 1838;

Present.—The Queen's Most Excellent Majesty in Council.

Enclosure No. 1.

Whereas by an order of His late Majesty King George IV., made with the advice of His Privy Council, and bearing date the 23d of March, 1825, after reciting amongst other things that it had been represented to His Majesty at the Council Board, by the Lords Commissioners of His Majesty's Treasury, that they had given directions that His Majesty's troops serving in the several British colonies and possessions abroad, should, in certain cases, be paid in British silver and copper money; and that with a view of securing the circulation of such money in those colonies, it would be expedient that an Order in Council should be issued, declaring that in all those colonies where the Spanish dollar was then either by law, fact, or practice, considered as a legal tender for the discharge of debts; or where the duties to the Government were rated or collected, or the individuals had a right to be paid in that description of coin, that a tender and payment of British silver money, to the amount of 4s. 4d., should be considered as equivalent to the tender or payment of one Spanish dollar, and so in proportion for any greater or less amount of debt; His said late Majesty was pleased to approve of what was proposed in the said representation.

No. 31.  
Lord John Russell to  
the Right Hon. C.  
Poulett Thomson.  
December 9, 1839.

Enclosure No. 2.

And, whereas it is expedient that the said recited Order in Council should be revoked, so far as respects Her Majesty's colonies and possessions in America and the West Indies, be it therefore, and it is hereby ordered, by the Queen's Most Excellent Majesty, by and with the advice of Her Privy Council, that so far as respects Her Majesty's colonies and possessions in America, and in the West Indies, the said recited order shall be, and the same is hereby rescinded.

And the Right Honourable Lord Glenelg, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

(Signed) C. C. GREVILLE.

Enclosure 3.

AT THE COURT AT WINDSOR,—the 14th day of September, 1838.

Present,—The QUEEN'S Most Excellent Majesty in Council.

Enclosure No. 3.

Whereas there was this day read at the board, the draft of a proclamation regulating the rate at which certain foreign coins are to pass current in Her Majesty's West India colonies: Her Majesty having taken the same into consideration, was pleased, by and with the advice of Her Privy Council, to approve thereof, and to order, as it is hereby ordered, that the said proclamation do take effect and come into force, in each of Her Majesty's said colonies, upon, and from and after such day as shall be, for that purpose, limited by the Governor, or officer administering the Government of each of the said colonies respectively, by any proclamations to be by them respectively, for that purpose, issued in each of such respective colonies.

And the Right Honourable Lord Glenelg, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions for causing publication to be made hereof within Her Majesty's said colonies.

(Signed) C. C. GREVILLE.

Enclosure 4.

BY THE QUEEN.—A PROCLAMATION.

Enclosure No. 4.

WHEREAS the Coin current in Our West India Colonies, including Our Province of British Guiana, consisting partly of the current Coin of the United Kingdom, and partly of Spanish, Mexican, and Columbian Gold Coin, called Doubloons, and of Spanish, Mexican, and Columbian Silver Coin, called Dollars; and it is expedient that the Rate at which the said Doubloons and Dollars shall circulate in Our said Colonies should be ascertained and fixed: Now therefore, We, by the Advice of our Privy Council, have thought fit to Declare and Ordain, and, by the Advice aforesaid, We do hereby Declare and Ordain, that throughout the whole of Our said Colonies the said Doubloon shall circulate and be received in payment as being of the full value of Sixty-four Shillings Sterling, current Money of the United Kingdom, and the said Dollar shall circulate and be received in payment as being of the full value of Four Shillings and Two pence Sterling, like current Money of the United Kingdom. And in all Payments to be made in any of Our said Colonies, tender of Payment in Doubloons and Dollars, or either of them, at the rate aforesaid, shall be deemed and taken to be a lawful Tender, in the same manner as if such Tender had been made in the current Coin of the United Kingdom.

Given at Our Court at Windsor, this Fourteenth Day of September, One Thousand Eight Hundred and Thirty-Eight, and in the Second Year of our Reign.

GOD SAVE THE QUEEN.

(No. 60.)

No. 32.

COPY of a DESPATCH from LORD JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

No. 32.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson:

January 6, 1840.

SIR,

Downing Street, 6th January, 1840.

I HAVE to acknowledge the receipt of your despatches Nos. 12, 13, and 14, of the 18th, 23d, and 25th of November, in which you detail the result of the deliberations of the special council of Lower Canada, at the meeting to which you had summoned them previously to your departure for Toronto: and also report your proceedings on your arrival in that city.

It has afforded me great satisfaction to receive the resolutions which were passed by the special council, on the subject of the re-union of the two provinces. I have had the honour to lay these resolutions before The Queen, who has been pleased to declare Her gracious approbation of them.

I am also gratified to learn that there exists between yourself and the Lieutenant-Governor of Upper Canada, that harmony which is so essential to the efficient discharge of the public service. The sentiments expressed to me by Sir George Arthur on this point, are in accordance with your own; and I cannot but anticipate a perfect unanimity between you in the transaction of the public business, during your personal administration of the affairs of the Upper Province.

I have perused the addresses which were presented to you on your arrival at Toronto, and I approve the answers which you returned to them.

I have, &c.

The Right Hon. C. Poulett Thomson,  
&c. &c. &c.

(Signed) J. RUSSELL.

No. 32.  
Lord John Russell to  
the Right Hon. C.  
Poulett Thomson.  
January 6, 1840.

No. 33.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

SIR, Downing-street, 17th Jan. 1840.

I HAVE to acknowledge the receipt of your despatch No. 17, of the 6th of December, transmitting various addresses which had been presented to you at Toronto; together with copies of the answers which you had returned to them, and entirely approve the language of your answers.

I have, &c.

(Signed) J. RUSSELL.

The Right Hon. C. Poulett Thomson,  
&c. &c. &c.

No. 33.  
Lord John Russell to  
the Right Hon. C.  
Poulett Thomson.  
Jan. 17, 1840.

No. 34.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

SIR, Downing-street, 18th Jan. 1840.

I HAVE received and have laid before The Queen your despatch of 7th December, No. 18, enclosing a copy of the speech with which on the 3rd December you opened the Session of the Legislature of the Province of Upper Canada, and also enclosing copies of the addresses which you had received in answer to it from the Legislative Council, and from the House of Assembly.

I have received Her Majesty's commands to signify to you her entire approbation of the very judicious terms in which your speech on that occasion was framed. Her Majesty has observed with much gratification, that the two Houses have exhibited so cordial a disposition to concur with you in your efforts for promoting the welfare of Her Majesty's Canadian subjects.

I have, &c.

(Signed) J. RUSSELL.

The Right Hon. C. Poulett Thomson,  
&c. &c. &c.

No. 34.  
Lord John Russell to  
the Right Hon. C.  
Poulett Thomson.  
Jan. 18, 1840.

**LOWER CANADA.**

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**From Sir John Colborne and the Right Hon. C. Poulett  
Thomson.**

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## SCHEDULE.

### LOWER CANADA.

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From Lieut.-General Sir John Colborne, G.C.B.

(No. 13.)

No. 1.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORN  
G.C.B. to Lord GLENELG.

My Lord,

Government House, Montreal, 22nd Jan., 1839.

I HAVE the honour to transmit to your Lordship the proceedings of a court-martial held upon Charles Huot, of the parish of St. Cyprian, in the district of Montreal, notary public.

This person was accused and convicted of having taken a prominent part in the insurrectionary movements at Napierville, where he discharged the duties of quarter-master to the rebel forces, under Dr. Nelson and Dr. Côté.

It appeared, however, from the evidence produced on his trial, that his conduct upon this occasion was in some degree to be attributed to compulsion. It was also shown that up to a late period he had borne the character of a loyal subject, so as to have incurred the odium of the rebel party on that account. These circumstances, supported by a consideration for his general unexceptionable conduct, induced the court-martial to accompany their sentence of death by a recommendation to mercy.

With this recommendation I have complied, and the prisoner now awaits the future disposal of Her Majesty's Government.

The Right Hon. Lord Glenelg,  
&c. &c. &c.

(Signed)

I have, &amp;c.

J. COLBORNE.

No. 1.  
Sir John Colborne to  
Lord Glenelg.  
22nd January, 1839.

(No. 14.)

No. 2.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE,  
G.C.B., to Lord GLENELG.

My Lord,

Government House, Montreal, 22nd Jan., 1839.

I HAVE the honour to forward, for the information of Her Majesty's Government, the proceedings of a court-martial held upon Pierre Theophile Decoigne, Achille Morin, Pierre Hector Morin, Guillaume Levesque, Joseph Jacques Hebot, Hubert Drossin Leblanc, David Drossin Leblanc, François Trepannier, jun., Joseph Paré, Louis Lemelin, and Jean Baptiste Dozois, sen., on charges of High Treason and Rebellion.

Pierre Theophile Decoigne, Achille Morin, Pierre Hector Morin, Guillaume Levesque, Joseph Jacques Hebot, Hubert Drossin Leblanc, David Drossin Leblanc, François Trepannier, and Joseph Paré, were found guilty, and sentenced to death; and Louis Lemelin and Jean Baptiste Dozois, sen., were acquitted of the charges preferred against them.

The Court, however, considering the extreme youth and other extenuating circumstances attendant on the cases of Guillaume Levesque and François Trepannier, jun., recommended that the sentence pronounced against them should be commuted. The connexion of the young man, Guillaume Levesque, with Canadian families of great respectability and known loyalty, was an additional reason for assenting to the recommendation of the Court in his favour.

The case of Pierre Theophile Decoigne, however, was one that demanded example. This offender had been an influential notary, resident at Napierville. He and his brothers had taken a most active part in organizing the revolt, both of this year and in 1837. One of them, having absconded from justice, is now a refugee in the United States. No extenuating circumstances of ignorance or delusion could palliate his guilt.

By the advice, therefore, of Her Majesty's Executive Council of this province, the sentence pronounced upon Pierre Theophile Decoigne was confirmed, and has been carried into effect on Friday, the 18th instant.

The Right Hon. Lord Glenelg,  
&c. &c. &c.

(Signed)

I have, &amp;c.

J. COLBORNE.

No. 2.  
Sir John Colborne to  
Lord Glenelg.  
22nd January, 1839.

(No. 15.)

No. 3.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE, G.C.B., to Lord GLENELG.

My Lord,

Government House, Montreal, 22nd Jan., 1839.

No. 3.  
Sir John Colborne to  
Lord Glenelg.  
22nd January, 1839.

THE accompanying proceedings will apprise your Lordship of the result of a court-martial held upon Joseph Robert, Ambroise Sanguinet, Charles Sanguinet, François Xavier Hamelin, Theophile Robert, Jacques Lonctin, Pascal Pinsonneau, Jacques Robert, and Joseph Lonctin, upon charges of High Treason and Murder.

Joseph Robert, Ambroise Sanguinet, Charles Sanguinet, and François Xavier Hamelin, were found guilty of the aggravated offence. Theophile Robert was convicted of both charges, but under circumstances which admitted of mitigation. The crime of High Treason was proven against Jacques Lonctin and Pascal Pinsonneau, and Jacques Robert and Joseph Lonctin were acquitted.

Report of Executive  
Council.

14th January, 1839.

The atrocities perpetrated by these men, both previously and subsequently to the murder of Mr. Walker, which your Lordship will learn from a perusal of the evidence adduced at the trial, left no doubt on the minds of Her Majesty's Executive Council that the sentence of the court-martial on Joseph Robert, Ambroise Sanguinet, Charles Sanguinet, and François Xavier Hamelin, should be carried into effect.

They were executed accordingly on Friday, the 18th instant.

I have, &amp;c.

The Right Hon. Lord Glenelg,  
&c. &c. &c.

(Signed) J. COLBORNE.

Enclosure in No. 3.

Friday, 14th January, 1839.

AT the Council Chamber in the Government House, Montreal:

PRESENT—His Excellency Lieutenant-General Sir John Colborne, G.C.B., G.C.H.,  
Administrator of the Government, &c. &c. &c.

Enclosure in No. 3.

The Board having attentively perused and maturely considered in committee the proceedings of the general court-martial held on Guillaume Levesque and others, accused of high treason, and also the proceedings of the general court-martial held on Joseph Robert, Jacques Robert, Ambroise Sanguinet, Charles Sanguinet, Pascal Pinsonneau, François Xavier Hamelin, otherwise called Petit Hamelin, Theophile Robert, Joseph Lonctin, and Jacques Lonctin, accused of high treason and murder, together with the opinion of the Attorney-General thereon, and having also, in the performance of the painful duty committed to them, taken into their consideration the circumstances attending the recent removal of the rebellion which broke out in the last year, the continued disturbed state of the country, and the necessity of making examples of some of the convicted rebels in order to undeceive the misguided, and to deter others from the commission of crimes so fatal to themselves and so detrimental to the tranquillity and happiness of Her Majesty's loyal subjects in this province; the Board advised his Excellency, and it was therefore ordered that the sentence of death pronounced by the general courts-martial should be carried into execution on Pierre Theophile Decoigne, Joseph Robert, Ambroise Sanguinet, Charles Sanguinet, and François Xavier Hamelin.

(Certified)

G. H. RYLAND.

(No. 24.)

No. 4.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE, G.C.B. to Lord GLENELG.

My Lord,

Government House, Montreal, 31st Jan., 1839.

No. 4.  
Sir John Colborne to  
Lord Glenelg.  
31st January, 1839.

I BEG leave to state to your Lordship that I am persuaded that the most important remedial measures required in the present situation of the country are those which would tend to the reconstruction and enlargement of the judicature; to the establishment of registry offices; to the commutation or abolition of the *Lods et Ventes*, particularly in towns, and the other oppressive incidents of the feudal tenure; to the continuation and completion of local improvements; and to the introduction of a well-regulated system of district police.

With returning tranquillity it is justly expected that the measures to which I advert will be speedily carried into effect, preparatory to the changes of a more difficult nature which may be proposed for the permanent government of the province. Lord Durham, I am aware, appointed commissioners to report upon several of the subjects in question, and had, I believe, framed ordinances for the

consideration of Her Majesty's Government to authorize a commutation of the *Lods et Ventés* in Montreal, and the establishment of registry offices; but I imagine that the reforms which he was desirous of introducing were not finally determined on, and I have, therefore, requested the Executive Council to collect such information as will enable me either to promote the views of my predecessor, or to propose measures for reconstructing the court of appeal and the judicature of the province, if the alterations which may be suggested can be effected through the legislative power granted to the Special Council.

The police duties, which have hitherto been imposed upon the militia of the country, were generally performed with the supineness and uncertainty natural to men who are compelled to discharge an irksome duty without compensation; and in many instances avoided or counteracted by the intrigues of the influential persons opposed to the Government. In these times of excitement the continuation of such a system would be useless, and even dangerous, in confirmation of which I need only mention that so entirely has the local government been deprived of influence in any of the country parishes, or of means of communication with the people, that during the months of July and August last arms and ammunition were transported frequently through different parts of the province, and safely deposited, preparatory to the projected revolt, which many thousands of the inhabitants at the same period were sworn to support; and that no official information of these alarming proceedings was conveyed to the Government. The necessity of making arrangements for establishing an efficient district police is obvious; but, independent of the advantages to be derived from increased confidential sources of information, and additional security to the inhabitants, which the measure may afford, it would greatly conduce to the protection and improvement of the provincial revenue. Most of the measures to which I have thought it right to draw your Lordship's attention as being of a character to demand the prompt interposition of Her Majesty's Government, or of the Special Council, might, if found to be practically beneficial, be subsequently embodied in an Imperial Act, providing for the future government of the province. I have no doubt that they are immediately required to impress a conviction of the efficacy of the law in parts of this province, where justice has been hitherto imperfectly administered, to repair in some degree the evils under which the loyal inhabitants have long laboured, and to relieve all classes from burdens which they have reluctantly borne, and to deprive the disaffected of that influence which acknowledged grievances, speciously exaggerated, have unhappily obtained for them.

The alarm created by the Canadian refugees has nearly subsided on both sides of the frontier line, and I have reason to believe that the inhabitants of the United States bordering on this frontier are not inclined to encourage a renewal of the outrages which have been committed by the brigands; but I am convinced that the imposing force concentrated in this district, can alone secure this province from being exposed to the incursions or hostile interference, of a portion of the American population.

I have, &c.

(Signed) J. COLBORNE.

The Right Hon. Lord Glenelg,  
&c. &c. &c.

(No. 28.)

No. 5.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE, G.C.B.,  
to Lord GLENELG.

My Lord,

Government House, Montreal, 19th Feb., 1839.

I HAVE the honour to transmit to your Lordship copies of my correspondence with the Governor of the State of Vermont, in reference to another outrage perpetrated by the brigands and refugees on this frontier.

It appears, from the accompanying report, that the persons concerned in burning the House of Vosburg, in the seigniory of Foucault, were chiefly Lower Canadians. The Governor of Vermont, however, having informed me, in reply to my requisition for the apprehension of these incendiaries, that the general government of the United States only are competent to decide how far it may be expedient to deliver the offenders to the Canadian authorities. I have requested the British minister at Washington to bring this important matter before the American Government, and I trust that effectual measures will be adopted to arrest the brigands who have committed the outrage, and to prevent a repetition of such atrocious conduct.

No. 5.

Sir John Colborne to  
Lord Glenelg.

19th February, 1839.



No. 5.  
Sir John Colborne to  
Lord Glenelg.  
19th February, 1839.  
Enclosure 1 in No. 5.

The vigilant exertion of the volunteers on the frontier may for some time afford protection to the inhabitants near the frontier line; but if the United States Government, or the adjoining States, are not able to prevent the inroads and aggressions with which the province is menaced, a band of outlaws may interrupt the cultivation of great part of the frontier counties.

I have, &c.

(Signed)

J. COLBORNE.

The Right Hon. Lord Glenelg,  
&c. &c. &c.

(Copy.)

Enclosure 1 in No. 5.

Sir,

Government House, Montreal, 4th Feb. 1839.

Enclosure 1 in No. 5.  
3rd February, 1839.

In transmitting to you the accompanying Report and deposition of the continuation of the enormities which have been perpetrated by American citizens and British subjects residing in the frontier towns of the State of Vermont, I hasten to represent to you, that if these incendiaries are permitted to range with impunity freely along the Canadian frontier, the most serious evils will be the result of their atrocious course. With reference to the letter which you did me the honour to forward to me on the 10th ultimo, it is my duty to call on you to cause the immediate arrest of the offenders against whom information has been lodged and transmitted to you; but if you cannot constitutionally comply with my requisition to deliver them up to the authorities of Lower Canada, I request you will have the goodness to communicate officially to Captain Lewis, the bearer of this letter, how far the felonious proceedings of the incendiaries can be checked by the laws of the State of Vermont, and on his receiving this document from you Captain Lewis will proceed to Washington, to demand the interposition of the General Government of the United States through the British Minister; and I trust that active and prompt measures will be adopted to prevent the border warfare with which the two countries are threatened.

I have &c.

(Signed)

J. COLBORNE.

P.S.—I beg to add, that further depositions relative to this outrage will be forwarded to you as soon as they can be produced.

His Excellency J. H. Jenison,  
Governor of the State of Vermont.

Enclosure 2, in No. 5.

Sir,

Shoreham, Vermont, 6th Feb. 1839.

Enclosure 2 in No. 5.

I HAD the honour on the 10th January, to acknowledge the receipt of a communication from your Excellency claiming the delivery to the provincial authorities of James Grogan, the younger, and others, charged with the commission of the crime of Arson within the province of Canada.

I then stated that our constitution and laws were silent in regard to the power necessary to comply with your request, that I was not aware of the existence of any precedent in this State, and suggested that the subject should receive such investigation as its importance seemed to demand, and that you should be apprised of the result.

The demand and delivery of fugitives from justice, whether it be matter of *faour* or of *right*, appears to the undersigned clearly a national concern; it implies the exercise of a high act of sovereignty, the use of which, in the absence of any provision, in the constitution and laws cannot be justified in the government of a State. The structure of our Government gives that officer no jurisdiction over our intercourse with foreign nations; that power appertaining exclusively to the President of the United States.

Persuaded that I have no authority to interfere in this matter and that our laws give no power to enforce any order I might make in the premises, if you desire it, I will transmit the documents placed in my hands to the President of the United States, when the subject may become matter of negotiation between the two Governments.

With great respect, I have, &c.

(Signed)

S. H. JENISON.

His Excellency Sir John Colborne,  
&c. &c. &c.

(Copy.)

Enclosure 3, in No. 5.

Sir,

Shoreham, Vermont, 7th February, 1839.

Enclosure 3 in No. 5.

I HAVE the honour to acknowledge the receipt, by Captain Lewis, of your communication of the 14th instant, informing me that an outrage had been committed by American citizens and British subjects upon the person and property of a Mr. Voshburgh, a citizen of the province.

The accompanying communication which I had prepared and sent to the Post Office, to be forwarded to your Excellency by this day's mail, will inform you, that I do not feel authorised to interfere in this matter.

Learning that Captain Lewis is charged with Despatches to Washington, I shall take the liberty to forward the documents in my hands to the President by to-morrow's mail, presuming that it would be your wish that they should be placed in his possession.

I have, &c.,

(Signed)

S. H. JENISON,  
Governor of Vermont.

No. 5.  
Sir John Colborne to  
Lord Glenelg,  
19th February, 1839.  
Enclosure 3 in No. 6.

His Excellency Sir John Colborne,  
&c. &c. &c.

No. 6.

(No. 29.)

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE, G.C.B.,  
to Lord GLENELG.

Government House, Montreal,  
19th February, 1839.

My Lord,

I HAVE the honour to communicate to your Lordship the proceedings and result of three several courts-martial, held since my report of the 22nd ult., No. 15, upon prisoners accused of treasonable and other offences committed during the late rebellion in this province.

No. 6.  
Sir John Colborne to  
Lord Glenelg,  
19th February, 1839.

Before the first court-martial, to which I now refer, convened on the 14th ult., Jean Baptiste Henri Brien, Ignace Chevretils, Joseph Dumouchelle, Louis Dumouchelle, Jacques Goyette, Toussaint Rochon, François Xavier Prieur, Joseph Wattier dit Lauvie, Chevalier de Lorimier, Jean Laberge, and François Xavier Touchette, were brought to trial on charges of High Treason.

The overt acts proved against these men were—the assembling in arms with the avowed intention of subverting her Majesty's Government, the attack upon the Seigniorial house at Beauharnois, when Messrs. Ellice, Brown, and their families were taken prisoners; and the seizure of the steam-boat "Henry Brougham," and imprisonment of ten passengers.

After a long and patient investigation, these men were all found guilty of the charges preferred against them, and received sentence of death.

Before the second court-martial, held on the 20th ult., one Charles Hindelang was arraigned on charges of aiding and assisting in the late rebellion, of raising war against her Majesty's government, and of abetting in the murder of Charles M'Allister, late a captain in the Odelltown Volunteers.

After a most impartial trial, during which every facility of defence was afforded to the accused, he was convicted of the accusation brought against him, and sentenced to undergo the extreme penalty of the law.

Before the third court-martial, assembled on the 25th ult., Pierre Remi Narbonne, Amable Daunais, Constant Bousquet, Pierre Lavoie, Antoine Doré, Antoine Coupal dit Lareine, Théodore Beclard, François Camyré, François Bigonessé dit Beaucaire, Joseph Marceau dit Pétit Jacques, and François Nicolas, were accused of High Treason, as having been organized, arrayed, and actively engaged in the design of subverting her Majesty's government, at the village of Napierville, between the third and tenth days of November last.

The charges laid against all these men have been conclusively established, with the exception of Doré, who was acquitted, and they were accordingly sentenced to death. Circumstances, however, of an extenuating nature induced the court to recommend Lavoie, Coupal dit Lareine, and Camyré to the merciful consideration of the Crown.

The cases of all these men were submitted to her Majesty's Executive Council of this province, and received the most anxious and minute re-consideration.

Upon a perusal of the proceedings of the court-martial, your Lordship will see, that no doubt could possibly exist as to the aggravated criminality of any of these men. It only remained, therefore, for the vindication of public justice, to select those whose noxious influence, virulent activity and general dangerous character had rendered them fit examples to a community, hitherto, unhappily, but too ignorant of the authority and power of the law.

The earnest and painful deliberations of the Executive Council terminated in leaving Chevalier de Lorimier, Toussaint Rochon, Charles Hindelang, François Nicolas Pierre Remi Narbonne, and Amable Daunais for execution, which was carried into effect, on Friday, the 15th inst. with the exception of Rochon, who

No. 6.  
 Sir John Colborne to  
 Lord Glenelg,  
 19th February, 1839.

being a habitant of non-influence, I did not consider it necessary that he should suffer the extreme penalty of the law.

Chevalier de Lorimier was a notary of Montreal, a man of education and intelligence, whose standing in society invested him with an influence which he had long and systematically abused in exciting the passions of his ignorant and credulous fellow-countrymen. At Beauharnois his activity was conspicuous; he was continually consulted and obeyed as a leader of importance, who had left Montreal for the purpose of directing the revolt; and when it is remembered that this man was one of the most dangerous leaders in the rebellion of 1837—that having exposed his guilty followers to destruction at the village of Eustache, he fled during the action, and escaped into the United States—that having been, by the general amnesty, again restored to his country, he re-visited the United States again to conspire against the peace of this province, to which he returned only a few days previous to the late revolt,—no doubt can be entertained of the inveteracy of his principles, or the necessity of his example.

Charles Hindelang was a Frenchman by birth, a native of Paris, and one of those unquiet spirits who, unfit for any steady occupation, are ready for any enterprise, however unprincipled, which may promote their own interests. It was most important to warn similar adventurers of the inevitable consequence of their criminal participation in designs upon the future peace and tranquillity of this province.

Pierre Remi Narbonne was a bailiff of the court of King's Bench, resident in the parish of L'Acadie. This class of men command a peculiar influence among the lower orders of the Canadian peasantry. Possessed of some education, and a certain degree of intelligence to enable them to fill that office, a knowledge of the undue severity, or partial leniency which they can exhibit in the discharge of their duties, overawes and compels those who have reason to dread the effects of their caprice. Narbonne was an active and violent partizan, whose influence was acknowledged and obeyed. In the rebellion of 1837 he had been very conspicuous; he had been arrested, confined in gaol, and had profited by the general amnesty. He was shown to have been armed at Napierville, where he held the rank of captain in the rebel forces. Francois Nicolas and Amable Daunais were both notoriously bad and dangerous characters. The former had been styled "major" by the rebels at Napierville, and is proved to have menaced the lives of those who endeavoured to recede from the rebel party. The latter had displayed the most reckless and unhesitating activity, in executing the commands of the rebel leaders in the same place. The treason in both cases was unequivocally brought home to the prisoners; and it should be remembered that Nicolas was the principal, and Daunais the second only in guilt of those who wantonly murdered the unfortunate Chartrand in 1837, on account of his loyalty; and who were subsequently acquitted, in defiance of the most incontrovertible evidence.

The examples which have been thus far made for the vindication of the outraged laws could not have been avoided without danger to the province. They appear to me also to have been sufficient for this purpose.

The proceedings in all these cases have been accompanied by every formality, and by that grave and solemn deliberation which must impress on the deluded Canadian peasantry the conviction that the object of her Majesty's government has not been so much to punish as to warn. In the belief, therefore, that this grand object has been attained, it is not my intention that the extreme sentences of the law should be carried into effect in any other cases of High Treason. It should be observed that of the instances in which the sentence of death pronounced by the court-martial have been carried into effect, only five of the convicts were tried on the charge of High Treason unconnected with murder; and that those five—the cases of Cardinal, Duquette, Deçoigne, De Lorimier, and Narbonne were of an aggravated character; of the remaining seven, the two Sanguinets, Hamelin, and Robert were convicted of the murder of Mr. Walker. Nicolas and Daunais had perpetrated the murder of Chartrand, and the crime of Hindelang involved the death of Captain M'Allister.

I avail myself of this opportunity to convey to your Lordship a concise statement of the present condition of the gaol of this district, and of the prisoners who have been or still remain confined in the prisons of this province on political charges. Shortly after the suppression of the revolt in this district, 802 prisoners were committed to the gaol of Montreal, the greater portion of which had been actually engaged in the insurrection; the remainder had been arrested either on distinct

accusation of treason, or on suspicion of treasonable practices: of this number 560 have been examined; and, as it is hoped their incarceration will have proved a sufficient punishment, have since been unconditionally released. Seventy have been released on bail for their future appearance and good behaviour. Of those tried and sentenced to death forty-three will remain for transportation, for which I cannot but feel anxious to impress on her Majesty's government the necessity of making immediate and sufficient preparation at the opening of the navigation.

It may be advisable to banish a few of the least culpable from the province. Of the remainder, eighty-six will be tried, some of whom will receive the final sentence of transportation, while others may be considered sufficiently punished by a more protracted imprisonment, and may be gradually released under such precautions as each individual case requires.

In the district of Quebec, sixteen individuals have been arrested since the month of November on charges of a treasonable nature; of this number, six have been released on bail for their future appearance and good behaviour, and ten remain for trial or bail according to the circumstances which may appear on their examination.

In the district of Three Rivers, two persons have been arrested on similar charges, of whom one has been enlarged on bail while the other awaits further proceedings.

In the district of St. Francis there are thirteen persons in confinement charged with political offences.

The accompanying reports of the proceedings of the courts-martial and other documents enclosed will convey to your Lordship more ample information on the subject to which I have referred.

Copies of the Minutes of the Executive Council are annexed.

I have, &c.

(Signed)

J. COLBORNE.

The Right Hon. Lord Glenelg,  
&c. &c. &c.

Enclosure in No. 6.

REPORT of the EXECUTIVE COUNCIL.

At the Council Chamber in the Government House at Montreal, 11th February, 1839.

Present,

His Excellency Lieut.-General Sir JOHN COLBORNE, G.C.B., G.C.H., Enclosure in No. 6.  
Governor-General, &c. &c. &c.  
The Honourable Mr. STEWART,  
Mr. HENRY,  
Mr. PEMBERTON,  
Mr. SHEPPARD,  
Mr. DALY,  
The COMMISSARY-GENERAL,  
Mr. POTIER,  
Mr. M'GILL, and  
Mr. DEKOCHÉBLAYE.

His Excellency laid before the board the proceedings and sentence of three Courts-Martial on sundry individuals accused of high treason, and his Excellency having intimated to the board that, in consequence of the information relative to the insurrection which had been obtained from the prisoner J. B. H. Brien, a promise of a commutation of the sentence of death had been made to him: The opinions of the several members of the Council were then separately taken, whether the sentence of death, recorded by the Courts-Martial, should be carried into execution upon all or any of the other prisoners: whereupon it was ordered by his Excellency, with the advice of the board, that the sentence of death be carried into execution on the prisoners C. De Lorimier, T. Rochon, C. Hinderlang, Francis Nicholas Pierre, R. Narbonne and Amable Daunnais.

(Certified)

G. H. KYLAND.

No. 6.  
Sir John Colborne to  
Lord Glenelg.  
19th February, 1839.

No. 7.  
Sir John Colborne  
to the Marquis of  
Normanby.  
13th April, 1839.

(No. 55.)

No. 7.

COPY of a DESPATCH from Lieutenant-General SIR JOHN COLBORNE, G. C. B.,  
to the Marquis of NORMANBY

MY LORD,

Government House, Montreal, 13th April, 1839.

THE Special Council of the province having been adjourned after a long and useful session, I have now the honour to transmit to your Lordship printed copies of the ordinances which have been passed since the 14th February, with a summary of the objects intended to be secured by their introduction.

Several of the ordinances contain conditional clauses in respect to the sanction of Her Majesty's Government being required before they can go into operation. Certified copies of two ordinances, entitled, "An Ordinance to suspend in part certain Acts therein mentioned, and to consolidate the laws relating to duties levied under the authority of the Provincial Legislature," and "An Ordinance to remove certain doubts as to the extension of the benefit of the warehousing system established by a certain Act of the Imperial Parliament, passed in the third and fourth years of his late Majesty's reign, to duties imposed by Provincial Acts," will be transmitted separately. Copies of them have been forwarded to Toronto for the concurrence of the legislature of Upper Canada, in conformity to an Imperial Act.

The ordinance to incorporate the ecclesiastics of the seminary of St. Sulpice, to confirm their title, and to provide for the general extinction of seigniorial rights and dues, within their fiefs and seignories, I trust will be sanctioned by Her Majesty's Government as soon as possible, and be authorized by an Imperial Act, to be continued in force till repealed or revoked by competent legislative authority in the province. The provisions of this ordinance appear to give satisfaction generally to the inhabitants of Montréal, and also to the superior and ecclesiastics of the seminary, but certainly demand the confirmation of the Imperial Parliament, with reference to the extensive interests which would be affected by any doubt as to the permanency of the arrangements proposed.

I have, &amp;c.

(Signed) J. COLBORNE.

The Marquis of Normanby,  
&c. &c. &c.

Enclosure 1 in No. 7.

Enclosure No. 1.

MEMORANDUM of the ORDINANCES of the SPECIAL COUNCIL for the AFFAIRS of LOWER CANADA.  
Session: 1839.

No. 48.

CAP. 1.

An ordinance to suspend for a limited time part of certain Acts of the Legislature of this province therein mentioned, and for other purposes.

The object of this ordinance was to suspend the session of the Court of King's Bench, district of Montréal, for criminal offences, during the term of February last only, and to obviate the inconvenience, apparent inconsistency, and possible collision, which might arise from the simultaneous session of that tribunal and the courts-martial.

No. 49.

CAP. 2.

An ordinance to authorize the Assistant Judge of the district of Three Rivers to sit and act in the Court of King's Bench for the district of St. Francis, in this province, and to explain a certain Act therein mentioned, and for other purposes.

The object of this ordinance is sufficiently explained by its title.

No. 50.

CAP. 3.

An ordinance to extend the provisions of a certain Act of the Legislature of this province therein mentioned.

This ordinance extends to persons sentenced to death by courts-martial, and subsequently pardoned conditionally; the provisions of an



No. 51.

CAP. 4.

An ordinance to facilitate the manner in which registers of baptisms, marriages, and burials shall in future be numbered and authenticated in the province of Lower Canada.

Act 6th Will. IV., which regulates the transportation of ordinary offenders.

The second section of this ordinance defines an alteration in the system of keeping these registers, which will greatly simplify and facilitate the former process.

No. 7.  
Sir John Calborne  
to the Marquis of  
Normanby.

13th April, 1839.

Enclosure No. 1.

No. 52.

CAP. 5.

An ordinance to prevent the fraudulent manufacture, importation, or circulation of spurious copper and brass coin.

This ordinance is intended to establish a standard for the copper currency of the province, and to suppress a nefarious traffic in spurious coin which has been long and grievously felt by all classes of the community.

No. 53.

CAP. 6.

An ordinance to incorporate the Canada Marine Insurance Company.

This ordinance is sufficiently explained by its title.

No. 54.

CAP. 7.

An ordinance to amend the Act passed in the thirty-sixth year of the reign of King George the Third, chapter 9, commonly called the Road Act.

This ordinance provides more effectually for the maintenance and administration of the roads in the country parts of the province.

No. 55.

CAP. 8.

An ordinance to suspend for a limited time certain parts of two ordinances therein mentioned, as far as the same relate to the city of Montreal, and to establish a society therein for preventing accidents by fire.

The inadequacy of the two ordinances referred to for the prevention of such accidents being notorious, and the inefficiency of the office of overseer appointed under them universally admitted, this ordinance invests a "fire Society" constituted by it with all the power and authorities of such overseer, providing a retiring pension for the present incumbent.

No. 56.

CAP. 9.

An ordinance to repeal so much of an Act of the Parliament of Great Britain of the twenty-fifth year of the reign of his late Majesty George the Second as directs the period of the execution of persons convicted of the crime of murder, and for other purposes.

The principal object of this ordinance, as declared in it, is to preserve from precipitate and irrevocable punishment any persons who may be hereafter convicted on erroneous or perjured evidence—to give the judges a discretionary power in appointing the time of execution, and to abolish the practice of anatomizing murderers, and the obsolete penalty of hanging in chains.

No. 57.

CAP. 10.

An ordinance to suspend certain Acts therein mentioned, and to regulate in a better manner the packing and inspection of flour and Indian meal.

This ordinance introduces such a system of examination and inspection as, it is hoped, will effectually secure the exportation of these articles of a quality corresponding with the brands marked upon the barrels; protecting thereby the exporting trade, and the object of the purchaser.

No. 58.

CAP. 11.

An ordinance to secure to and confer upon Alfred Ramban, an inhabitant of this province, the civil and political rights of a natural-born British subject.

This ordinance explains itself. Not to have effect until sanctioned by Her Majesty.

No. 59.

CAP. 12.

An ordinance to secure to and confer upon Henri Valotte, an inhabitant of this province, the civil and political rights of a natural-born British subject.

This ordinance explains itself. Not to have effect until sanctioned by Her Majesty.

No. 7.  
 Sir John Colborne  
 to the Marquis of  
 Normanby.  
 13th April, 1839.  
 Enclosure No 1.

No. 60.

CAP. 13.

An ordinance for the better regulation of ferrymen and others, conveying persons for hire across the rivers and waters of this province.

This ordinance prohibits all persons from acting as ferrymen, unless authorized by a licence under the hand of the Governor. It is important to prevent collisions between ferrymen, as a measure of police, and as a protection for the security of the public.

No. 61.

CAP. 14.

An ordinance to amend a certain Act therein mentioned, and to provide for the better regulation of taverns and tavern-keepers.

This ordinance prescribes the description of recommendation and certificate required previously to the granting of a licence to keep such house of public entertainment, and authorizes the Governor, in the case of any contravention of this ordinance, to take away such licence. As the taverns of the province are known to have been as much the haunts of disaffection as of vice, the restrictions and regulations imposed by this ordinance are highly desirable.

No. 62.

CAP. 15.

An ordinance to regulate the curing, packing, and inspection of beef and pork intended for exportation.

This ordinance introduces such regulations as are expected to protect the trade in beef and pork, by supporting the good reputation of these articles of export in foreign markets.

No. 63.

CAP. 16.

An ordinance to amend a certain Act therein mentioned, and for the more effectual punishment of such persons as shall seduce soldiers to desert.

The inducements which have been latterly held out to soldiers to desert by designing men, who have been encouraged by the difficulties attendant on a formal conviction under the 1st Geo. II., rendered an ordinance of this nature indispensable. It provides for the summary conviction of offenders before three justices of the peace, the imposition of a fine correspondent to that exacted by the Act, with the imprisonment of the party until payment of penalty.

No. 64.

CAP. 17.

An ordinance to extend certain privileges therein mentioned to the ministers of the Methodist new connexion, and the congregation under their care.

The Methodist new connexion, being a sect of Methodists of comparatively recent introduction into this province, had not been included in any former legislative enactments conferring the privilege of keeping registers of baptisms, marriages, and burials, on the ministers of Dissenting congregations. By this ordinance they are placed upon the same footing.

No. 65.

CAP. 18.

An ordinance for establishing regulations respecting aliens coming into this province, or residing therein.

The object of this ordinance is to bring under the immediate notice of the Government the names, pursuits, and objects of all foreigners entering or residing in the province. As a measure of police it will go far to counteract the sinister designs of all future political emissaries.

No. 66.

CAP. 19.

An ordinance to suspend in part certain Acts therein mentioned, and to establish and incorporate a Trinity House in the city of Montreal.

This ordinance suspends those Acts which confer an exclusive jurisdiction over the St. Lawrence to the Trinity House of Quebec, and incorporates the Trinity House of Montreal, which had become extinct by the expiring of the Act which had called it into existence.

No. 67.

CAP. 20.

An ordinance for the better information of the government of the province, and the public, concerning prosecutions brought before justices of the peace.

Hitherto the magistrates of the province have been in no way regularly accountable for the amount of fines levied by them under summary prosecution. This ordinance compels them to make regular returns of such penalties, when levied, in a certain specified form and manner.

No. 68.

CAP. 21.

An ordinance for vesting all the estates and

This ordinance, for the greater convenience

property in the province of Lower Canada occupied by the Ordnance service in the principal officer of Her Majesty's Ordnance, and for granting certain powers to the said principal officer, and for other purposes therein mentioned.

No. 69.

CAP. 22.

An ordinance to revive a certain Act therein mentioned, and make better provision with regard to the inspection of pot and pearl ashes.

No. 70.

CAP. 23.

An ordinance to abolish the practice of permitting defendants to traverse indictments for misdemeanors before Courts of Oyer and Terminer in this province.

No. 71.

CAP. 24.

An ordinance to prolong the term of the royal charter incorporating the Quebec Bank, and to make further provision for the government and management of the said bank.

No. 72.

CAP. 25.

An ordinance to suspend in part certain Acts therein mentioned, and to consolidate the laws relating to duties levied under the authority of the Provincial Legislature.

No. 73.

CAP. 26.

An ordinance to suspend an Act passed in the tenth and eleventh years of the reign of his late Majesty George the Fourth, intituled "An Act for the relief of certain religious congregations therein mentioned, and to make other legislative provisions in the place thereof."

No. 74.

CAP. 27.

An ordinance to provide for the more speedy attainder of persons indicted for high treason who have fled from the province, or remain concealed therein to escape from justice.

No. 75.

CAP. 28.

An ordinance to exempt certain articles from seizure in satisfaction of debts.

No. 76.

CAP. 29.

An ordinance concerning the erection of parishes, and the building of churches, parsonage-houses, and churchyards.

in managing the estates and property therein mentioned; invests the same in the principal officer of Her Majesty's Ordnance, to be held in trust for Her Majesty, Her heirs and successors.

No. 2.  
Sir John Colborne  
to the Marquis of  
Normanby.  
13th April, 1839.

Enclosure No. 1.

This ordinance revives the Provincial Act 9 Geo. IV. cap. 36, with the exception of one section, and reduces the amount of fee payable under that Act to the inspector.

This ordinance remedies a practice which, in a country where such long intervals occur between the sessions of the courts, referred to, has proved very mischievous. The delay obtained by the traverser almost invariably assures him impunity; the prosecutor or the witnesses are bought off or tired out, and the ends of justice defeated.

This ordinance confirms the royal charter, increases the capital of the bank from 75,000*l.* to 150,000*l.*, and provides various rules and restrictions for the internal administration of the corporation.

A most useful ordinance, consolidating all preceding fiscal enactments, and suspending the same during the existence of the present Legislature only.

The former enactment of the Provincial Legislature having been found to be inadequate to its intended object, the present ordinance has been passed to remedy the defect, and to invest all religious societies in the province with the right of acquiring and holding in mortmain such land as may be necessary for the site or sites of all churches, chapels, meeting-houses, burial-grounds, and dwellings for ministers.

This ordinance provides that, if an indictment shall be found by the grand jury for high treason, misprision of high treason, or treasonable practices against any person who shall not be forthcoming to answer the same, he shall be summoned to appear and take his trial within three months, failing which he shall be held to be attainted of the crime charged against him, and shall suffer and forfeit accordingly.

This ordinance very humanely protects poor debtors from the seizure of certain indispensable articles of household furniture and ordinary necessity.

Great disputes and difficulties having arisen respecting the selection of sites for the erection of such Catholic churches as the increase of the Catholic population frequently requires, this ordinance has been passed, with the acquiescence of the Catholic clergy, appointing

No. 7.  
Sir John Colborne  
to the Marquis of  
Normanby.  
13th April, 1839.

Enclosure No. 1.

No. 77.

CAP. 30.

An ordinance to suspend for a limited time certain parts of two ordinances therein mentioned, as far as the same relate to the city of Quebec, and to establish a society therein for preventing accidents by fire.

No. 78.

CAP. 31.

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

No. 79.

CAP. 32.

An ordinance to provide for the subsistence of volunteers and militia-men who have been or may be wounded, and for that of the families of those who may have been or may be killed, in certain cases hitherto unprovided for.

No. 80.

CAP. 33.

An ordinance to repeal a certain Act therein mentioned, relative to a certain market-place at Prés de Ville, in the city of Montreal.

No. 81.

CAP. 34.

An ordinance to provide for the improvement, during the winter season, of the principal post-roads from various parts of the province to Montreal, and for other purposes.

No. 82.

CAP. 35.

An ordinance to extend the provisions of the ordinance therein mentioned to the losses sustained by certain loyal inhabitants of this province during the rebellion which has occurred since the passing of the said ordinance.

No. 83.

CAP. 36.

An ordinance concerning bankrupts, and the administration and distribution of their estates and effects.

No. 84.

CAP. 37.

An ordinance to change the place of the registry-office for the county of Stanstead.

No. 85.

CAP. 38.

An ordinance for erecting a court-house, with proper offices, at Sherbrooke, in the district of St. Francis, and for defraying the expense thereof.

commissioners and prescribing such regulations as will, it is hoped, effectually remove the existing impediments to the advancement of these beneficial objects.

This ordinance establishes a fire-society in lieu of the old system of overseers, which has been found to be altogether faulty and inefficient. Pensions provided for the two present incumbents of the office of overseer out of the funds arising from the ordinance.

This ordinance continues the suspension of the Habeas Corpus Act until the 1st of January next. The present unsettled and uncertain state of the province, and past experience, prove the necessity of fortifying the hands of the Government by the further suspension of this Act.

This ordinance is but an act of justice towards those for whose relief and encouragement it is intended. It provides moderate pensions for the wounded, and gratuities for the families of those who fell, and is an extension to the volunteers of a provincial statute regarding the militia.

Messrs. La Rocque, Quesnel, and Laframboise, having erected at their own expense, by virtue of an Act 9 Geo. IV. cap. 39, a market-place, which was subsequently found to be useless and irremunerative, this ordinance repeals that Act, and reinstates those gentlemen in the possession of their property.

This ordinance is intended to remedy the irregularities occasioned on the surface of the winter roads of this province, by prescribing a certain construction for sleighs.

This ordinance extends the investigations of the Commission of Inquiry to the losses sustained by the loyal inhabitants during the late revolt, with a view to their future indemnification.

The want of a sufficient bankrupt-law has long been a subject of serious complaint, and one of real grievance. This ordinance introduces an adaptation of the English system, which has been long desired by the community at large.

The object of this ordinance is sufficiently explained in the title.

The court-house at Sherbrooke, a wooden building, is in a ruinous state. This ordinance appropriates 3000*l*. for the erection of a sufficient edifice.

No. 86.

CAP. 39.

An ordinance to make provision for defraying the civil expenditure of the Provincial Government for the year ending the 10th day of October, 1839.

The sum appropriated by this ordinance for defraying the expense of the administration of justice, and for the support of the Civil Government, incurred and to be incurred until the date mentioned, amounts to 62,001*l.* 13*s.* 2*d.* sterling.

No. 7.  
Sir John Colborne  
to the Marquis of  
Normanby.  
13th April, 1839.  
Enclosure No. 1.

No. 87.

CAP. 40.

An ordinance to continue certain acts therein mentioned, relating to the administration of justice in the inferior district of Gaspé.

The system of temporary legislation so long pursued in this province rendered the administration of justice in the district of Gaspé dependent on the legislature after the 1st May, 1839, when the Acts providing for that indispensable object would have expired. This ordinance continues those Acts to 1st May, 1842.

No. 88.

CAP. 41.

An ordinance to remove certain doubts as to the extension of the warehousing system established by a certain Act of the Imperial Parliament passed in the 3rd and 4th years of His late Majesty's reign to duties imposed by imperial acts.

This ordinance extends the benefits of the warehousing system as established by Act of British Parliament over imports of certain specified descriptions to other imports, upon which duties are especially imposed by acts of the provincial legislature.

No. 89.

CAP. 42.

An ordinance to appropriate certain sums of money to the support of certain charitable institutions.

This ordinance appropriates certain sums in aid of certain charitable institutions which have at various times been encouraged and supported by the provincial legislature: the whole amount is 786*l.* 16*s.* 4*d.* sterling.

No. 90.

CAP. 43.

An ordinance to appropriate certain sums therein mentioned to the encouragement of education.

The sum appropriated in aid of certain educational institutions is 3483*l.* 4*s.* 4*d.* sterling, all of which had at different times received similar support from preceding legislatures.

No. 91.

CAP. 44.

An ordinance to amend an ordinance intitled "An Ordinance for establishing regulations respecting aliens coming into the province, or residing therein."

This amendment on the ordinance cap. 18 was found necessary to enable the American steam-boats to bring their passengers to St. John's, which is a port within the province line, without unnecessary delay or stoppage.

No. 92.

CAP. 45.

An ordinance to continue the act to provide less expensive means for the recovery of wages due to seamen of vessels belonging to or registered in this province.

This useful enactment, which would have expired on the 1st May, is extended to 1842.

No. 93.

CAP. 46.

An ordinance to regulate the currency of this province.

Various causes had conduced to introduce into this province a curious variety of coins of different nations, some of which were legally rated above their worth, and others had received a conventional rather than a legal value, continually fluctuating, to the great loss and inconvenience of the public. This ordinance assigns a legal currency to certain coins in common use in this province, proportionate to their intrinsic value, establishes an equivalent currency for certain British coins, and calls in others which are to be received by the collector of Her Majesty's customs during six months, to be then re-coined at the expense of the province.



No. 7.  
 Sir John Colborne  
 to the Marquis of  
 Normanby.  
 13th April, 1839.  
 Enclosure No. 1.

No. 94.

CAP. 47.

An ordinance to amend and continue the act to regulate the exercise of certain rights of lessors and lessees.

No. 95.

CAP. 48.

An ordinance to prevent real property under seizure from being injured or wasted, to the damage of the party seizing.

No. 96.

CAP. 49.

An ordinance to regulate the practice of the courts of judicature in this province respecting certain proceedings.

No. 97.

CAP. 50.

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

No. 98.

CAP. 51.

An ordinance to repeal a certain ordinance intitled "An Ordinance to declare that the second chapter of the Statute of the Parliament of England, passed in the thirty-first year of the reign of King Charles the Second, is not, nor has ever been, in force in this province, and for other purposes.

No. 99.

CAP. 52.

An ordinance to revive and continue certain Acts of the Legislature of this province therein mentioned.

No. 100.

CAP. 53.

An ordinance to provide for the completion of certain public works, for the improvement of the internal communications, and for the encouragement of agriculture, and other purposes.

No. 101.

CAP. 54.

An ordinance to continue for a limited time the Act to create a fund for defraying the expense of medical assistance for sick emigrants, and of enabling indigent persons of that description to proceed to their place of destination.

This ordinance continues a very desirable and practical law to 1842, extending the authority of the judges in certain cases to the term where they had been previously limited to vacation, and extending a useful provision to the country which had been previously confined to the towns.

The title of this ordinance shows the necessity of providing a remedy where such an evil avowedly exists, and it is expected that the precautions hereby provided will remove that object.

The object of this ordinance is to facilitate proceedings in the cases of debtors absent or absconding from the province.

The objects effected by this ordinance have been long and loudly demanded by the inhabitants of Montreal, as relieving a wealthy and enterprising community from the incumbrances and drawbacks of a feudal tenure. This ordinance provides for the commutation of all lands held of the Seminary of Montreal *en volture* into the tenure of free and common soccage by mutual consent and arrangement of the parties, and, in return, confirms to the Seminary their hitherto doubtful titles to the seigniories therein mentioned.

The object of this ordinance is sufficiently explained by its title.

This ordinance revives certain Acts by virtue of which the common gaols of the several districts of this province had been formerly made use of as houses of correction.

This ordinance appropriates the sum total of 20,087l. 10s. 7d. to the various important public improvements and objects enumerated therein.

This Act is continued until the 1st of November next, so as to ensure to those emigrants who may have already made preparation for their voyage, and who may have allowed in their passage money the amount of the tax, some beneficial return for the money they have paid.

No. 102.

CAP. 55.

An ordinance to extend the provisions of the ordinance for establishing an efficient system of police in the cities of Quebec and Montreal.

This ordinance extends the ordinance of the 2nd Vic., cap. 2, to the town and district of Three Rivers.

No. 7.  
Sir John Colborne  
to the Marquis of  
Normanby.  
13th April, 1839.

Enclosure No. 1.

No. 103.

CAP. 56.

An ordinance to amend an Act of the Legislature of this province, intituled "An Act for repealing certain Acts granting rates and duties to His Majesty, and for granting new and additional duties in lieu thereof, and for appropriating the same towards defraying the expenses of the administration of justice and support of the civil Government within this province, and for other purposes therein mentioned.

The amendment introduced into the Act here mentioned will have the effect of relieving witnesses in criminal cases from great inconvenience and injustice. Heretofore no witness could obtain any compensation for trouble or time lost in attendance on criminal trials, unless he was prepared to swear to his poverty. Witnesses, therefore, who were ill able to support the expense of such attendance, yet who could not conscientiously take their oath, were deprived of all compensation, which became a source of benefit to the unprincipled only. This ordinance remedies the evil by dispensing with the oath.

No. 104.

CAP. 57.

An ordinance to regulate private banking, and the circulation of the notes of private bankers.

Since the general suspension of specie payments in 1836, the province has been flooded with a vast quantity of paper-money, issued as a substitute for coin under the value of a dollar, by persons often insolvent, and in all cases irresponsible, to the great defraudment of the public. This ordinance imposes such restrictions on the future emission of these small notes as, it is expected, will prevent a recurrence of this practice.

No. 105.

CAP. 58.

An ordinance to establish circuit courts of requests in the districts of Quebec, Montreal, and Three Rivers.

The institution of circuit courts of inferior jurisdiction to the superior circuit courts, contemplated by the ordinance cap. 62, to sit at intermediate periods, and decide upon all cases under 10*l.* sterling, has been long considered to be an essential incident to any proposed amelioration in the present defective system of administering justice in this province. This ordinance establishes such circuit courts of requests, to be presided over by a barrister of not less than ten years standing, who will at the same time discharge the duties of commissioner of the court of requests and chairman of the quarter-sessions in such circuits.

No. 106.

CAP. 59.

An ordinance to suspend for a limited time certain sections of the ordinances for the better packing and inspecting of flour and meal.

Representations having been made subsequent to the passing of the ordinance herein referred to, that, if immediately carried into effect, it would be injurious to the interests of millers and others in Upper Canada, this ordinance was passed, suspending for a limited time the operation of the objectionable sections.

No. 107.

CAP. 60.

An ordinance to amend certain Acts therein mentioned, relative to a certain market at Montreal.

This ordinance authorizes the magistrates of Montreal, who are the trustees of the new market in that city, to lease certain lands belonging to the said market, for longer periods than had been already provided for.

No. 108.

CAP. 61.

An ordinance to authorise the commissioners for making the canal from St. John's to Chambly to borrow a certain sum of money to complete the said canal.

This ordinance is sufficiently explained by the title.

No. 7.  
Sir John Colborne  
to the Marquis of  
Normanby.  
13th April, 1839.  
Enclosure No. 1.

No. 109.

CAP. 62.

An ordinance for the more easy and certain collection of the harbour-dues at Montreal.

The object of this ordinance is sufficiently explained by the title to the same.

No. 110.

CAP. 63.

An ordinance to provide for the distribution of the printed copies of the ordinance passed by the Governor of this province, and the Special Council, for the affairs thereof.

This ordinance is sufficiently explained by the title to the same.

No. 111.

CAP. 64.

An ordinance to establish a Board of Works in this province.

An institution of this nature has long been an object of public necessity, to insure a proper examination and authentic sanction of all plans and specifications of public works or improvements carried into effect at the public expense.

No. 112.

CAP. 65.

An ordinance to provide for the inspection of fish and oil.

The inspection of fish and oil, by guaranteeing the quality of the exported articles, protects the market, and encourages the increase of the trade.

No. 113.

CAP. 66.

An ordinance to repeal a certain ordinance therein mentioned, relating to the district of St. Francis.

Martial law had been extended to the district of St. Francis by ordinance. It required a similar intervention of the Special Council to repeal the same, which this ordinance does accordingly.

No. 114.

CAP. 67.

An ordinance for indemnifying persons who, since the 21st day of December, 1838, have acted in apprehending, imprisoning, or detaining in custody, persons suspected of high treason or treasonable practices, and in the suppression of unlawful assemblies, and for other purposes therein mentioned.

It is unnecessary to offer any explanation of an ordinance which has been rendered necessary by the peculiar circumstances of the province, and which has already been twice passed by the Special Council, and sanctioned by Her Majesty's Government.

(No. 56.)

No. 8.

Copy of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE, G.C.B., to the Marquis of NORMANBY.

No. 8.  
Sir John Colborne  
to the Marquis of  
Normanby.  
15th April, 1839.

MY LORD,

Government House, Montreal, 15th April, 1839.

WITH reference to my letter of the 13th instant (No. 55), and in pursuance of the 28th section of the 3rd George 4th, cap. 119, (an Act to regulate the trade of the Provinces of Lower and Upper Canada, and for other purposes relating to the said Provinces,) and the 42nd section of the Constitutional Act, 31st George 3rd, cap. 31, I have the honour to transmit to your Lordship, *certified copies* of two ordinances passed by the Special Council for the affairs of Lower Canada.

"An ordinance to suspend in part certain acts therein mentioned, and to consolidate the laws relating to duties levied under the authority of the Provincial Legislature."

"An ordinance to remove certain doubts as to the extension of the benefit of the warehousing system established by a certain Act of the Imperial Parliament passed in the third and fourth years of His late Majesty's reign, to duties imposed by Provincial Acts."

No. 72.

No. 83.

I have, &amp;c.

(Signed)

J. COLBORNE.

The Marquis of Normanby,  
&c. &c. &c.

(No. 58.)

No. 9.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE G.C.B. to the Marquis of NORMANBY.

No. 9.  
Sir John Colborne  
to the Marquis of  
Normanby.  
16th April, 1839.

MY LORD, Government House, Montreal, 16th April, 1839.

I THINK it right to transmit to your Lordship a copy of a joint address to me from the Legislative Council and the House of Assembly of Upper Canada, forwarded to me by Sir George Arthur. I feel much gratified in receiving this mark of respect from that province, the government of which I administered for several years.

I have, &c.

(Signed) J. COLBORNE.

The Marquis of Normanby,  
&c. &c. &c.

Enclosure 1 in No. 9.

SIR GEORGE ARTHUR to SIR JOHN COLBORNE.

SIR, Government-house, Toronto, 8th April, 1839.

I HAVE the greatest satisfaction in transmitting to your Excellency a congratulatory address from the Legislative Council and House of Assembly of this province, upon your Excellency's appointment to the office of Governor-General of Her Majesty's North American possessions.

Enclosure No. 1.

The sincere and cordial feeling which has prompted this address, will, I am persuaded render it acceptable to your Excellency, more especially when associated with the recollection that it emanates from a Legislature which has had ample opportunities of observing your Excellency's distinguished course of public service, and of appreciating your claims on the grateful regards of the Canadian people.

I have, &c.

(Signed) GEORGE ARTHUR.

His Excellency Sir John Colborne,  
&c. &c. &c.

Enclosure 2 in No. 9.

To his Excellency Lieutenant-General Sir John Colborne, G.C.B., Governor of Her Majesty's Colonies of Upper and Lower Canada, Nova Scotia, New Brunswick, and Prince Edward Island, and Captain-General and Governor-in-Chief of British North America, &c. &c. &c.

May it please your Excellency,

WE, Her Majesty's dutiful and loyal subjects, the Legislative Council and House of Assembly of Upper Canada in Provincial Parliament assembled, have learned, with feelings of unmingled satisfaction, from a message sent to us by His Excellency Major-General Sir George Arthur, K.C.H., &c. &c. &c., that Her Majesty has been pleased to confer upon your Excellency the high honour of representing Her Majesty in British North America as Governor-General and Commander-in-Chief therein: we recognise in this appointment the firm intention of Her Majesty to maintain her authority unimpaired in her North American possessions; and while we approach your Excellency with the language of gratulation in having been selected by Her Majesty to fill so important an office, we feel that we have just reason to rejoice that Her Majesty has been pleased to select your Excellency for this distinguished mark of her royal favour.

Enclosure No. 2.

No. 9.  
Sir John Colborne  
to the Marquis of  
Normanby.  
16th April, 1839.  
Enclosure No. 2.

The Legislative Council and House of Assembly further recognise in this act of Her Majesty Her Majesty's approbation of your Excellency's distinguished services, as well whilst representing Her Majesty as Lieutenant-Governor of this province for so long a period, as subsequently in defending Her possessions in the Canadas against aggressions aiming at the severance of these valuable colonies from the British crown, and beg to assure your Excellency of our high gratification that services so distinguished should have been so justly appreciated by Her Majesty. And the Legislative Council and House of Assembly, in thus expressing their satisfaction, feel assured that they also convey the sentiments of the great body of the inhabitants of Upper Canada, and will with them rejoice in any farther distinction which Her Majesty may be graciously pleased to confer upon you.

Legislative Council Chamber,  
25th day of March, 1839.

(Signed)

JONAS JONES,  
*Speaker.*

Commons House of Assembly,  
26th day of March, 1839.

(Signed)

ALLAN N. McNAB,  
*Speaker.*

(No. 62.)

No. 10.

No. 10.  
Sir John Colborne  
to the Marquis of  
Normanby.  
19th April, 1839.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE, G.C.B.,  
to the Marquis of NORMANBY.

MY LORD,

Government House, Montreal, 19th April, 1839.

I HAVE the honour to acknowledge the receipt of your Despatch of the 11th ult., and to transmit to your Lordship the accompanying copies of three reports of the Executive Council upon the several subjects to which I adverted in my Despatch of the 31st January. The measures recommended by the Council for the enlargement of the Judicature, the formation of a new Court of Appeal, and for the establishment of Registry Offices, have been laid before the Special Council; and if the Ordinances which have been framed on these reports can be so modified and improved as to afford satisfaction generally in the province, I shall assent to them, with the conditional clauses that they are not to go into operation till the sanction of Her Majesty's Government may be obtained.

With respect to the report on the lods et ventes, the projects which have been laid before me; having in view their commutation, are considered objectionable; but I hope that some measure may yet be proposed which will enable the seigneurs to make an arrangement with their censitaires for the extinction of this seigniorial right, without injuring their respective interests.

I have, &amp;c.

(Signed) J. COLBORNE.

The Marquis of Normanby,

&amp;c.

&amp;c.

&amp;c.

Enclosure 1 in No. 10.

Enclosure No. 1.

REPORT to His Excellency Lieutenant-General Sir JOHN COLBORNE, G.C.B., G.C.H.,  
Governor-General of British North America, &c., &c.

~~Report of a Committee of the whole Council: present, the Honourable Mr. Stewart,  
Mr. Cochran, Mr. Henry, Mr. Pemberton, Mr. Mondelet, Mr. Sheppard, Mr.  
Daly, Mr. McGill, and Mr. De Rocheblave.~~

May it please your Excellency.

THE Committee, having resumed the consideration of the Report of the Sub-committee,  
submitted by Mr. Henry, on the subject-matter of your Excellency's reference in Council of



26th January last, Nos. 1 and 2, have, after discussion, agreed to adopt the same as their Report, and which they now annex.

All which is respectfully submitted to your Excellency's wisdom.

By order,

Council Chambers, Government House,  
Montreal, 19th February, 1839.

(Signed)

J. STEWART,  
Chairman.

No. 10.  
Sir John Colborne  
to the Marquis of  
Normanby.

19th April, 1839.

Enclosure No. 1.

Government House, Committee-room of the Executive Council,  
Montreal, 9th February, 1839.

Present — The Honourable Mr. Henry, Mr. Pemberton, and Mr. Mondolet—in Special Committee on that part of his Excellency's reference in Council of the 26th January, 1839, relative to the establishment of a Court of Appeals in which the duties of the judges appointed to decide on appeals shall be limited to cases brought into that Court, and alterations in the Judicature of the Province, and the establishment of Circuits. Having read the order of Reference and extracts from different Despatches accompanying the same, the Committee adjourned to the call of the President.

The Special Committee, having met frequently and carefully examined the subject referred to it, agreed to submit the following Report to the Committee of the whole Council.

The Special Committee, knowing that the subject referred to it had for a long time, and at various intervals, occupied the attention of the Provincial Legislature, believed it to be its duty to have recourse to the labours of the Legislative Council and the House of Assembly on the subject.

It took more particularly into consideration the last Bill of this nature submitted to the legislature then existing, and passed by the House of Assembly on 18th January, 1836, and by the Legislative Council on 7th March of the same year, that Bill having this advantage over all those that preceded it, that it had been agreed to and adopted, by both branches of the legislature.

The Special Committee, having most carefully examined this Bill, and assuming it as the basis of its labours, has deemed it advisable to suggest the following alterations.

#### *Court of Appeals.*

The Bill in question fixes the number of judges of appeals at four, and provides for those cases where the judges shall be equally divided in opinion, or legally recused. Your committee is of opinion that, by increasing the number of judges to five, every inconvenience will be obviated. It therefore recommends that this court shall be composed of five members; that the chief justice of the province shall be the president, and in his absence the senior member. It also recommends that one of the judges of this court shall reside in the town of Three Rivers. It recommends further that this court shall be charged with making uniform rules of practice for the different courts of civil jurisdiction in this province.

#### *Criminal Court.*

Your committee, while it preserves the greatest part of the Bill in question, as regards criminal courts, recommends, nevertheless, that the chief justice of the province, and the four other judges of the Court of Appeals, shall alone and exclusively be charged with this department, in addition to being a Court of Appeals. Your committee does not think it advisable to preserve in the New Judicature Bill the clause B, added, by an amendment of the Legislative Council, and which regards the establishment of a Criminal Court for the district of St. Francis. It is not within the knowledge of the members of this committee that this measure is required by the wants of this district; and if from some unforeseen circumstances such a necessity should issue, it seems to your committee that the most simple mode of providing for such an exigence would be to name a court of *Oyer and Terminer*.

The establishment of this court for a small number of days as provided for by this clause would render necessary the appointment of a number of officers of justice, the calling together of a large number of grand and petty jurors, who would be taken away from their occupations without any sufficient necessity, and without the public interest demanding it imperatively. Besides, the acts which establish the district of St. Francis being temporary, the committee does not think it would be advisable for the present to extend to this district the provisions of a Judicature Bill which ought to be permanent.

No. 10,  
Sir John Colborne  
to the Marquis of  
Normanby.

19th April, 1839.

Enclosure No. 1.

Court of King's Bench.

Your committee, after having carefully examined this part of the Judicature Bill, already cited, is of opinion that the greatest part of the same may be preserved, with the essential difference already recommended in the first part of this report, namely, that the judges of this court should have no connection whatever either with the Court of Appeals or the Criminal Court. Your committee, while it approves of the establishment of Circuit Courts, is of opinion that some advantageous changes may be made in the places where the same are by this bill appointed to be held; by the bill in question, the judges in circuit are authorized to take and receive verdicts of juries. This is an important part of the bill, but the act of the Provincial Parliament, 2 Will., cap. 22, which fixed the mode of summoning jurors, having expired, and there being now no other law in force on this subject than the old ordinances of the Legislative Council, your committee deems it of the highest importance to regulate this matter by an express law, without which there would be a great risk of losing the advantages expected from a New Judicature Bill.

(Certified) G. H. RYLAND.

Enclosure 2 in No. 10.

Enclosure No. 2: REPORT to His Excellency Lieutenant-General Sir JOHN COLBORNE, G.C.B., G.C.H., Governor General, &c. &c.

Report of a Committee of the whole Council. Present, The Honourable Mr. Stewart, Mr. Cochran, Mr. Daly, Mr. McGill, and Mr. De Rocheblave.

May it please your Excellency,

THE Honourable Mr. Stewart, the chairman of the sub-committee to whom was referred that part of your Excellency's reference in council of 28th January, 1839, "Whether it may not be desirable to propose a compulsory arrangement respecting a commutation for *Lods et Ventos*, and having laid before the board their report on the subject, the same being read, it was approved and adopted as the report of the whole council, and it is herewith accordingly annexed.

All which is respectfully submitted to your Excellency's wisdom.

Council Chambers, Government House,  
Montreal, 1st March, 1839.

By Order,

(Signed)

J. STEWART,

Chairman.

Executive Council Chamber, Government House.—Montreal, 27th February 1839.

Present in Sub-Committee the Hon. Mr. STEWART, Mr. COCHRAN, Mr. POTHIER, Mr. MCGILL, and Mr. De ROCHEBLAVE, on His Excellency's Reference in Council of 28th January, 1839.

The special committee of the executive council appointed to report upon his Excellency's reference of the question, "whether it may not be desirable to propose a compulsory arrangement respecting a commutation for *Lods et ventes*, particularly in towns," have at different meetings deliberated on this important and extensive subject, and have now to report their opinion.

First.—That it would not be expedient to compel the inhabitants of this province holding real property in *clive* of seigniorie, to submit to a commutation of tenure, but that it should be made compulsory upon the seigniors of such property throughout the province, to grant a commutation and release of all feudal and signiorial dues, duties, and burthens, to any *Censitaire* who shall at any time hereafter, apply for the same, such seignior receiving a compensation for such commutation and release, in the manner hereinafter mentioned.

Second.—That as a part of the indemnity or compensation to the seignior, it would be advisable that the Crown should by Proclamation declare its intention to surrender the future *quints*, which might otherwise accrue to it upon all those portions of any seigniorie, of which a change of tenure shall have been obtained from the seignior by the *Censitaire*.

Third.—That the amount of the commutation or indemnity to be paid or given to the seignior by the *Censitaire* upon such change of tenure, should be settled by *Experts*, to be appointed one by each of the parties, and a third being a disinterested person, to be named by such *Experts* in case of difference between them, or if they cannot agree in such nomination, or shall neglect to make it, then such third *Experts* or umpire shall be named by a judge of the Court of King's Bench, or other superior court of civil jurisdiction.

Fourth.—That the rate of commutation should not in any case exceed two mutation fines, where the real property is situated without the city or *Banlieue* of Québec or city of Montreal, or the town or *Banlieue* of Three Rivers, or one-tenth of the estimated value of the property if situated within those limits.

Fifth.—That the seignior shall not in any case be bound to grant such commutations of tenure until all arrears of seigniorial dues and duties are discharged or satisfied by the *Censitaires* applying for the same.

Sixth.—That the amount of the price, indemnity or compensation estimated and allowed by such *Experts* may remain charged upon the property of which the tenure shall have been changed as a redeemable rent-charge, (*Rente foncière rachetable*), with the like *hypothèque et privilège*, in favour of the seignior, as he now has by law in respect of his seigniorial rights and dues.

Seventh.—That in cases where the property of which the tenure shall be changed lies within a seignior under entail (*substitution*), the price, indemnity, or compensation estimated by the *Experts*, shall not be paid to the seignior tenant in tail, (*grève de substitution*), but shall remain charged upon the property whereof the tenure shall have been changed, as a rent-charge not redeemable, (*rente foncière non rachetable*), during the lifetime of such seignior, but shall be redeemable (*rachetable*) when the heir in tail (*substitué*) shall come into possession of the seignior (*quand la substitution sera ouverte*).

(Certified)

G. H. RYLAND.

No. 10.  
Sir John Colborne  
to the Marquis of  
Normanby,  
19th April, 1839.  
Enclosure No. 2.

Enclosure No. 3.

REPORT to His Excellency Lieutenant-General Sir JOHN COLBORNE, G.C.B.G.C.A.  
Governor-General, &c. &c.

Enclosure No. 3.

Report of a Committee of the whole Council, present, the Hon. Mr. Stewart, Mr. Cochran, Mr. Daly, Mr. McGill, and Mr. De Rocheblave.

May it please Your Excellency,

THE Hon. Mr. Cochran, the chairman of the sub-committee, to whom was referred that part of your Excellency's reference of 28th January last, relative to the establishment of Registry Offices, having laid before the Board their Report thereon, it was read and adopted as the Report of the Committee of the whole Council, and the same is accordingly annexed.

All of which is respectfully submitted to your Excellency's wisdom.

Executive Council Chambers, by order.  
Montreal 2nd March, 1839.

(Signed)

J. STEWART, CHAIRMAN.  
(Certified) G. H. RYLAND.

Friday, 1st of March, 1839.

At the Council Chamber in the Government House, Montréal.

Present.—The Hon. Mr. Cochran, the Hon. Mr. Daly, the Hon. Mr. McGill, and the Hon. Mr. De Rocheblave, in Sub-Committee on that part of His Excellency the Governor-General's Reference in Council of the 26th of January last, relative to the establishment of Registry Offices.

The Special Committee of the Executive Council appointed to consider his Excellency's reference respecting the establishment of Register Offices, having given their best attention to this important subject, have agreed to the following Report:—

Although the establishment of offices of general registry of conveyances and incumbrances has been repeatedly under discussion in the legislative bodies of this province for nearly twenty years, it does not appear that any legislative measure has received the concurrence of the two branches of the Provincial Parliament, except as regards lands in the townships. In 1823 the Assembly resolved to take into consideration the passing of a law for the public registration of instruments conveying, changing, or affecting real property. In the close of the same year, the Legislative Council passed a bill, which was committed for consideration in the Assembly, to make provision for this purpose. In 1825 the Assembly again came to a resolution declaring the expediency of making such provision; and, in 1826, the same body, after adopting several resolutions still more strongly affirming the expediency and necessity of passing a law upon this subject, took into consideration a Bill for this purpose introduced by Mr. Vallière, and adopting the leading provisions of the modern Code Civil of France on this subject, which passed to a second reading, but was dropped in that session; and though taken up again in the following session, was not proceeded with. In the year 1826, the Legislative Council passed a Bill making provision for this object, which was not taken up in the Assembly, who had then Mr. Vallière's measure before them; and, in 1836, the Legislative Council, after an inquiry in which they obtained the opinions of many persons of information, intelligence, and experience, from all classes of the community engaged in the active pursuits of life, including several eminent practitioners in the legal and notarial professions, again passed a Bill which was intended to prepare the way for the introduction of a complete and general system of registry, by altering the existing system of law in those points which confessedly interfere with the establishment of such a system; but this measure

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also dropped in the Assembly. From these various proceedings and efforts at legislation, the Special Committee find that the existence of the evil arising from the want of register-offices was fully admitted in the legislature, and although the legislative bodies came to no agreement as to the details of the remedial measures to be adopted, there were some general principles respecting which there was no material difference between them. The Special Committee have closely examined and considered Mr. Vallière's Bill of 1826, the Bill sent from the Council in that year, and that sent from the same body to the Assembly in 1836, and they have also had before them a Registry Bill prepared by a legal gentleman connected with the late administration of Lord Durham (founded, in a great measure, on Mr. Vallière's Bill, and modified, as the Committee understand, after conferences with Mr. Vallière); and also another draft of a similar measure compiled by an able member of the bar of Montreal, which, while it is similar in its general outline to that last mentioned, contains some new provisions, and more particularly some of those important but necessary alterations in the existing law, which the Legislative Council proposed to introduce by their Bill of 1836.

To these the special committee are desirous, in the first place, more particularly to advert—

The general or indeterminate mortgage or *hypothèque*, (that is, without specification of any particular property to which it is to attach,) the customary dower, arising without special contract from the mere celebration of marriage, and descending as an inheritance with an indefeasible *hypothèque* to the children, and the legal or tacit mortgage arising from the offices of tutor and curator, which most persons may be by law compelled to undertake: these were circumstances in the existing state of the law, which materially interfered with the adoption of an effectual system of Registry, and seemed to present impediments which no system could entirely surmount while they continued to exist. But from the evidence obtained by the Legislative Council, as well as from that laid before His Majesty's Commissioners of Inquiry in 1836, it appeared to be the opinion of the best informed persons, that the general or indeterminate mortgage by Notarial Act should be abolished, and all such *hypothèques* be required to be special; that the customary dower should in like manner cease to exist, and the wife be endowed by special contract; and that while there seemed to be a well-founded objection to the calling upon tutors and curators to give specific security on property, for the due execution of their trusts, from the circumstance of their being compelled to undertake the office, the weight of opinion was yet strongly and decidedly in favour of such specific security being required. Upon these various points the special committee have come to the conclusion that any Registry Bill, to be effectual, must either contain or be accompanied by legal provisions for abolishing general and indeterminate mortgages and customary dower, and for limiting the responsibilities of tutors and curators by special security on certain property; but providing at the same time that no person shall be compelled to accept those offices; and that tutors appointed by will, if they accept the trust, shall be admitted to the administration and guardianship without security.

With respect to the other leading features of the measure, there does not appear to be any essential difference between the Bill introduced by Mr. Vallière in 1826, and the two more recently prepared during and since Lord Durham's administration, which are in most respects improved in modifications of the former; and the special committee having collated the whole together, have extracted from them the following general regulations, which they recommend to be adopted in any measure which may be brought forward:—

1st. All conveyances, instruments, and proceedings (except as hereafter by which real property may be in any way alienated, charged or incumbered, whether by deed, writing, devise, judicial proceeding, or by operation of law, shall be registered, or if not, shall be void and null as against subsequent registered *bonâ fide* purchasers, or incumbrances for a valuable consideration.

- Exceptions—1. Arrears of *Cens et rentis* for a period not exceeding five years, and other seigniorial dues, (except arrears of *Lods et Ventes*.)  
 2. Arrears of *Rentes foncières*, not exceeding five years.  
 3. Arrears of rent of leasehold property not exceeding two years.  
 4. Cost of Cuit, (*Rais de Justice*.)  
 5. Funeral expenses and those of last sickness.  
 6. Servants' wages, not exceeding two years.

2dly. That the privileges,—

1. Of the seigniors for *Lods et Ventes*. 2. Of the vendor, or *Baillieur de fonde*, or of the person who shall have furnished monies for purchase of real estate, and have been subrogated to rights of vendor. 3. Of co-heirs, or *co-partageants* for difference in shares (*Soulté et retour*), or price of licitation. 4. Of architects, builders, &c. and of those who have lent monies to pay them. 5. Of creditors and legatees praying the separation of patrimony of deceased from immovables of heir—

Shall be registered within a certain time, and in a manner to be provided, if not so registered, to take effect as mortgages only from the time they are registered.

3dly. Claims for accruing interest on securities for money, or claims for rent of any kind, shall not be an incumbrance on real property for more than three years after registration, as against subsequent *bonâ fide* purchasers, or incumbrancers for a valuable consideration, unless registered afresh as a principal sum, with assent of the person subject to payment.

4thly. Notarial instruments or those under signature, wills or testamentary instruments, shall not carry mortgage or *hypothèque*, unless the real property intended to be affected is specified; and in judgments and Acts of *Tutelle* or *Curatelle*, the amount for which real property is to be mortgaged shall be set forth.

5thly. No instrument, &c., shall carry mortgage on real property unless at the time of registration such property be the actual *bonâ fide* property of the person intended to be affected.

6thly. The registration of an instrument of alienation shall be tantamount to delivery of possession.

7thly. Registration not to confer title upon, or confirm title derived from any person not having a good title to the real property registered, as against prior purchasers or incumbrancers not registered.

8thly. Customary dower to be abolished.

9thly. Persons or corporations having or claiming either in their own right, or as representing others, any title, claim, or incumbrance upon real property, by any such assurance, instrument, or proceeding, and wishing to preserve the same as against subsequent *bonâ fide* purchasers, may, after a certain day, cause such assurance, &c. to be registered; and such registration shall preserve all rights appearing in or by such assurance, &c.

10thly. No such title, &c. shall be capable of being enforced as against third parties until so registered, except that judgments or judicial proceedings may be enforced by execution.

11thly. Sales and incumbrances to take effect and have priority from the time of registry.

12thly. Notice of a prior sale or incumbrance not registered, not to vitiate a subsequent *bonâ fide* sale for valuable consideration, provided that subsequent purchasers, &c. having such notice, give public notice to the prior purchaser, &c. to register his purchase, &c.

13thly. A person conditionally selling or incumbering, and such sale or incumbrance not being registered, may subsequently sell or incumber the same property, subject to such prior conditional sale or incumbrance, which shall preserve the same valid.

14thly. Persons selling or incumbering the same property a second time without disclosing the prior sale or incumbrance, if it shall not have been registered, shall be subject to an action by the first purchaser or incumbrancer for original consideration, interest, and damages, notwithstanding any positive agreement to the contrary, and such persons shall be deemed guilty of misdemeanor, and be punishable accordingly.

With respect to the further enactments necessary for carrying such a measure into effect, as to the manner of registering titles or claims, the manner of authenticating instruments not carrying evidence of authenticity in themselves, the manner of discharging or restricting registered *hypothèques*, the proper establishment of offices and officers, and the duties, responsibilities, and emoluments of the latter: The special committee, think it unnecessary to enter into these details, but they recommend that on these points, the Bill prepared by Mr. Furton, as abridged and modified by Mr. Badgley, of the Montreal Bar, and not essentially differing in its main outline from Mr. Vallière's Bill, should be adopted as a guide.

(Signed)

A. W. COCHRAN,  
Chairman Sub-Committee.

Certified,

G. H. RYLAND.

No. 10.  
Sir John Colborne  
to the Marquis of  
Normanby.  
19th April, 1839.  
Enclosure No. 3.

(No. 66.)

No. 11.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE, G.C.B.,  
to the Marquis of NORMANBY.

MY LORD,

Government House, Montreal. 5th April, 1839.

I HAVE the honour to transmit, for the information of Her Majesty's Government, the proceedings of seven courts martial, which have been held since my Despatch of 19th of February, upon the subject of the trials of prisoners accused of high treason. I shall proceed to state the particulars of these cases, with which the grave and arduous labours of the courts martial have at length terminated.

The first of the trials above referred to is that of James Perrigo, Louis Turcot, Jean Marie Lefebvre, Godfroi Chaloux, Deziré Bourbonnais, Michel Longtin dit Jerome, fils, Charles Roy dit Lapensee père, François Xavier Prevost, Isidore Tremblay, André Papineau dit Montigny, David Gagnon, and Charles Rapin, on the 7th February.

No. 11.  
Sir John Colborne  
to the Marquis of  
Normanby.  
15th April, 1839.



No. 11.  
Sir John Colborne  
to the Marquis of  
Normanby.  
5th May, 1839.

These men were arraigned on a charge of high treason, as having been deeply implicated in the first rebellious movement which took place at the parish of St. Clement, better known as the village of Beauharnois, from the 3rd to the 7th of November last, as having participated or abetted in the attack on the Seigniorial House, in the arrest of many loyal inhabitants, and in the seizure of the "Henry Brougham," steam boat, and as having acted in concert and co-operation with another rebel party, stationed at a place called Baker's Camp, within eight miles of St. Clement.

The court, upon the most conclusive evidence, sentenced Louis Turcot, Denzire, Bourbonnais, Michel Longtin dit Jerome, fils, Charles Roy dit Lapensee, père, François Xavier Prevost, André Papineau dit Montigny, David Gagnon, and Charles Rapin, to undergo the extreme penalty of the law, recommending at the same time Dezire Bourbonnais, Michel Longtin dit Jerome, fils, and Charles Roy dit Lapensee père, for a commutation of sentence. James Ferrigo and Isidore Tremblay were acquitted.

The second trial, that of Louis Bourdon, Jean Baptiste Bousquet, and François Xavier Guertin, commenced on the 22nd February.

These men were accused of high treason in having assembled and risen in arms on the night of the 3rd of November last at St. Cesaire, and in having marched, accompanied by many others, with the avowed object of raising the peasantry and overthrowing the Government of Her Majesty: Bousquet was further charged with the offence of administering secret illegal oaths.

These charges having been fully brought home to the prisoners, severally, they were convicted, and received sentence of death accordingly.

On the 1st of March, Charles Guillaume Boue, Leon Leclair, Paul Gravelle, Antoine Roussin, otherwise called Joseph Roussin, François St. Louis, and Edouard Pascal Rochon, were brought to trial before the Court Martial.

The accusations preferred against these prisoners, were those of high treason, in having conspired together at the village of Terrebonne, and prepared for the approaching revolt by casting balls, making cartridges, collecting arms, and in having, on the 3rd of November, assembled together for the purpose of resisting the officers of justice, who were understood to be then on the way for their apprehension: They fired, in fact, upon the constables, wounding one of them, and then deserted the village, upon which they subsequently returned with increased numbers: The loyalists, however, having assembled in the meantime, they proposed an armistice, to which they affixed their signatures or marks, as leaders of the rebel party.

The evidence against the prisoners appears to have been most distinct and conclusive. They were all found guilty by the Court Martial, and left for execution.

On the 12th of March the Court Martial proceeded with the fourth trial. Louis Defailette, David Jacques Hébert, otherwise called Jacques David Hébert, David Demers, Thomas Surprenant dit Lafontaine, François Surprenant, Hypolite Lanctot, Louis Pinsonnault, René Pinsonnault, Etienne Languedoc, Benoin Verdon, and Etienne Langlois, were, upon this occasion, brought before that tribunal on charges of treason, effected by open rebellion at the parish of St. Constant (Napierville), between the 3rd and 10th of November last, by the armed occupation of that village, with the avowed design of overthrowing the government of Her Majesty, and by various outrages and offences committed against the persons and properties of Her Majesty's subjects, at that period in furtherance of the said rebellion.

After mature deliberation on the evidence adduced for the prosecution and defence, the court found the eleven prisoners above named guilty of the charges preferred against them, and they received sentence of death accordingly, with a merciful recommendation in favour of Thomas Surprenant and Benoin Verdon.

The Court Martial again assembled on the 20th March, and proceeded with the trial of Clovis Patenaude for treason, and of Charles Mandat and Moyse Longtin, fils de Jacques, for treason and the murder of Mr. Walker, at the parish of St. Constant, on the night of the 3rd of November last, this being the fifth of the trials first referred to. The assembling in arms with intent to subvert the Government was distinctly proven against the three prisoners, and sufficiently established the crime of treason. The implication of Charles

Mandat, and the actual participation of Moyse Longtin, in the murder of Mr. Walker admitted of no doubt. It was shown, however, that Mandat was naturally of an imbecile intellect, which had been since aggravated by the consciousness of his critical situation. The court passed sentence of death on the three prisoners, but recommended Mandat to the merciful consideration of the Crown.

The sixth trial to which I must now call the attention of your Lordship, commenced on the 25th of March, when Michael Allary, Joseph Goyette, Louis Hainault, Bazile Roy, Joseph Roy, Joseph Roy dit Lapenseé, fils de Louis, Édouard Tremblay, Phillippe Tremblay, François Vallée, Constant Bouisson, Charles Bergerin dit Langevin, pere, Antoine Charbonneau, Joseph Consineau, François Dixon, Louis Julien, Jean Baptiste Trudelle, Moses Dalton, Samuel Newcomb, and Jeremie Rochon, were arraigned upon charges of treason, the overt acts of which consist in rebellion at the parishes of St. Clement (Beauharnois), Chateaugay, and St. Martine (Baker's Camp), on the 4th of November last, and subsequent days, having taken up and borne arms against the Queen, attacked the Seigniorial House, and imprisoned the loyal inhabitants of those parishes.

After a patient investigation of the cases of these prisoners, the court sentenced the whole of them to death, recommending at the same time Louis Hainault, Édouard Tremblay, and Phillippe Tremblay, for a commutation of the sentence of death to a punishment of a less severe character.

On the 10th of April, Benjamin Mott, a native of the United States, was arraigned before the Court Martial (this being the seventh of the cases first above referred to) on charges of treason, of levying war against the Queen, at Odelltown, on the 7th of November last, of the murder of one Robert M'Intyre, and of aiding and abetting in the said murder. The prisoner was convicted on the first, second, and fourth counts of the accusation preferred against him, and was sentenced to be executed.

The case of this man was one which had been necessarily deferred until the last, in consequence of the deficiency of legal evidence to convict him of crimes in which he was notoriously implicated. The facts elicited upon his trial most satisfactorily established his intimate and active participation in the revolt. It was proved that he came in a barge from the United States, with others, and landed in Lower Canada on the morning of the affair at Odelltown; that he had disembarked one piece of artillery and a large quantity of small arms from this barge, which were subsequently employed by the rebels in the action, where he served the piece of artillery himself, having been seen to discharge it on Her Majesty's forces two or three times. The case of this man was altogether of an aggravated nature, and nothing but the conviction that the cause of public justice had been already sufficiently vindicated, and the primary objects of all capital punishments effectually attained by the executions which had already taken place averted the effect of the sentence which was pronounced upon him.

This trial has brought to a conclusion the labours of the Court Martial, which have been prosecuted with a patient assiduity, a minuteness of inquiry, and an impartiality most honourable to that tribunal.

The sentences pronounced in all the above cases, as well as in those which have been already submitted for the information of your Lordship, will be commuted to transportation, and, in some few instances to banishment from the province. It only now remains for me to select those individuals whose guilt and whose dangerous character render it indispensable that they should be removed from this colony. When I mention to your Lordship that the prisoners brought before the Court Martial were those most prominent for their guilt and mischievous activity of character, it will be evident that very little ground remains for discrimination between the cases of those under conviction. Eighty-nine convicted prisoners, now under sentence of death, remain to be disposed of. In the cases of ten of this number, favourable circumstances or the recommendations of the Courts Martial, may justify the mitigation of their sentences into simple banishment from the province. The remainder will be duly notified and prepared for their immediate transportation to a penal colony, on the arrival of the vessels which Her Majesty's Government may have destined for their conveyance; a measure which appears absolutely necessary, under existing circumstances, to restore the confidence

No. 11.  
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of the loyal part of this community, and to secure the continuation of tranquillity in the province.

I have, &c.

(Signed) J. COLBORNE.

The Marquis of Normanby,  
 &c. &c. &c.

(No. 67.)

No. 12.

No. 12.  
 Sir John Colborne  
 to the Marquis of  
 Normanby.  
 6th May, 1839.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE, G.C.B.,  
 to the Marquis of NORMANBY.

MY LORD,

Government House, Montreal, 6th May 1839.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 22nd of March, 1839, with which was transmitted, for my information, a petition from Messrs. Lafontaine and Mondelet, of Montreal, to the House of Commons, containing charges of a general character against the executive government of this province, and also accusations of personal injustice and oppression exercised against the prisoners themselves.

It appears to be alleged; that *carte blanche* had been given to the government to execute arbitrary and unwarrantable arrests that a commission had been subsequently appointed to entrap prisoners into self-incrimination, and that such prisoners had been denied all reparation at civil law by an ordinance of indemnity; that devastations and excesses had been committed by Her Majesty's troops and the volunteers; led on by their superior officers; that opinions had been obtained from certain of the judges, extra-judicially; that other judges had been suspended; and that the revolutionary printing-presses had been seized and suppressed.

These charges are combined with a general arraignment of the ordinances of the special council, of the declaration of martial law, and of every precautionary measure forced upon the government by the wicked instigators and abettors of the late revolt.

Before proceeding to the individual cases of the petitioners, or to treat of Mr. Viger's case, which is specially referred to in their petition, I must draw the attention of your Lordship to the alarming crisis which menaced the safety of the province in the month of November last, and I shall have no difficulty in showing that the precautionary measures sanctioned by me were demanded by the imminent and increasing danger of the country.

Late in the month of October, and previously to the embarkation of the Earl of Durham, it was known to the executive government, and to the inspector of police in the city of Montreal, that upwards of 3000 conspirators had bound themselves by secret oaths in that city alone, and were prepared to rise on a preconcerted day in open rebellion. On my arrival in Montreal, early on the morning of the 4th of November, I found that the population of several counties on the river Richelieu, of Chateaugay, Beauharnois, and of Terrebonne, in the rear of the city, were in a state of declared insurrection, and that murder and various outrages upon persons and property had been already committed, and were actually in progress. The terrified loyalists from the surrounding country flocked into the town, and augmented the alarm and excitement which pervaded the community. A council was immediately summoned, martial law was declared, the volunteers armed and called into active service, and such military preparations made as might restore confidence to the timid, and afford support to those who had spontaneously rushed forward in the cause of their Sovereign. At the same time, the inspector of police in Montreal received general instructions, with reference to the extent and danger of the conspiracy, to arrest at once any persons who might justly be suspected of having promoted or being implicated in the existing revolt. It can be a matter of little surprise that, at such a moment, individuals whose notorious principles and previous conduct and character had identified them with the cause of disaffection should have been secured by the magistrates in charge of the police.

Few cases occurred in which legal formalities were not strictly observed. In these cases the emergency and characters of the men did not admit of any delay which might have permitted their escape. The parties were dangerous from their

influence and their previous political career, and had long been suspected; it only remains to show their identity with the cause of revolt, to justify their arrest and subsequent imprisonment.

Mr. Lafontaine is an advocate, and was formerly member for the county of Terrebonne.

The document (No. 1) will show the part he took at a violent meeting which occurred at Ste. Rose, in this district, on the 11th June, 1837, where he supported, by his example and exhortations, a series of revolutionary resolutions. His intimate connexion and correspondence with the chiefs of the rebel party, in 1837, will not be denied.

The documents (Nos. 2 and 3) are a copy of a letter addressed by him, in the early part of the year 1837, to J. J. Girouard of St. Benoit, one of the most active rebel leaders at the Grand Brulé, accompanied by vouchers to its authenticity.

By this letter Mr. Lafontaine assures his correspondent of Viger's and Papineau's readiness to advance 20,000*l.* to arm the peasantry in the northern section of the district of Montreal ("Les Bonnets bleus du Nord"), where Girouard's influence and power were very great.

During the revolt of 1837, Mr. Lafontaine suddenly quitted this province for Europe, whence he returned about the period of Lord Durham's Proclamation of Amnesty. When arrested upon the occasion in question, the agents of the police were at the same time in search of J. J. Girouard, represented to have renewed his intrigues, and to have been for some time actively and conspicuously employed in traversing different parts of the country, and who was on the 4th November residing at the house of Mr. Lafontaine, in Montreal.

Mr. Mondelet is also an advocate.

In 1837 he had ostentatiously enlisted himself in the ranks of the "Enfans de la Liberté;" was President of the Central Committee; and more recently had rendered himself conspicuous by the inflammatory and seditious language employed by him in defending the prisoners accused of the murder of the unfortunate Chartrand. This speech (a report of which is annexed, No. 4) was calculated to increase the revolutionary excitement which continued to exist, and to produce the outrages of an atrocious character which occurred in a part of this district.

The imputation cast upon the commission of inquiry is unsupported by anything beyond the assertion of the petitioners. Upon the suppression of the revolt a commission was appointed, composed of four barristers of Montreal, gentlemen of high standing and character, to inquire into the cases of nearly 800 prisoners, confined in the gaol of this district, the greater proportion of whom had been actually taken with arms in their hands. The object of this commission was to investigate individual cases, to report upon their respective and relative criminality, and expedite, as far as might be consistent with the public safety, the release of those in whose favour any palliative circumstances could be rationally advanced. In the routine of their inquiries Messrs. Mondelet and Lafontaine appeared before them, and their conduct on the occasion is stated in the Report of the Commissioners.

The ordinance of indemnity, which has been made a subject of grievance, is an act considered necessary by the Special Council for the protection of the officers of the government, and of the individuals who were required to assist the government in securing the tranquillity of the province, and requires no defence at my hands.

It is equally unnecessary to advert to the general denunciation of the ordinances of the legislature, the declaration of martial law and the proceedings of the courts-martial, the object, intent, and necessity of which has been already explained in my different despatches on these subjects to Lord Glenelg, and which must be obvious and intelligible to all but those whose designs they were calculated to punish or control.

The charges preferred against her Majesty's troops by the petitioners, "led on," as it has been asserted, "by their superior officers," are reckless and unprincipled accusations, implied rather than imputed, but which at the same time demand serious and thorough investigation.

The results of the late insurrection have been deplorable in all cases. Some parts of this district have suffered more severely than others; but in every instance the wickedness and the misery, the spoliation and destruction, are to be attributed to those who evoked the insurrection, and who enacted the revolt. Were the petitioners, when they caused this statement to be laid before the House of Commons, unacquainted with the atrocities, murder, pillage, and personal outrage perpetrated between the 3rd and 9th days of November last upon the loyal subjects of her Majesty, unprepared for defence, and as yet unsuccoured by her Majesty's troops?

No. 12.  
Sir John Colborne  
to the Marquis of  
Normanby.

6th May, 1839.

Enclosure No. 1.

Enclosures Nos.  
2 and 3.

Enclosure No. 4.

Enclosure No. 5.

No. 12.  
Sir John Colborne  
to the Marquis of  
Normanby.  
6th May, 1839.

Were they unaware that in the immediate vicinity of Napierville alone seventy-five loyal families were compelled to fly to the woods, leaving their property to be despoiled by the rebel force then concentrated in that village? Were they ignorant that during the interval of those days between four and five thousand rash and lawless men, knowing no discipline or restraint, unprovided with stores or provisions, had assembled in the small village of Napierville, containing about eighty houses; that they had ejected the inhabitants for their own reception; and that in search of necessary food at that period of licentious disorder they had preyed indiscriminately on friend and on foe? I have to acquaint your Lordship that when her Majesty's troops entered Napierville on the 10th November, they found the prison of that village full of unfortunate persons, who had been incarcerated by the rebels; they found every house on the line of march, and almost every house in the village, abandoned and void of effects, whether removed by the former inmates or pillaged by the flying rebels.

Almost simultaneously with the march of the troops from their quarters fires broke out in the village; and, if houses were subsequently destroyed in different parts of the surrounding country, it is more natural and more just to attribute these acts to the exasperation and retaliation of those who had suffered so much, and so recently, than to the troops, whose future quarters would be necessarily straightened by their destruction.

I have to assure your Lordship that, with the exception of a few buildings which had been employed as depôts for arms, and which were very properly burnt by the direction of Sir James McDonell, no such charge can be imputed to Her Majesty's troops.

In the subsequent march of that officer through the insurgent counties on the Richelieu, in search of arms and ammunition, through a partial misapprehension of instructions the troops were subsisted by a modified requisition on the inhabitants.

Upon information of this occurrence reaching head-quarters, the Commissary-General was instructed to pay for the provisions furnished the troops under these circumstances.

The accompanying enclosures, Nos. 6 and 7, will show how strictly these instructions were obeyed; and when I acquaint your Lordship that one of the principal parties who claimed and received indemnification was a man conspicuous for his disaffection, your Lordship will not doubt but that others, had the case occurred, would not have hesitated to follow his example.

A charge, however, of a more grave character has been brought against Her Majesty's troops by the petitioners. The documents which I have transmitted to the General Commanding-in-Chief will explain to your Lordship the exact nature of these charges: they will show the immediate and searching investigation instituted; that an officer was promptly despatched from head-quarters, who found that his inquiries into these cases had been already anticipated by the active intervention of the officers commanding on the spot. They will show that every encouragement was given, and every facility afforded, in the most public manner, to the parties aggrieved to identify the accused. That in one or two cases the parties neglected to attend at the period and place assigned for the investigation; that in one case they failed entirely in their proof; and that in the only case clearly established (the case at Ste. Marie Monnoir) the injured party was generally admitted to be a person of dissipated and abandoned character.

It is indeed deeply to be regretted that even one such occurrence should have afforded grounds for so general and gratuitous an imputation as that to be implied from the language of the petitioners. The harassing nature of the service however, the difficulty and confusion in obtaining sufficient billets, and the necessity of detaching the men in small villages, and their unavoidable separation from their officers in certain cases, will explain the cause of any momentary irregularity. The accompanying documents (Nos. 8, 9, 10, and 11) satisfactorily prove, by the orders issued and the precautions taken, the unremitting exertions of every commanding officer to maintain the strictest discipline, and a scrupulous respect for private property. And I am happy to add that, under very trying circumstances, with the rare exceptions above noticed, they were successful.

Before the end of November the inhabitants, who had either been driven from their houses by the rebels, or who, having been compelled by the leaders to take up arms, had subsequently fled from a fear of the consequences, returned to their respective parishes.

Tranquillity and order have been everywhere restored, except upon the frontier;

Enclosures Nos.  
6 and 7.

Enclosures, Nos. 8,  
9, 10 and 11.



and I have every reason to know that the presence of the troops in the disturbed counties is hailed, by all parties, as a protection from the effects of their mutual dissensions.

The suspension of the judges is a subject which has been already fully explained by former despatches. The imputation of having required extra-judicial opinions from the judges is a vague and general charge, as groundless as it is undefined.

The suppression of seditious newspapers, and the seizure of the presses from which they circulated, was the natural and necessary consequence of the insurrection they had fomented. The inflammatory articles dispersed through the medium of these publications had irritated the feelings and buoyed up the hopes of the disaffected. To them may be attributed the revived agitation which preceded the revolt, and they were, upon the outbreak, disarmed of the capacity of doing further mischief.

It remains for me to offer a few remarks upon the case of the Honourable Denis Benjamin Viger, Esq., who was arrested in November last, on suspicion of high treason, and who (since the period such terms were offered) has contumaciously rejected the terms upon which I have deemed it necessary to insist previous to his enlargement.

This individual has taken so active, and at the same time so conspicuous, a part in the growing troubles of this Province, that it is unnecessary for me to do more than to state those recent incidents which appear to establish his participation in the scheme of the late revolt and to justify his imprisonment.

The intelligence, activity, and influence of Mr. Viger, are well known. His wealth and his talents have been for many years employed in propagating the seeds of disaffection through the columns of the "Minerve," a highly seditious paper, in the French language, which was published in a house belonging to Mr. Viger, printed from a press and with types which were partially his property, and was supported by contributions from his pen.

On the flight of the editor and suppression of this journal during the revolt of 1837, the press and types of the "Minerve" were purchased at public auction by Mr. Viger, and, with the returning tranquillity of the Province, two French papers, the "Quotidienne," and the "Temps," and a short-lived English publication, styled the "Express," sprung up almost simultaneously, to counteract the hopes of the community. It is only necessary to observe that the articles marked off, in the copies of those newspapers which were transmitted to the Attorney-General by the Commission of Enquiry, establish the sedition and hostility to the government which they were intended to disseminate and inspire. The accompanying depositions will at the same time establish that all these papers were published in a house belonging to Mr. Viger, with a press and types exclusively his property, and edited by a person who has subsequently absconded from justice. That the funds of Mr. Viger were employed in the support of these papers is incontestible; his participation in their evil and seditious design is proved by extracts and proof-sheets of both the French papers, corrected in his handwriting, which also form part of the documentary evidence in possession of Her Majesty's Attorney-General of this Province, while it is further known upon oath that Mr. Viger had been seen upon the public market-place, recommending the perusal of these false and inflammatory publications to his credulous and susceptible countrymen.

Mr. Viger, in compliance with the recommendation of the Commissioners whose Report is annexed, has been offered his liberty, upon providing sufficient security to Her Majesty for his future good behaviour. With this condition he has refused to comply.

I have, &c.

(Signed) J. COLBORNE.

The Marquis of Normanby,  
&c. &c. &c.

No. 12.  
Sir John Colborne  
to the Marquis of  
Normanby.  
6th May, 1839.

Enclosures, Nos.  
12, 13, 14, and 15.

Enclosure No. 16.

Enclosure No. 17.

Enclosure I in No. 12.

Proposé par le Dr. Lachine, de Ste. Thérèse; secondé par le Dr. Pratte, de St. Vincent de Paul.

Que, désespérant d'obtenir justice du gouvernement de sa Majesté, le peuple du pays, con-  
servant plus de confiance dans les représentants du peuple Anglais, comme devant être plus  
amis des droits sacrés et des libertés publiques de leurs concitoyens des colonies, en a appelé

Enclosure No. 1.

No. 12.  
Sir John Colborne  
to the Marquis of  
Normanby.  
6th May, 1839.  
Enclosure No. 1.

par ses mandataires à l'honneur du Parlement Britannique pour faire reconnaître aux Ministres de sa Majesté la justice de nos plaintes ainsi que de nos demandes, et les forcer à entrer dans les voies d'une réforme sage et libérale, et d'autant plus nécessaire qu'elle est vivement sentie depuis longues années; mais que nous avons appris, avec des sentimens de douleur, et mêlés d'une profonde indignation, que, loin d'écouter la voix de la justice et de la saine politique en repoussant les propositions liberticides de Lord John Russell; faites au nom des Ministres de sa Majesté, et surtout la huitième de ses propositions, la majorité de la Chambre des Communes vient de leur donner honteusement son appui; et d'arracher par là au peuple du pays la dernière espérance qui lui restait, et les force à chercher ailleurs les sympathies qu'on lui refuse.

Paul Rollin, Ecuyer, de la paroisse de Ste. Thérèse de Blainville, après serment prêté sur les Saints Evangiles, dépose—

Que Dimanche, le onze de Juin dernier, dans l'après-midi, à une assemblée très nombreuse tenue à la porte de l'église de la paroisse de St. Rose (à laquelle assemblée le déposant a assisté par curiosité), Louis Hypolite Lafontaine, avocat de Montréal, et un des Représentants du comté de Terrebonne, a fait un long discours pour appuyer les résolutions ci-après mentionnées, et pour engager les assistants à les adopter. Que le déposant ne peut se rappeler la substance de ce discours, vu le long espace de temps qui s'est écoulé depuis ce jour, mais il se rappelle bien que ce discours a été applaudi par l'assemblée, qui a ensuite adopté les dites résolutions après avoir entendu les discours de plusieurs autres, qui ont parlé dans le même sens; entr'autres J. J. Girouard, notaire de St. Benoît, membre du Parlement Provinciale; et François Coiteux, Marchand, de Terrebonne.

Que les dites résolutions se trouvent dans la première et seconde colonne de la troisième page de la feuille publique intitulée "La Minerve," portant No. 36 du volume onze ci-annexé.

Que le déposant croit que ces résolutions et les discours plus haut mentionnés aient pour but de soulever le peuple de ce pays contre le Gouvernement de sa Majesté, d'exciter son mécontentement, pour l'engager à violer les lois de ce pays, et le porter à exciter en sa faveur la sympathie des Etats Unis, dont ils semblaient rechercher l'alliance. Et le déposant ne dit rien de plus, et a signé, lecture faite.

Assermenté devant moi,

(Signé)

PAUL ROLLIN.

(Signé)

P. E. LECLERC, J.P.

Montréal, 6. Déc. 1837.

(Copy.)

Michel Jacques Vilbor, Huissier, de la cité de Montréal, après serment prêté sur les saints Evangiles, dépose—

Que Dimanche, le onze de Juin dernier, dans l'après-midi, à une assemblée très nombreuse tenue à la porte de l'église de la paroisse de St. Rose (à laquelle assemblée le déposant a assisté), Louis Hypolite Lafontaine, avocat de Montréal, et un des Représentants du comté de Terrebonne, a fait un long discours pour appuyer le bruit de l'assemblée. Que le déposant ne peut se rappeler la substance de ce discours, vu le long espace de temps qui s'est écoulé depuis ce jour, mais il se rappelle bien que ce discours a été applaudi par l'assemblée, qui a ensuite adopté les résolutions ci-après mentionnées, après avoir entendu les discours de plusieurs autres, qui ont parlé avec violence au soutien d'icelle; entr'autres J. J. Girouard, notaire, de St. Benoît, membre du Parlement Provinciale; et François Coiteux, Marchand, de Terrebonne.

Que les dites résolutions se trouvent dans la première et seconde colonne de la troisième page de la feuille publique intitulée "La Minerve," portant No. 36 du volume onze ci-joint.

Que le déposant croit que ces résolutions et les discours plus haut mentionnés aient pour but de soulever le peuple de ce pays contre le Gouvernement de sa Majesté, d'exciter son mécontentement, et pour l'engager à violer les lois de ce pays, et le porter à exciter en sa faveur la sympathie des Etats Unis, dont ils semblent rechercher l'alliance.

Et le déposant ne dit rien de plus, et a signé, lecture faite.

(Signé)

M. JACQUES VILBOR.

Assermenté devant moi,

(Signé)

JOS. SHARTES, J.P.

Montréal, 7. Déc. 1837.

Enclosure 2 in No. 12.

Extract of a Letter addressed by L. H. Lafontaine to J. J. Girouard, on the  
18th February, 1839:—

"Rien de nouveau, si ce n'est qu'on parle de coercion: consolez vous; Viger et Papineau vous donneront vingt mille louis pour armer les Bonnets Bleus du Nord.—Abolissons le système féodal; autrement le vassal ne se réveillera jamais de son sommeil léthargique.

(Signé)

L. H. LAFONTAINE.

J. J. Gerouard, Ecuyer,  
St. Benoît.

Copy.

Enclosure 3 in No. 12.

Enclosure No. 3.

Alexander Maurice Delisle, Esq., of the city of Montreal, being duly sworn on the Holy Evangelists, deposes and saith, that he is well acquainted with the hand-writing of

Louis Hypolite Lafontaine, Esq., of Montreal, having frequently seen him write. A letter bearing date the 18th day of February last, addressed to "J. J. Girouard, Esq., Notaire Public, M. P. P., St. Benoit," beginning with the word "Montreal," and ending with the words "J. Girouard, Ecuyer, St. Benoit," being exhibited to this deponent, he declares that the said letter is of the hand-writing of the said Louis Hypolite Lafontaine; as also the signature at the foot of the said letter, and further saith not.

(Signed) A. M. DELISLE.

Sworn before me at Montreal, this 24th December, 1837.

(Signed) P. E. LECLERC, J. P.

No. 12.  
Sir John Colborne  
to the Marquis of  
Normanby.  
6th May, 1839.

Enclosure No. 3.

Enclosure 4 in No. 12.

Procès Politique. La Reine vs. Nicolas et al., accusés d'avoir mis à mort, le 27 Novembre 1837, pendant l'insurrection, le nommé Joseph Armand dit Chartrand, l'un des volontaires au service de sa Majesté stationnés à St. Jean, cités, pour répondre à cette accusation, devant le tribunal ayant juridiction criminelle dans ce district, le 6 Août 1838, et acquittés par le Jury, le 7 Août 1838.

Enclosure No. 4.

Procès Politique.

Nicolas, Daunais, Gédéon et Joseph Pinsonneau.

Ces quatre individus, accusés d'avoir tué Joseph Armand dit Chartrand, le 27 Novembre, 1837, pendant les troubles, à l'Acadie, où il avait été fait prisonnier par un parti d'insurgés, comme espion au service des volontaires stationnés au village St. Jean, sont cités à la barre du tribunal ayant juridiction criminelle, le 6 Août 1838, après un emprisonnement de 9 mois. Ils comparaissent, et occupent au banc des prévenus l'ordre dans lequel leurs noms sont placés ci-dessus.

Il passe 9 heures et demie lorsque les juges prennent leurs sièges. Le ministère public est au complet. Messrs. Walker et Charles Mondelet occupent pour les prévenus.

Il y a moins de monde que Mardi, lors de la 2e comparution de Mr. Jalbert, impliqué dans l'affaire Weir.

M. le procureur général fait appeler les témoins à charge, dont bon nombre ne comparaissent pas.

François Nicolas est un homme d'environ 40 ans, d'une taille au-dessus de la moyenne et bien prise, habillé de noir, avec pantalon à raies bleus; il porte des favoris et a les cheveux un peu grisonnés; son maintien est noble et décent; sa physionomie spirituelle, annonce du caractère; ses manières sont dégagées, mais sans ostentation. Il prête une oreille attentive à la lecture de l'acte d'accusation et à tout ce qui se dit. Un léger mouvement de pitié ou d'indignation semble effleurer ses lèvres chaque fois que le greffier prononce les mots de "poussés par l'instigation du diable," formule surannée et qui trahit l'origine féodale du code criminel qui nous régit.

Amable Daunais, âgé d'environ 25 ans, est petit, et, quoique décent, son maintien n'a rien que de fort ordinaire. Il a le teint très brun et les traits assez prononcés; porte un gilet noir, veste jaune à raies oranges, et pantalon d'étoffe du pays.

Joseph Pinsonneau est un grand jeune homme effilé, qui a tout au plus 20 ans, et dont la physionomie, assez agréable d'ailleurs, annonce un peu l'insouciance; porté gilet d'étoffe du pays, veste noire, pantalon bleu, rayé.

Gédéon Pinsonneau, plus jeune et moins grand de beaucoup que son frère, vêtu comme lui, est porteur d'une physionomie intelligente, et dont la vivacité paraît être le trait le plus caractéristique.

Tous, en un mot, sont comme il faut, et très fermes.

Le greffier fait l'appel des jurés tels qu'ils se trouvent sur la liste du sheriff.

Les prévenus en récuseut 19, et le ministère public 6. On remarque une couple d'individus très officieux qui suggèrent à M. le procureur général de récuser plusieurs jurés. Un des jurés recusés se trouve être à la fois par les accusés et par la couronne; car au moment où M. Walker prononça le mot *challenge*, M. le procureur général l'articula aussi.

Un des jurés ayant été recusé par ce dernier, au moment où il mettait la main sur l'évangile, M. Walker objecte à la récusation, sur le principe qu'elle est inadmissible une fois qu'un juré a touché le livre. M. Mondelet soumet la question à la cour, qui décide dans la négative.

Le jury qui doit connaître du procès est formé; il se compose des personnes dont suivent les noms:—

Charles Rivet, *président*,  
Antoine Paré,  
Joseph Damour,  
François Barbeau,  
André Bouthillier,  
Hubert Chagnon,

Michael Cadieux,  
Joseph Perras,  
Antoine Normandin,  
Charles Morin,  
François Boyer,  
Pierre Corbeil.

Lecture de l'acte d'accusation étant faite,

M. le solliciteur général O'Sullivan ouvre la procédure; il dit en substance, en s'adressant à Messrs. les jurés, que l'acte qu'on vient de lire contient deux principaux chefs d'accusation. En premier lieu, que François Nicolas se trouve impliqué comme principal, et les trois autres prisonniers, comme complices au premier degré. En second lieu, que le crime terrible dont il faut s'enquérir est celui de meurtre. M. le solliciteur général définit ce crime, en fait le tableau le plus hideux. Sa voix, tremblante, fait voir qu'il est en proie à un ressentiment, que

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 6th May, 1839.  
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son zèle ardent ne tarde pas à confirmer. Jamais peut-être, dit-il, dans les annales des procédures criminelles, on ne vit de crime aussi barbare, accompagné de circonstances plus aggravantes. Il raconte avec véhémence les détails de l'affaire, puis ajoute que rien ne peut justifier Nicolas; qu'il agissait comme commandant; qu'il s'était arrogé le droit de donner des ordres, les avait fait exécuter, et qu'il avait ainsi causé la mort à son semblable. Que si les faits sont tels qu'il les rapporte, et il se fait fort de le prouver, les autres prisonniers ne sont pas moins coupables. Quant à Gédéon Pinsonneau en particulier, dit M. le solliciteur, serait-il excusable parce qu'il est jeune?—Non, messieurs, de pareilles considérations ne doivent pas vous préoccuper. Le crime dont il est accusé est trop grave pour que son âge puisse lui servir d'écran. Si en le commettant il savait ce qu'il faisait, vous devez le condamner et n'avoir pas plus pour lui d'indulgence que pour les autres. C'est la jeunesse qui dans tous les pays bouleverse l'ordre social; porte atteinte aux lois et aux principes sur lesquels reposent les autorités, ces principes conservateurs, messieurs, qu'il est de votre devoir comme du nôtre de maintenir. Il dit ensuite qu'on cherchera peut-être à faire croire que Joseph Pinsonneau a été porté à faire le mal contre sa volonté et qu'il agissait sous l'influence de la crainte. Il définit l'espèce d'influence qui peut excuser en pareil cas, avance qu'elle ne peut s'appliquer au prévenu, s'étend au long sur l'horreur de ce crime, et dit qu'il aurait pu devenir plus énorme en donnant lieu à un autre crime plus grand encore. M. le solliciteur général termine son allocution par un appel aux passions. Il rappelle aux jurés qu'ils sont probablement tous des pères de familles, qu'ils ont des fils sur lesquels ils doivent veiller et dont ils répondent en quelque sorte de la conduite; qu'ils ne doivent pas oublier que s'ils ne rendent pas justice, les mânes de Chartrand sortiront du tombeau pour les accuser devant un tribunal suprême, et que leur conscience, bourrelée de remords, ne leur laissera pas un instant de repos. Il parle de leur soumission à leurs prêtres et cite le commandement de Dieu: *Homicide point ne sera de fait ni volontairement*; il appelle le glaive de la justice sur la tête des coupables, le répète, et ne leur dit qu'une fois que s'ils croient les accusés innocens de ce dont on les accuse, de la déclarer. Il fait l'éloge du défunt, et compare l'affaire qui fait le sujet du procès à la fable du loup et de l'agneau. Il parle du ton le plus passionné, et achève en disant que le sentiment du devoir seul le fait agir, et non pas la passion.

Les témoins à charge, au nombre de plus de 30, sont appelés et conduits hors de cour dans une chambre à part, d'où ils viennent un à un comparaître, à mesure qu'ils en sont requis par M. le procureur général; on permet à 5 d'entr'eux de rester en cour.

M. Charles Mondelet fait ensuite l'appel des témoins à décharge qui, sur sa requisition, sont conduits dans une chambre distincte de celle des autres.

Et on entre en preuve.

Etienné Langlois, interrogé par M. le procureur général, répond qu'il est menuisier et demeure à l'Acadie.

Le procureur général. Etiez-vous chez vous le 27 Novembre dernier?

Langlois. Je ne me rappelle pas la date; je crois que j'y étais ce jour-là.

Le proc. génl. Quelqu'un vint-il vous demander?

Langlois. Non.

Le proc. génl. Etiez-vous en voyage à cheval?

Langlois. Oui.

Le proc. génl. Fîtes-vous quelque rencontre?

Langlois. Oui, je rencontrai M. René Garant et le jeune Pinsonneau.

Le proc. génl. Lequel des Pinsonneau?

Langlois. Le plus petit, [c'est-à-dire Gédéon.]

Le proc. génl. Vous ont-ils parlé?

Langlois. Oui, M. R. Garant m'adressa d'abord la parole.

Le proc. génl. Que vous a-t-il dit?

Langlois. Qu'il fallait aller avec eux.

Le proc. génl. Racontez ce qui s'est passé alors.

Langlois. J'étais donc avec eux. Nous nous rendîmes chez Surprenant, l'aubergiste, au coin de la grande ligne à la fourche du chemin qui s'y trouve. Ils étaient 14, je faisais le quinzième. Ils étaient tous armés, à l'exception de Barthélemi Poissant, qui n'avait qu'un fourreau de baïonnette. Nous ne sommes restés là qu'un instant. Nous nous remîmes en route. Rendus chez Eloi Roy, grande ligne, ces jeunes gens s'occupèrent à se badiner; ils riaient entr'eux. C'est là que j'entendis prononcer pour la première fois le nom de Chartrand, dont je n'avais jamais entendu parler auparavant, et qui n'était pas connu d'eux. Chez Eloi Roy, il n'y avait que les gens de la maison et le jeune Bissonnet. (Le témoin répond ici selon plusieurs interrogations de M. le procureur général.) Parmi nous se trouvaient M. Nicolas Darnaïs, Joseph et Gédéon Pinsonneau. Les quatre prisonniers à la barre. M. Nicolas se rendit chez David Roy avec Isaïe, fils d'Eloi Roy, je ne les vis pas entrer. Les autres demeurèrent chez ce dernier. On avait parlé de Chartrand, et je crois qu'il était chez David Roy. J'y fus ensuite aussi moi, avec les autres; on me força d'y aller. Ils me dirent qu'il fallait, absolument que je les accompagnasse, ils prirent ma jument par la bride et m'emmenèrent avec eux. Arrivés au pont de Paradis, une grande partie d'eux voulaient revenir sur leurs pas, M. Garant les en détourna. Garant commandait alors la bande. M. Nicolas et Isaïe Roy avaient dit, avant de partir pour chez David Roy, qu'ils s'allaient pour examiner une maison en voie de construction. Ils revinrent chez Eloi Roy après avoir été absents pendant environ un quart d'heure.

Le proc. génl. Après le retour de Nicolas et d'Isaïe Roy, est-il arrivé quelque chose?

Langlois. Oui, Flavie Mailloux vint et, sans s'adresser à personne, dit à la porte: "Le voilà qui s'en va, si vous voulez aller après," et Flavie Mailloux s'en alla aussitôt. On ne savait pas de qui il était question. Tous purent entendre. Personne n'avait été nommé. Je

sortis alors et vis Chartrand qui s'éloignait. Il prenait la route de Saint Jean. Garant et Nicolas dirent: "Oh! gens, partez." Tous partirent.

Le proc. génl. Vous savez que le défunt se nommait Armand dit Chartrand?

Langlois. J'ignore s'il se nommait Armand, je sais qu'on le nommait Chartrand.

Le proc. génl. De qui parlait-on?

Langlois. Je ne sais pas de qui on parlait. Je ne connaissais pas Chartrand.

Le proc. génl. Dit-on qu'on allait le suivre?

Langlois. M. Garant et M. Nicolas dirent: "Oh! partez."

Le proc. génl. Etait-ce aussitôt que Flavie Mailloux eut dit qu'il s'en allait?

Langlois. Oui.—Tous les gens partirent,—ils étaient à jouer, M. Nicolas se trouvait parmi nous. Je ne pense pas qu'ils savaient alors précisément où ils allaient. René Garant me présenta son fusil en disant: "Tiens, je vais m'en procurer un autre."—Beaulieu, Ouimet et deux autres, prirent les devans.—Nous coupions le chemin à Chartrand.—Plusieurs purent le rejoindre à 15 arpens. Quatre jeunes gens le ramenèrent vers nous, c'est à dire du côté de Nicolas qui se trouvait derrière. M. Nicolas ne parla pas; seulement il fit signe avec sa canne de passer par une barrière dans un champ. Nous y passâmes. M. Nicolas prit les devans, nous suivions. On se dirigeait vers une petite pointe de bois à environ 20 arpens des habitations. M. Beaulieu, qui était en avant, dit: "Arrêtez," se rendit avec Chartrand à Nicolas qui s'arrêta à son tour. Ce dernier demanda alors au défunt s'il était vrai qu'il eût dit: "Je sais où il y a des cochons et des bœufs gras?"—Chartrand répondit: "Je n'ai pas connaissance d'avoir dit cela."—Nicolas dit: "Vous l'avez dit, je l'ai entendu de mes propres oreilles,—vous pouvez faire votre acte de contrition." Il lui demanda aussi s'il y avait des volontaires à St. Jean. Après quoi, se tournant du côté des autres, il leur dit: "S'il a fait telles et telles choses, (qu'on ne fait pas préciser au témoin) a-t-il mérité la mort?"—Plusieurs répondirent: "Oui, oui." Je ne saurais dire lesquels. Après cela, Beaulieu se trouvant près de Nicolas dit: "Feu." Il se peut que ce dernier l'ait dit aussi, mais je ne puis le certifier; il était trop éloigné de moi pour le remarquer.—Nicolas n'avait qu'un bâton à la main. Au mot feu, une décharge se fit. Il y en eut cinq qui tirèrent, Beaulieu, Joseph Pisonneau et trois autres que je ne puis nommer, je ne les connaissais point.—Chartrand tomba; puis, se relevant sur ses genoux au bout d'une minute, leur demanda de l'achever.—Alors, Joseph Pisonneau fut forcé par Beaulieu de tirer un second coup. Deux autres, Giroux et Ouimet, aidèrent à Beaulieu; ils chargèrent le fusil et commandèrent à Pisonneau d'achever Chartrand, alors à terre se mourant. Je ne puis dire si ce dernier coup l'atteignit.—Il se débattait après les cinq premières décharges.

Un juré. Entendez-vous parler de décharges ou de coups de feu?

Langlois. De coups de fusil. Chartrand gisait sur le côté, lorsque le dernier coup fut tiré, il remuait encore lorsque nous sommes partis. Ni Daunais, ni Gédéon Pisonneau ne tirèrent. Aucun de la bande n'approcha du corps de Chartrand, excepté Beaulieu.

Le proc. génl. Comment appelez-vous l'endroit où le crime fut consommé?

Langlois. Le fait est arrivé dans une pointe de bois, sur les terres qui se trouvent entre le petit Bernier et Beaujarret, peut-être sur celles de Beaujarret. Je crois que le terrain dépend de la paroisse de l'Acadie, c'est à environ une lieue et demie de St. Jean, district de Montréal.

Le proc. génl. Chartrand était-il mort quand vous partîtes?

Langlois. Je crois qu'il mourut de suite.

Le proc. génl. Quelle direction prit la bande en s'en allant?

Langlois. M. Nicolas gagna les Bernier, les autres se dirigèrent du côté d'Eloi Roy, où j'allai.

Le proc. génl. Quelle heure était-il?

Langlois. On partit au soleil couchant.

Le proc. génl. De quel train Nicolas s'en allait-il? S'il courait?

Langlois. Il allait le pas.

Le proc. génl. Au pas accéléré?

Langlois. Il marchait.

Le proc. génl. Après la première décharge, Chartrand n'a-t-il pas dit autre chose que ce que vous avez mentionné?

Langlois. Il n'eut que le temps de dire: "Oh! mon Dieu! achevez moi," et il écrasa de nouveau.

Le proc. génl. Donnez nous le signalement du défunt.

Langlois. C'était un homme de haute taille, bien prise; il portait un manteau de camelot.

Le proc. génl. N'était-il pas marqué de petite verole?

Langlois. J'ignore s'il était *picoté*. Je ne le connaissais pas.

Le proc. génl. Lorsqu'on courait après lui pour le rejoindre, allait-il vite?

Langlois. Il allait bon pas.

Le proc. génl. A quelle distance tira-t-on sur lui?

Langlois. A deux perches et demie.

M. Charles Moudelet dit qu'on a peut-être oublié d'envoyer les témoins dans la chambre qui leur est destinée, attendu qu'ils sont encore dans le corridor, et qu'il importe qu'ils soient conduits ailleurs.

M. le juge en chef dit que la cour n'a pas fait acte d'auditorie à leur égard; qu'elle n'a simplement que permis qu'on les fit retirer pour favoriser la demande qui en a été faite, et suggère d'envoyer quelqu'un auprès d'eux leur dire de ne pas entrer en cour; que s'ils y viennent sans être appelés, ils ne seront plus reçus à déposer.

No. 12.  
Sir John Colborne  
to the Marquis of  
Normanby.  
6th May, 1839.

Enclosure No. 4.



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*Contre-examen.*

Etienne Langlois, interrogé par M. Mondelet, répond qu'il n'avait jamais entendu parler de Chartrand avant l'accident. Il craignait qu'en n'accompagnant pas la bande il lui arriverait du mal. C'est M. Garant qui le força de la suivre en arrêtant son cheval par la bride, lorsqu'il la rencontra sur la voie publique. Elle se composait de 14 patriotes, commandés par Garant. On disait qu'on allait à St. Charles. Le témoin comprit qu'on le menait au feu de St. Charles. La nouvelle du combat qui s'y livra n'était pas arrivée. Ceux avec qui il se trouvait ne parlaient que d'y aller, et on ne s'attendait pas à autre chose que de partir et de s'y rendre. C'était le 27 Novembre, le Lundi. Lorsqu'il rencontra ces jeunes gens, Garant lui dit: "Il faut que tu viennes." Rendus au pont du Paradis, 4 ou 5 d'entr'eux voulurent revenir sur leurs pas. Pas un seul des 14, avec lesquels il se rendit d'abord chez Surprenant, n'était marié. Il aperçut un homme qui s'éloignait, quelqu'un dit: "Voilà Chartrand." Il ne savait pas si c'était lui, car il ne l'avait jamais connu. Ils se rendirent chez Eloi Roy dans le dessein d'aller à St. Charles. La maison d'Eloi Roy lui parut être le rendez-vous où devaient s'assembler les patriotes de la localité avant de partir pour St. Charles. Les jeunes gens riaient entr'eux, et s'amusaient, tout en parlant de l'expédition projetée. Ce fut là qu'il fut question de Chartrand pour la première fois. Nicolas était chez Surprenant avec les autres et lui aussi, il parla d'aller à St. Charles; mais il n'y fut nullement question de Chartrand. Nicolas demeurait tout près de chez Surprenant, de sorte qu'on ne devait pas être surpris de l'y voir. De-là on se rendit chez Eloi Roy pour gagner ensuite St. Charles. Daunais était un de ceux qui avaient un fusil. Le témoin ignore si on avait parlé d'une assemblée chez David Roy; ne connaît que Nicolas et Isaie Roy qui allèrent chez ce premier; ne sait pas si Nicolas avait reçu des ordres, ni quels sont ceux qui se prononcèrent pour la mort de Chartrand. MM. Giroux, Beaulieu, et Ouimet étaient les chefs; ils étaient très-agissans, et on leur obéissait. Il ne peut dire qui donna le commandement de tirer sur Chartrand, il était troublé dans le moment, tous l'étaient plus ou moins. Beaulieu, Giroux et Ouimet étaient ceux qui se trouvaient alors le plus près de Nicolas. Joseph Pinsonneau était dans une agitation extrême, et Langlois était lui-même trop agité pour bien s'apercevoir de tout. Les 5 qui firent feu tirèrent ensemble, peut-être y eut-il l'intervalle d'un moment entre quelques-uns des coups. Chartrand était debout quand on tira sur lui. Il achevait de mourir lorsque fut tiré le dernier coup. Beaulieu ôta à Joseph son fusil violemment, le força à charger son arme. Joseph répliqua qu'il voulait pas tirer. Beaulieu lui sembla de force son fusil dans les mains, lui disant: "Tire, si tu ne tires pas, je le ferai tirer." Beaulieu était extrêmement agissant, il lui dit que s'il n'agissait pas qu'il le ferait agir. Gédéon Pinsonneau ne tira pas, non plus que Daunais. Ouimet et Giroux arrièrent à charger le fusil et à contredire Joseph à tirer.

M. Mondelet ayant demandé au témoin s'il aurait tiré dans de pareilles circonstances,

M. le procureur général s'y oppose, sur le principe que c'est-là une matière d'opinion.

MM. Mondelet et Walker répliquent; ce dernier surtout soutient que ce n'est pas une matière d'opinion; qu'il s'agit tout bonnement de savoir si lui, Langlois, qui était présent à l'affaire, et qui par conséquent est en état d'en juger, aurait fait ce qu'on attribue à l'un des Pinsonneau.

M. le juge en chef décide en faveur des officiers de la couronne.

L'interrogatoire de Langlois se continue. Il ignore quel coup a porté; il est impossible de le dire. Beaulieu est celui qui avança le plus proche du cadavre. Il croit tout aussi bien que c'est Beaulieu que Nicolas qui a pu commander de faire feu. René Garant était resté chez Roy et était remplacé dans le commandement par Beaulieu. C'est Beaulieu qui donna l'ordre de faire passer Chartrand par la barrière; Nicolas n'avait fait qu'un signe avec sa canne. Interrogé de nouveau par M. le procureur général, Langlois répond que, rendus chez Eloi Roy, quelques-uns des jeunes gens parlaient d'aller à St. Charles; d'autres de Chartrand. On ne se trouva pas assez nombreux dans le moment pour entreprendre l'expédition, et l'idée d'aller à St. Charles fut abandonnée. Lorsque Flavie Mailloux dit: "Le voilà qui s'en va," c'est après Chartrand qu'on allait. La route où il était pouvait conduire à St. Charles, mais ce n'était pas celle par laquelle on passerait ordinairement pour y aller. A la nouvelle de la prise de St. Charles par les troupes britanniques, on se dispersa.

Interrogé par M. le juge en chef, Langlois dit qu'on tira sur Chartrand à la distance de 2 perches et demie, et que le coup de feu de Joseph fut tiré à la même distance.

Barthélemi Poissant comparait comme le deuxième témoin à charge. Interrogé par M. le solliciteur général, il répond qu'il est âgé de 17 ans, et qu'il connaît les accusés; il les nomme; il ne connaît pas Nicolas depuis long-temps. Nicolas était instituteur à l'Acadie. Le témoin dit qu'il demeure chez son père et qu'il fut emprisonné avant les fêtes de Noël pour affaire politique. Il ne connaissait pas Chartrand. MM. Ouimet et Giroux le commandèrent d'aller avec eux, pour aller en expédition contre St. Jean. Il partit avec eux. Il avait un fusil au départ et il le donna à Gédéon Pinsonneau. Ils le menèrent au pont de Paradis. Langlois était là. Ils allèrent ensemble chez Surprenant, y trouvèrent d'autres personnes qu'il ne connut pas. Les prisonniers s'y trouvaient parmi les autres. Il ne sait pas qui a dit: "Partons pour aller chez Eloi Roy." Ils étaient 13 ou 14.

De Surprenant à Eloi Roy il n'y a pas loin. Il ne sait pas qui a dit: "Partons pour aller chez Eloi Roy," où ils se rendirent; et où ils demeurèrent une heure et demie. Il ne vit sortir personne pour aller chez David Roy; mais quelqu'un dit: "Partons, il est temps." Il ignore si c'est Nicolas ou Beaulieu qui dit cela. Il ne fut pas question de Chartrand; on ne parlait que d'aller à St. Jean. Quelques-uns partirent, et entr'autres, les prisonniers; d'autres restèrent. Le témoin était au nombre des premiers. Quelques-uns dirent: "Allons après Chartrand," faisant allusion à quelque personne qui était sur la route et qu'on disait être Chartrand. Beaulieu, Langlois, Daunais, Ouimet et Pinsonneau l'atteignirent et revinrent avec

lui. Ils gagnèrent vers le bois. Il ne vit pas de barrière; mais il y avait une clôture, plusieurs passèrent par-dessus avec le témoin. Il ne sait pas si on fit passer Chartrand par la barrière. Il étoit qu'on le rejoignit dans le chemin, entendit parler dans la pointe de bois. Nicolas demandait aux autres: "A quel genre de mort le condamnez-vous?" parlant de Chartrand, qui n'étoit pas bien éloigné des autres. Beaulieu répondit: "Il faut le fusiller." Il n'entendit pas d'autres personnes répondre. Beaulieu et Nicolas donnèrent l'ordre de tirer. Nicolas n'avait rien à la main. Plusieurs tirèrent. Il ne sait pas quels sont ceux qui tirèrent. Joseph Pinsonneau tira, mais non les autres prisonniers; le premier tira deux fois, Beaulieu aussi, et Ouimet une fois ainsi qu'Étienne Langlois. On fit feu dès que l'ordre en fut donné. Chartrand tomba de la première décharge, et resta par terre. Après la première décharge il y eut plus d'un coup de tiré. Il ne peut pas nommer ceux qui tirèrent, Joseph Pinsonneau ne tira pas à la première décharge, mais il tira 2 fois. Il n'entendit pas parler Chartrand, et ne le vit pas se relever sur les genoux. On tira plus d'un coup après la première décharge, mais il ne sait par qui ils furent tirés. Il ne sut que plus tard, après le meurtre, que c'étoit Chartrand qui avoit été tué. Les jeunes gens le nommèrent dans leurs causeries en revenant. Après la seconde décharge, les gens partirent tout de suite. Il ne sait s'il étoit vivant ou mort, ni si les prisonniers ont dit que c'étoit Chartrand.

Mr. le juge Rolland pose quelques questions au témoin, qui répond qu'après qu'on eut rappelé Chartrand, on ne lui dit pas ce qu'on alloit lui faire, on ne le savoit pas.

#### Contre-examen.

Mr. Mondolet interrogé. Poissant dit qu'il n'avoit jamais vu Chartrand, et ne savoit si cet homme (parlant du défunt) étoit Chartrand. Garant nous ordonna d'aller chez Roy. Garant commandait, il paroissoit être le capitaine. Je ne sais pas si il étoit question d'aller à St. Charles, mais on parloit de marcher sur St. Jean. J'obéissais à Garant et ne suivis ses gens que parce qu'il me l'avoit commandé. On ne parla pas de St. Jean chez Eloi Roy. En nous rendant chez Surprenant, Langlois étoit de la bande. Je donnai mon fusil à Pinsonneau. Il est certain que Langlois a tiré. Daupais et le jeune Pinsonneau refusèrent de tirer. Beaulieu et Nicolas commandaient depuis chez Roy. Chartrand étoit à terre lorsque Beaulieu arracha le fusil de Joseph Pinsonneau, le chargea et lui ordonna de tirer. Pinsonneau étoit très ému, j'étais moi-même troublé, et il étoit comme fou; il avoit l'air d'avoir peur de Beaulieu et de n'agir que parce qu'il le commandait. Je peux dire que Beaulieu et Nicolas ont commandé de faire feu. J'étais assez troublé pour n'avoir pas tout bien compris, tellement que je ne pourrais pas bien rapporter ce qui s'est alors passé. Il est possible que je n'aie pas tout entendu. Il se peut que j'aie dit que j'étais alors sans connaissance. On tira aussitôt que Beaulieu l'eut ordonné. Après l'affaire je retournai chez Eloi Roy. Je ne me rappelle pas qui a tiré la première fois. J'étais en arrière des autres et suis resté à la même place tout le temps. M. Beaulieu chargea le fusil de Joseph Pinsonneau la première fois qu'il a tiré.

Jacques Surprenant, 3e témoin à charge, dépose: Je suis aubergiste, et je demeure à l'Acadie; j'y étois en Novembre dernier. Un jour, je ne puis dire si c'est le 27, j'aperçus 12 à 15 jeunes gens qui venaient chez moi. Je ne puis pas dire si tous les prisonniers en étoient; René Garant et François Nicolas en formaient partie. Ils sont demeurés un quart d'heure ou une demi-heure chez moi, et ils sont tous repartis ensemble pour aller chez Eloi Roy. Nicolas portait un pavillon. Il s'agissoit de se rendre à St. Charles. J'allai chez Eloi Roy pour les détourner de leur projet. Il y fut question d'arrêter un nommé Chartrand. Je ne le connaissais pas, je ne savais pas où il étoit. Aucun des prisonniers ne savoit où étoit Chartrand. J'ai entendu dire chez Eloi Roy qu'il falloit le faire prisonnier. Il a été question de chaînes, je ne sais à qui on les destinoit. Je suis allé chez David Roy ensuite, avec Isidore Roy. Je vis un homme que David Roy me dit être Chartrand. Je mentionnai à Mr. David Roy qu'on avoit parlé chez Mr. Eloi Roy d'arrêter Chartrand, et lui demandai s'il étoit d'opinion à fournir des liens pour le garotter? David Roy dit qu'il n'étoit pas vrai qu'il vouloit fournir des chaînes ou des cables pour attacher Chartrand. Celui-ci avoit un manteau de camelot bleu et une ceinture rouge, une canne à la main; il étoit grand et pouvoit avoir de 35 à 40. Je crois sincèrement que c'étoit Chartrand. Parti de là, je suis entré chez Eloi Roy, d'où je partis l'un des premiers pour retourner chez moi. Je n'ai vu Nicolas que chez Eloi Roy avant qu'ils soient partis. J'ai dit que j'avois vu Chartrand chez David Roy. En prison, les prisonniers ne m'ont rien dit. Chez Eloi Roy quelqu'un des prisonniers me demanda s'il étoit chez David Roy, je ne puis dire lequel. Nicolas étoit chez Eloi Roy, et doit m'avoir entendu le dire, quoique je parlasse avec d'autres. J'ignore si les autres y étoient; je crois y étoient, mais je n'en suis pas certain.

#### Contre-examen.

Garant commandait et ils lui obéissaient implicitement. On me demande si j'avois invité M. Nicolas à venir chez moi ce jour-là; je n'ai invité personne, moi. On ne parloit que d'aller à St. Charles. J'ai compris que d'autres patriotes devoient venir en bandes et se rallier chez M. Eloi Roy, dont la maison étoit regardée comme le rendez-vous général. On disoit dans la paroisse que Chartrand étoit un mauvais homme, qui s'étoit vanté de vouloir mettre tout à feu et à sang dans la côte; un homme que l'on redoutoit beaucoup. Lorsqu'on a parlé de cordes, il n'étoit question que de le faire prisonnier. Tout se disoit ouvertement; on n'en faisoit aucun mystère. C'est ainsi qu'on a parlé d'arrêter Chartrand, et tout le monde doit avoir entendu, vu cette franchise, je me serais aperçu s'il se fut agi d'autre chose. Je ne sais pas si Nicolas entendit dire que Chartrand se trouvoit chez David Roy.

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M. le juge Rolland : Etiez-vous tous chez Eloi Roy quand vous êtes partis?

Surprenant. Oui.

Eloi Roy, 4e témoin à charge, dépose qu'il est cultivateur à l'Acadie. Il était chez lui à la fin de Novembre dernier. Etant à dîner tranquillement avec sa famille, une brigade de 10 à 12 jeunes gens, en parti armés de fusils, s'est arrêtée chez lui. Il ne saurait dire qui les commandait. Parmi eux se trouvait M. François Nicolas, qui exerce la profession d'instituteur depuis 2 ou 3 ans à l'Acadie. Il croit qu'un ou deux de ces jeunes gens avaient des baïonnettes. Ils se proposaient d'aller à St. Charles, et dirent qu'il devait y avoir assemblée chez lui. Il leur conseilla de ne pas aller à St. Charles. Là-dessus, Nicolas aurait dit que s'ils n'allaient pas à St. Charles il faudrait prendre Chartrand, donner des chaînes pour s'en assurer, et le mettre dans la cave en prison. Le témoin refusa. Nicolas lui demanda des cordes pour l'attacher, même refus de la part d'Eloi Roy. Quelqu'un de la bande dit que puisqu'ils n'avaient pas de place pour le mettre, il fallait le tuer. Cela fut dit assez haut pour que tout le monde pût l'entendre. On prit ces paroles pour un badinage. Il ne connaît pas les autres accusés. Il a connu Surprenant, Langlois, et Garant. On disait que Chartrand voulait brûler la grande ligne et s'emparer des biens. Le témoin suggéra de lever une prise de corps et de l'aller prendre. Monsieur François Nicolas a dit : " Quel diable pourrait le prendre à Saint-Jean ? " — Le témoin croit que Surprenant est allé chez David Roy, et qu'il est revenu chez le témoin, alors absent. Nicolas a dit : " Oh ! oh ! partons, il est temps. " Il avait un pavillon lorsqu'il est entré chez le témoin, qui est frère de David Roy ; il croit que Jacques Surprenant est parti pour aller chez David et qu'il en est revenu. Tous sont partis. Nicolas a laissé son pavillon chez le témoin, qui ne peut dire comment il était habillé. Il a vu un homme à huit arpens de lui qui s'en allait. Ne put pas distinguer si c'était Chartrand ; il était en avant ; il disparut à 10 arpens du témoin. Nicolas est monté sur la terre de ce dernier et les autres sur celle du voisin, en gagnant du côté de St. Jean. Les jeunes gens ont suivi Chartrand. Il a vu Etienne Langlois avec quelques autres qu'il ne connaît pas, sur le soir, et leur a demandé ce qu'ils avaient fait du prisonnier. Langlois dit qu'il n'avait pu le rejoindre. Le témoin n'a plus alors vu Nicolas ; n'a su que par après que Chartrand avait été tué, et n'a jamais vu le cadavre.

#### Contre-examen.

Le plus grand nombre de ces jeunes gens lui étaient inconnus. Il fut dit parmi eux qu'ils allaient à St. Charles.

David Roy, 5e témoin à charge. Il est cultivateur à l'Acadie. Il connaît Nicolas, mais non les autres, et demeure à 2 arpens d'Eloi Roy. Il faisait construire une maison, et n'a connu Chartrand que l'espace d'un mois ; c'était un homme robuste. Il était venu chez le témoin demander de l'argent. On était alors à l'époque où les guérets sont finis — après la Toussaint. Chartrand demanda de l'argent au témoin, mais celui-ci ne lui en avait pas, et lui répondit qu'il n'en avait pas. Ils se sont parlés en amis. C'était l'avant-dîner. Jacques Surprenant est allé chez le témoin pendant que Chartrand y était, l'a pris par son gilet, l'a conduit dans une chambre à l'écart, et lui a demandé des chaînes ou des cordes pour emprisonner Chartrand chez le témoin, qui répondit qu'il ne se mêlait pas de ces affaires-là. Surprenant sortit aussitôt. Le témoin n'en a rien dit à Chartrand, qu'il invita alors à dîner, mais ce dernier refusa. Surprenant et Bouchard passèrent alors s'en allant chez eux. Il ne vit personne suivre Chartrand, qui partit sur les 2 heures et demie. Beaulieu est allé chez le témoin avec Surprenant, mais il ne lui parla pas de Chartrand. Il vit à 12 arpens de chez lui ce dernier, qui s'en allait du côté de Beaujarret, mais ne le vit pas au-delà.

François Surprenant, 6e témoin à charge, demeure à l'Acadie. Le capitaine René Garant vint me commander pour aller à St. Jean, il était accompagné de 5 ou 6 patriotes ; aucun des prisonniers n'y était. Je suis allé avec lui chez Mr. Eloi Roy, grande ligne. Avant d'y arriver nous avons rencontré Mr. Nicolas chez Jacques Surprenant ; il avait un pavillon à la main. Je partis de chez moi sur les 8 heures du matin, et arrivai à 2 lieues de-là, chez Mr. Eloi Roy vers midi. Mr. Nicolas sortit, mais j'ignore où il est allé ; il ne revint qu'au bout d'une demi-heure, entra et dit : " Oh ! Oh ! partons, il est temps. " Plusieurs avaient des fusils, ils étaient en tout 9 ou 10 ; ils partirent, en prenant le champ, je ne sais pour ou aller ; car ils ne l'avaient pas dit. Je les abandonnai. Je n'ai pas connaissance qu'il fut question de Chartrand. Nicolas ne parla pas à tous, il avait parlé à Beaulieu.

#### Contre-examen.

J'ai été forcé de marcher par le capitaine Garant, qui était armé et accompagné de 5 ou 6 hommes aussi armés, et dont deux avaient des baïonnettes. J'ai cru plus prudent d'obéir que de résister. Garant agissait sur les autres comme quelqu'un qui commande. Ils ne dissimulaient pas leur intention d'aller à St. Jean.

Pierre Beaulieu, 7e témoin à charge, huissier, de l'Acadie. Le 27 Novembre dernier, il s'est trouvé chez un nommé Lord à Beaujarret, sur les 3 heures de l'après-midi. Il a vu passer plusieurs personnes venant du côté de la grande ligne, parmi lesquelles il a reconnu de vue tous les prisonniers, ils n'étaient pas tous armés ; Nicolas ne l'était pas ; il a parlé à Langlois, qui ne lui a pas répondu. Ensuite il vit Nicolas et lui demanda où ils allaient ; il répondit qu'ils couraient après un homme qui voulait mettre le feu. Il continua sa route. Nicolas n'était pas à la tête de la bande. Il leur a crié : " Attendez-moi, mes gens. " Le témoin a parlé à son fils Beaulieu et l'a prié de rester avec lui ; son fils lui a répondu qu'il ne ferait pas de mal, et qu'il reviendrait aussitôt ; n'a pas vu arrêter Chartrand, s'étant immédiatement mis à écrire. Il a vu revenir des jeunes gens vers la brune, dans le champ, gagnant la grande ligne.

*Contre-examen.*

Il a reconnu Langlois comme étant un des plus avancés. Il ne peut pas dire si la bande s'est arrêtée lorsque Nicolas lui a dit de l'attendre.

Isaïe Roy, fils d'Eloi Roy, 8e témoin à charge. Vers le 27 Novembre dernier il demeurait chez son frère, et était dans la grange lorsque les jeunes gens sont arrivés. Il ne peut pas les nommer tous. Il a vu Nicolas, et ne connaissait pas les autres, ce dernier avait un pavillon. Surprenant a demandé au témoin de l'accompagner chez D. Roy; il est allé avec lui, lui disant qu'il voulait voir la construction de la maison. Le témoin s'y est rendu, Surprenant est allé à l'écart avec D. Roy. Chartrand y était, le témoin le connaissait. Il n'a pas vu Nicolas chez E. Roy, est retourné chez son père avec Surprenant, n'a pas vu Chartrand sortir de chez D. Roy. Ils ont été un quart d'heure dans la maison, ne peut dire qui a porté la parole, lorsqu'il s'est agi de sortir. Il n'a entendu personne crier qu'il était temps de partir. Ils ont pris le champ. Chartrand avait un manteau de camelot, le témoin ignore s'il avait une ceinture rouge.

*Contre-examen.*

Il pense que c'est Garant qui les commandait, ce dernier était à leur tête. Il était le plus agissant.

J. Bte. Tremblay, 9e témoin à charge, habite l'Acadie. Garant est allé le commander avec plusieurs autres, les prisonniers n'en étaient pas. Il a rencontré les deux Pinsonneau, et Nicolas qui portait un pavillon en arrivant à la grande ligne. Ils sont allés chez E. Roy, il était deux heures et demie. Surprenant était là. Il n'a pas vu ce dernier aller chez D. Roy. Ils restèrent deux heures chez E. Roy.

Et les autres sont partis avant lui; il a entendu Nicholas dire, "Partons, il est temps." Quelqu'un le traita de lâche; il ne peut dire lequel. Ils prirent les champs. Ils étaient encore chez E. Roy, lorsque quelques-uns des jeunes gens sont revenus, entr'autres les trois jeunes prisonniers. Ils sont revenus une heure ou une heure et demie après leur sortie de la maison d'Eloi Roy. Il est reparti avec eux de chez E. Roy; il ne lui a pas parlé de ce qui s'était passé, il ne fut pas question de Chartrand.

*Contre-examen.*

Le capitaine Garant commandait les 5 ou 6 qui étaient avec lui. Il lui a dit qu'ils devaient se réunir chez E. Roy. Garant lui a dit, s'il ne voulait pas marcher, qu'il le ferait marcher de force. Ils devaient aller prendre St. Jean. Ils ne lui ont parlé que d'aller à St. Jean, et c'est R. Garant qui lui a donné un fusil.

Guillaume Bourque, 10e témoin à charge, demeure à St. Jean; est menuisier, travaillait chez David Roy le 27 Novembre dernier, a connu Chartrand, a demeuré avec lui à St. Jean dans la même maison. Chartrand est venu chez David Roy vers 11 heures du matin: "Bonjour," dit-il en entrant; il avait un manteau violet, ceinture rouge, casque gris; c'était un homme grand, bien pris, doux, paisible, et qui aimait à rire. Il ne connaît pas de mal de Chartrand; il était venu demander de l'argent à Mr. David Roy. Je suis allé avertir Mr. Roy que Chartrand le voulait voir. Il se sont souhaités le bonjour, ont causé ensemble. Avant de partir il a demandé de l'argent à Mr. Roy, qui lui a dit que, quoiqu'il n'eût pas achevé son entreprise, s'il avait de l'argent il lui en donnerait; qu'il irait en ville vendre 7 paires de bœufs, et qu'à son retour il lui donnerait de l'argent. On a vu passer une vingtaine de patriotes; un d'eux avait un pavillon, c'était Nicolas. Beaulieu, Jacques Surprenant, et Jean Bte. Mailloux sont venus chez Mr. David Roy. Surprenant a pris Roy à l'écart, je n'ai pas entendu ce qu'ils ont dit, ils parlaient tout bas; Beaulieu y est entré ensuite et a demandé à Roy les noms de ses témoins. Mailloux n'a fait aucune demande à Beaulieu. On ne parla pas de faire quelqu'un prisonnier. Surprenant a salué Chartrand en passant, et est parti avec les autres au bout d'un quart d'heure. Chartrand est parti une heure et demie après, il tenait son casque à la main et allait vers St. Jean, dans la direction du Beaujarret. Je vis trois hommes qui avaient pris le champ pour aller après, mais je ne les ai pas reconnus; cinq autres avaient pris la même route que Chartrand.

Examiné par M. Mondelet, le témoin dit qu'il ne connaît pas René Garant, mais qu'on lui avait dit qu'il était dans la brigade.

Joseph Berthiaume, 11e témoin à charge, dépose: Je demeure à Blairfindie (comté de l'Acadie), au Beaujarret. Je connais Nicolas, je n'ai point connu Chartrand. Le Beaujarret est une pointe de bois à 20 arpens du chemin. J'étais, le 27 Novembre dernier, chez le fermier de M. Bourassa, mon *bourgeois* (maitre). La pointe de bois commença ou finit sa terre, et a deux arpens et demi de largeur, sur 5 arpens de front; se trouve sur la terre du capitaine Eloi Roy, est à peu près à 3 quarts de lieu de chez David Roy, et à 30 arpens de la maison où j'étais. On peut voir à cette distance, mais pas assez pour reconnaître. Je vis passer 3 hommes qui venait de la grande ligne, je reconnus Etienne Langlois et Jean Beaulieu, dont le père se trouvait ce jour là chez Henri Lord. Le premier avait un fusil, je n'en ai pas vu aux autres. Ils suivaient le chemin du Beaujarret. Je demandai à Langlois où ils allaient, il me répondit: "On emmène cet homme." Au bout d'un instant j'en vis 7 autres venir, au nombre desquels se trouvait Nicolas, qui se tenait par derrière, il n'avait rien à la main. Il y avait parmi eux un homme qui portait manteau, casque et ceinture. Ils gagnèrent le bois, où je ne les vis pas entrer. On était alors au 27 Novembre. Mon *bourgeois*, soupçonnant quelque chose, regarda au calendrier et me fit ainsi remarquer le quantième du mois. Ils marchaient au pas ordinaire. Nicolas était seul à environ 6 arpens du chemin. Il y en avait 7 par derrière et 1 par devant. C'était vers 3 heures et demie de l'après-midi. Je partis seul avec mon *bourgeois*. Son fermier se nomme Ouirnet. Je ne suis point allé à la pointe, mon *bourgeois* y a été.

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M. le juge Rolland lui demande à quelle distance il a vu ces hommes monter? Il répond qu'ils étaient dans le chemin qui passe près de la maison où il était. La barrière reste ouverte, c'est un chemin ordinaire.

François Bourrassa, 12e témoin à charge, dépose: Joseph Berthiaume est à mon service depuis plus d'un an. J'ai un fermier au Beaujarret, j'y suis allé en Novembre dernier; il se nomme Joseph Guimet. Sa femme travaillait à une maison pour David Roy; elle me dit: "Voilà Chartrand qui passe, il n'y a pourtant pas long-temps qu'il est passé pour aller chez M. Roy; il s'en retourne bien vite." Je ne me suis pas levé pour le voir. Une minute ou deux après, cette femme me dit: "Regardez donc tout ce monde qui court." Cela me fit regarder: "Voilà Etienne Langlois qui passe avec un fusil sur son épaule," dit-elle. C'était vrai. Je fus saisi de voir les jeunes gens avec leurs armes. Langlois en suivait 3 ou 4, je ne sais s'ils couraient. Ce premier trotinait. Je suis parti aussitôt qu'il fut passé pour aller chez moi. J'ai rencontré des gens que je ne connaissais pas. Je n'ai pas connu Nicolas. Je vis deux hommes arrêtés près de chez mon voisin, l'un était un gros homme (vêtu d'un surtout bleu ou noir) qui faisait des signaux, sa tête était couverte d'un casque. Il pouvait être de la taille de Niclas, mais je ne puis pas dire que c'était lui; j'en étais à 3 arpens. Il était dans le chemin. Il faisait froid, il était tombé un peu de neige. Je vis aussi deux personnes dans le champ après avoir passé Langlois. Celui qui faisait les signaux partit, l'autre resta où il était. Ces gens, lorsqu'ils sont partis de dessus la terre de mon voisin, ne paraissaient pas aller à la pointe du bois, ils ont pris le milieu de ma terre, et c'est ensuite qu'ils ont gagné vers cet endroit. Je n'ai pas vu de baton à la main de celui qui faisait des signaux. Je n'ai pas vu d'autres personnes, excepté deux jeunes gens dont un était, je crois, armé. J'eus des soupçons par rapport aux troubles, je crus que l'on voulait enlever le monde de force. Le signal ne paraissait pas indiquer la pointe de bois. J'entrai chez moi et regardai où ils allaient. Je n'ai pas regardé au calendrier pour dire quel était le quantième. J'entendis des coups de fusil, plusieurs à la fois, d'une première décharge, et un seulement d'une seconde. Il y eut entre elles l'intervalle nécessaire pour charger un fusil. Je vis de la fumée s'élever dans la pointe. Mon voisin, à qui je demandai s'il savait ce qui se passait, me dit que c'était un prisonnier et qu'il craignait qu'on ne le tuât. A quoi je répondis: "Pardieu, si c'est un prisonnier, il aura tenté de s'échapper, et ils auront tiré pour l'effrayer."

Ils sont revenus dispersés en gagnant la grande ligne, excepté un qui n'a pas suivi les autres. Le petit Bernier est dans St. Jean. Le lendemain je suis allé vers la pointe, pensant qu'on aurait peut-être tué un de mes moutons. J'aperçus à terre un homme dont l'habillement ressemblait à celui de Chartrand. Je ne m'en suis pas approché à plus d'un arpent et demi. Je le crus mort. Je l'ai dit à ma femme. Le Mercredi je suis allé chez M. le Curé, et le lendemain au petit Bernier. Je me suis trouvé avec François Eloi Roy chez Gédéon Roy. Le capitaine Roy me demanda si je savais qu'il y eût un homme mort dans sa pointe. Je répondis que non. Il choisit un autre et moi, et nous y fumes. On trouva cette homme couché sur le ventre, les mains jointes sur une joue. Il était au même endroit où je l'avais vu la première fois et où j'avais vu la fumée s'élever. J'étais présent à l'examen du cadavre; il avait une ouverture dans le bas-ventre, puis une sous le sein gauche, à ce que je crois, de biais.

Le docteur Arnoldi, père, à la requête du ministère public, demande au témoin ce qui lui fait croire que la blessure était de biais. Le témoin répond, qu'il pensait ainsi par rapport à la position de l'ouverture.

M. le juge Rolland veut savoir si la direction de cette blessure donnait à l'intérieur ou à l'extérieur? Le témoin répond qu'elle était de biais par l'intérieur.

On traduit les réponses du témoin touchant les blessures à deux autres médecins qui n'entendent pas le Français.

Répondant à M. Mondelet, le témoin dit que le capitaine Roy reste de l'autre côté de la pointe, au petit Bernier. Le jour en question et le lendemain on ne parlait absolu que politique.

W. McGinnis, 13e témoin à charge, demeure à St. Athanase. On disait, en Novembre, qu'il y avait un cadavre dans le bois de M. Eloi Roy. Je suis allé chez M. Macrae, et le lendemain matin nous avons été avec des volontaires lever le corps. J'ai connu Chartrand. Il était doux, d'un bon caractère; il n'était pas homme à faire tort à personne. On a trouvé son cadavre dans le bois; il avait un manteau, et n'avait plus sa cienteure. On a fait l'examen du corps. Il avait deux blessures de balles, une au sein gauche ou droit, et l'autre au dos. Je ne puis dire si les balles sont entrées par devant ou par derrière.

Le docteur Arnoldi demande si la blessure du sein communique à l'ouverture au dos. Le témoin dit qu'il croit que la blessure au dos est celle du bas ventre.

M. Mondelet dit qu'il désire donner toute latitude possible aux débats; et que son savant confrère (M. Walker) et lui n'ont apporté aucune entrave à l'investigation de l'affaire, mais que cependant il doit s'opposer à ce que l'on permette au docteur d'interroger sur une question aussi importante que celle de la direction des blessures, et que les savans messieurs qui sont chargés de l'accusation soient tout-à-fait compétens à interroger sur ces matières.

M. le juge en chef s'empresse de rejeter la proposition des défenseurs.

M. le procureur général interroge ensuite le témoin, qui répond qu'une balle tirée d'un fusil Canadien à la distance de 2 perches et demi, peut traverser le corps d'un homme. Chartrand, ou plutôt son cadavre, était sur le dos, il n'était pas changé, mais ses traits se sont beaucoup altérés du moment qu'il a été retourné. Le témoin avait vu Chartrand quelques jours auparavant; il paraissait se bien porter alors, car il marchait rapidement.

Répondant à M. Mondelet, il dit que 2 balles seulement ont dû faire les 4 ouvertures que l'on voyait au cadavre.

M. Walker rappelle ici à la cour, qui avait décidé la veille d'ajourner à 5 heures et demie, qu'il est près de 6 heures.



Wm. Macrae, 14e. témoin à charge, juge de paix, qui assista à la levée du corps, corrobore le témoignage de Mc Ginnis.

Le Dr. Arnoldi, 15e. témoin à charge, dit (en riant) qu'il pratique la médecine et la chirurgie depuis plus de 50 ans, et que deux balles qui auraient traversé le corps d'un homme de la manière dont les témoins l'ont rapporté, suffisaient pour produire la mort. Il dit qu'il était chasseur dans son jeune temps, et croit qu'une balle à la distance mentionnée peut percer un corps humain de part en part.

Le Dr. Crawford, 16e. témoin à charge, dit qu'il a servi comme chirurgien dans l'armée Anglaise pendant 18 ans; et corrobore ce qu'a dit son confrère.

Ici la cour ajourne.

Le lendemain, le Vendredi, 7 Septembre, 1838, la cour reprend sa séance vers 9 heures du matin. L'affluent est plus grand encore que la veille, et l'anxiété est visible sur tous les visages.

On procède immédiatement à l'audition des témoins pour compléter la preuve de la part de la couronne.

Jean Baptiste Mailloux, 17e. témoin à charge, dépose: Je demeurais chez D. Roy en Novembre dernier. Chartrand y vint vers dix heures du matin; il paraît qu'il avait des affaires, ayant entrepris d'achever la maison de M. Roy. Je vis passer une bande de jeunes gens, Nicolas à leur tête, un pavillon à la main. Ils arrêtèrent chez E. Roy. Plusieurs personnes, notamment Jean Beaulieu, Jacques Surprenant et Isaïe Roy, vinrent chez M. Roy. Je ne puis dire si elles étaient de la première bande. Plusieurs s'entretinrent avec M. Roy à l'écart. Les jeunes gens parlèrent de St. Charles. Chartrand leur disait ce qui s'y était passé. Il partit et gagna le Beaujarret. Il avait un casque gris, ceinture rouge, manteau bleu. Je ne remarquai pas quelle route prirent les autres.

Répondant à M. Mondelet, il dit que la seule chose que M. Nicolas portait à la main était un pavillon.

Julie Chamberland, 18e. témoin à charge, épouse de Joseph Ouimet, fermier de M. Bourrassa. On a vu passer Chartrand, il allait le pas, se dirigeant vers St. Jean. Langlois le suivait avec plusieurs autres. Je ne connais des prisonniers que les deux Pinsonneau, et n'en ai vu aucun d'eux alors. Je vis passer Chartrand, le matin et retourner le soir, un peu avant le départ de M. Bourrassa, il était habillé comme le matin. Je ne remarquai rien de particulier; il allait le pas du côté de St. Jean; je vis Langlois qui suivait dans la même direction; ce dernier était accompagné de 4 ou 5 autres que je ne connais pas. Je crois que c'étaient des jeunes gens qui prenaient les hommes pour les faire marcher. Je fermai ma porte aussitôt. Je ne sais pas s'ils allaient vers la pointe. Chartrand passa une demi-heure avant Langlois. Langlois allait le pas. Je n'entendis pas de coups de fusil. Ils revinrent tout de suite.

Interrogée par M. Mondelet, Madame Chamberland dit qu'elle craignait qu'on ne voulût forcer son mari à marcher pour aller à St. Charles.

David Lord, 19e. témoin à charge, demeure au Beaujarret; a vu un Lundi en Novembre passer du monde, notamment Chartrand, qui allait à la grande ligne; l'a vu revenir vers 3 ou 4 heures du soir. Plusieurs autres individus passèrent ensuite. Il n'a connu que Langlois. Il ne connaît pas les prisonniers. Quelques-uns couraient. Il y en avait un qui avait l'air de conduire les autres, et qui se tenait par derrière. Ils avaient rejoint Chartrand et l'emmenaient avec eux. Le témoin a été à la pointe de bois le Mercredi, a vu un homme à terre à une certaine distance, ne sait s'il était mort ou en vie, ni comment il était habillé; il avait un manteau; il lui semble que c'était Chartrand.

M. le juge en chef veut savoir si la pointe de bois est sur la terre du témoin ou bien sur celle de son voisin. Le témoin répond qu'elle est à 20 arpens de chez lui.

Benjamin Holmes, 19e. témoin à charge, demeure à St. Luc. Chartrand était de St. Jean, il était maçon. Le témoin l'a toujours connu pour un homme doux, sobre et paisible. On disait que quelqu'un avait été assassiné. Le petit Bernier est dans la paroisse de St. Jean. Il alla accompagner M. Macrae et un détachement de volontaires pour aller sur les lieux, y trouva le défunt à l'entrée du bois. Les blessures paraissaient avoir été faites par des balles.

John Beatty, 20e. témoin à charge, dépose: J'étais un de ceux qui allèrent prendre les accusés. Je pris les deux Pinsonneau et Daunais. Joseph était à 3 à 400 verges de Sherington, et les autres à quelque distance de là. Je ne crois pas qu'ils allaient aux Etats-Unis. Ils étaient sur le chemin de Champlain. Je vis Daunais lire une lettre entre les mains de M. Douglas; elle venait, je crois, de Champlain.

James McGillivray, 22e. témoin à charge, demeure à Sherbrooke; il est juge de paix, et l'était en Novembre dernier. Après la mort de Chartrand, il fit des recherches et prit tous les moyens pour découvrir ceux qui en pouvaient être les auteurs. On impliquait Nicolas, et quelques autres. Le 18 Janvier au soir, une personne vint l'avertir à St. Athanase qu'il y avait des individus suspects à une lieue d'où il était. Le lendemain au matin, après déjeuner, il se rendit à la maison voisine de celle où l'on disait que les personnes suspectes se trouvaient. On lui dit qu'il y était venu un homme, mais qu'il en était parti. Là-dessus il se rendit chez le voisin et finit par découvrir Nicolas dans la partie supérieure de la maison. Nicolas se rendit aussitôt prisonnier et refusa de se laisser lier. Il était sans armes. Le témoin fouilla un paquet qu'avait le prisonnier, mais n'y trouva rien de compromettant, et après avoir gardé ce dernier du Vendredi au Lundi, le mena à Montréal où il fut incarcéré.

Contre-examen.—Mr. Walker interroge le témoin, qui répond qu'il avait fait une enquête sur l'affaire, mais qu'il n'écrivit rien.

M. le procureur-général interroge, le témoin se répète.

M. Walker l'examine de nouveau, et le témoin dit: L'affaire eut lieu vers la fin de Novembre. Je sus qu'un homme avait été tué. On me dit au commencement de Décembre

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que Nicolas était absent aux États-Unis où beaucoup de personnes s'étaient rendues, au nombre de je ne sais combien. Nicolas assura que pour sa part il n'y était pas allé. Il ne fit aucune résistance lors de son arrestation. Le paquet dont il était en possession me fut présenté par lui, avec l'invitation de l'examiner; je le pris.

Terse clos l'enquête de la part de la couronne.

La parole est aux défenseurs.

M. MONDELET s'adressa au jury :—

Messieurs.—Les Cours de justice criminelles sont généralement occupées à s'enquérir d'offenses révoltantes à l'humanité. Dans ces cas-là, les souffrances de l'accusé excitent peu ou point de sympathie.

Il n'en est pas ainsi de l'accusation contre les prisonniers, le crime odieux de meurtre dont on les accuse n'est pas le leur.

Le gouvernement n'a pas voulu tenter ouvertement et nominalement des procès d'état, il a fallu un prétexte, un voile, une accusation de meurtre. Ce procès, Messieurs, est un procès d'état, un procès politique auquel la population du pays prend le plus vif intérêt. Il ne faut pas s'y tromper, le crime des prisonniers, leur culpabilité, s'il en existe, c'est d'avoir, depuis nombre d'années, pris, avec la majorité de leurs compatriotes, une part active dans la poursuite d'objets qui leur sont chers, et que les prisonniers ont crû honnêtes. Trois prisonniers sont très-jeunes, de cet âge où l'on n'ourdit pas de semblables crimes; Nicolas est moins jeune, mais on ne peut lui reprocher l'atrocité de caractère chez personne. A une époque récente de l'histoire du pays il existait un pouvoir qu'aucun n'aurait osé braver. L'affaire dont il est question a sa source dans les dissensions politiques et de parti des 25 dernières années, se rattache et tient à rien moins qu'aux prétentions de la population du pays, manifestées en maintes occasions.

Les prisonniers sont innocents de l'accusation de meurtre, mais il est du devoir de ses conseils d'expliquer les circonstances qui ont donné lieu au soupçon qu'ils ont pris part au crime dont ils sont accusés.

Quel était l'état de l'esprit public, durant plusieurs mois, avant que les troubles eurent éclaté en Novembre dernier? La chambre d'assemblée collectivement, et les membres individuellement, avaient exprimé les sentimens du peuple. Le mécontentement était général. Des assemblées se tenaient dans toute la province et particulièrement au sud du district de Montréal, pour se prononcer sur les affaires politiques, et aviser aux meilleurs moyens de protéger des droits inaliénables que l'on croyait envahis. Toute confiance dans les autorités constituées était anéantie par suite des mesures arbitraires qu'elles avaient adoptées et qu'elles adoptaient chaque jour contre le pays. Afin de donner plus de poids à l'expression du sentiment public, le peuple en masse protesta énergiquement. On vit alors les habitans de plusieurs comtés se réunir en une assemblée fédérale et voter une adresse à tout le peuple, l'invitant à soutenir ses droits, à s'organiser et à opposer la résistance à la coercition dont on le menaçait. Les mesures du gouvernement l'avaient tellement abaissé dans l'estime publique que celui qui en acceptait une place quelconque était regardé comme indigne de toute confiance et exposé au ressentiment de ses concitoyens. Les patriotes s'étaient dès lors constitués des tribunaux et un e-pece de gouvernement, aux décisions et aux mesures desquels ils devaient se soumettre. Ils s'étaient nommés des officiers publics, et ils étaient unanimes dans leur choix.

Le gouvernement était désorganisé, il ne remplaçait pas ceux qui, à l'unanimité, avaient renvoyé leurs commissions.

Le gouvernement était lui-même divisé, la chambre prorogée, les membres ne pouvaient plus se faire entendre, le gouvernement ne donnait pas l'occasion d'en nommer d'autres, c'était une désorganisation par la même; on voyait une branche de la législature avec le peuple contre l'autre branche et le gouvernement. Que l'on songe au danger qu'aurait couru celui qui aurait refusé de se rendre à la volonté du peuple. L'on ne reconnaissait plus à l'Acadie l'autorité du gouvernement qui se laissait désorganiser, et ne se réorganisait pas. La crainte régnait, causée en grande partie par les arrestations, et les récits exagérés que l'on faisait des violences à la ville.

L'affaire de Longueuil était connue; l'on disait que Messrs. Demaray et Davignon seraient pendus, à leur arrivée à Montréal, ce qui faisait craindre qu'il n'y eût personne qui fût en sûreté. Vrais ou faux, ces récits n'en avaient pas moins répandu l'alarme, personne ne se croyait en sûreté, la propriété ne l'était pas, après ce qui était arrivé à la ville. Cette crainte générale était cause que des pères envoyaient leurs enfans sur le commandement. La crainte devait être bien grande, puisque des pères de famille laissaient partir sans savoir s'ils reverraient leurs enfans! Vous êtes tous sans doute des pères de famille, répondez, dites si ce n'était pas le cas? L'on ne reconnaissait plus d'autre autorité que celle qui emanait du peuple, ou de ses chefs. Les prisonniers, dont les opinions politiques, leur attachement à la cause du pays, et leur confiance dans leurs chefs étaient inébranlables, se trouvèrent, dans leur localité, précisément dans ce cas-là. Les esprits étaient tellement excités, que celui qui aurait refusé de prendre part à la conteste, aurait couru le risque d'être molesté, surtout dans ses biens. Le sentiment de la terreur était général.

Il y eut un commandement de fait pour aller à Saint Charles, dont la bataille n'était pas encore connue. L'on s'attendait généralement à être commandé, et l'on ne savait où l'on irait. L'on savait qu'il y avait un camp à St. Charles pour se battre.

Il est certain qu'à cette époque, l'on ne connaissait plus, à l'Acadie, d'autre autorité que celle du peuple, c'était le gouvernement *de facto*. Le gouvernement ne se faisait pas connaître, l'on ne voyait plus rien de lui, il était devenu inerte quant à cette section du pays. On l'avait désorganisé, il s'était laissé désorganiser, et n'avait pas le courage de se réorganiser, il était dans un état complet d'inertie; il était naturel qu'on ne reconnût de puissance et d'autorité que celles qui se faisaient ressentir. Que l'on songe, un instant, aux effets du senti-

ment public, au sort de nombre de familles dans le comté de l'Acadie, qui y faisait profession de loyauté : elles ont été obligées de s'enfuir, fait que l'on peut prouver par nombre de témoins.

Aucune personne ne peut connaître toutes les lois qui doivent régir sa conduite comme citoyen. Les prisonniers ont trouvé le peuple en possession du pouvoir souverain; ils n'ont pu distinguer entre l'autorité légale, et l'autorité *de facto* qui s'exerçait sur toute la paroisse de l'Acadie. Si les prisonniers sont condamnables de l'acte dont on les accuse, il y a des milliers de personnes dans cette partie de la province, qui sont infiniment plus coupables, comme ayant ou *dicté* ou *avisé* les mesures qui l'on précédé, ou y ayant applaudi. Pourrait-on porter un acte d'accusation (ou *bill d'indictment*) contre la population entière de la paroisse de l'Acadie, comme ayant participé à cet acte? Peut-on faire un procès à tout un peuple? La chose est absurde. Peut-on sevir contre ces hommes pour un acte déconlant d'un sentiment public presque unanime? La seule autorité palpable dans le temps, c'était l'autorité du peuple; le pouvoir est étendu à l'exclusion du gouvernement, et tout ce que l'on fait en obéissance aux desirs du pays, est justifiable d'après les principes du gouvernement civil, d'après des principes reconnus en Angleterre.

L'on n'entendait plus parler du gouvernement que par des actes, que l'on regardait comme une oppression insupportable, l'on arrêtait les citoyens recommandables, et le citoyen honnête avait raison de craindre pour sa liberté. A tort ou à droit, l'on croyait consciencieusement que le gouvernement avait violé les lois, et qu'il essayait de mettre la force à la place de ces lois. Il était naturel que l'on songeât à s'opposer à des actes, à des arrestations que l'on considérait comme violant toutes les lois, celles de la sûreté personnelle, aussi bien que celles de la propriété. Personne n'osait se défendre de se joindre à ses compatriotes. Sans entrer dans la question de savoir si la cause des troubles se trouve dans les actes du gouvernement, ou si elle provient d'ailleurs, toujours est-il certain que l'anarchie régna, et qu'il n'était guère possible aux gens de s'assurer ou d'être le pouvoir. Ils devaient regarder comme le pouvoir et le gouvernement, celui qui l'était *de fait* et agissait. Il ne s'agit que d'avoir une teinture de l'histoire d'Angleterre pour savoir que le gouvernement *de facto* est un état de société reconnu; des rois, des dynasties ont été exclues par la puissance du peuple, et remplacées par le gouvernement *de facto*, c'est-à-dire la puissance d'alors, et des actes du parlement ont absous ceux qui avaient soutenus, ou qui soutiendraient en pareil cas, l'autorité existante; la masse du peuple en effet (et c'était le motif de ces lois) n'était pas tenue, n'était pas même en état de déterminer sur la légitimité des droits de l'un ou de l'autre pouvoir.

Quant à la mort de Chartrand, elle n'est peut-être pas aussi extraordinaire qu'on le peut croire d'abord; il était connu comme espion. Est-il aussi atroce d'avoir le 27 Novembre tué un espion, que d'avoir le 6 Novembre, 21 jours auparavant, l'excitation étant bien moins grande, commis des excès comme on l'a fait à Montréal, et d'avoir, une partie de l'hiver, recommandé, dans les gazettes, d'assassiner ceux des prisonniers que le gouvernement laisserait aller? La mort de Chartrand est une suite du reste; elle ne diffère pas de la mort des soldats qui ont été tués sur la brèche à St. Denis; la seule différence, c'est qu'à St. Denis les patriotes tuaient les soldats par douzaines, et qu'à l'Acadie, dans un temps d'anarchie, de désorganisation du gouvernement, on a tué un seul espion.

Le gouvernement n'a pas fait poursuivre ceux qui ont mis hors de combat beaucoup de soldats, et en ont tué un grand nombre à Saint Denis. Ce même gouvernement a déporté plusieurs citoyens, d'autres sont rendus à la société, leur a-t-on fait des procès? A-t-on tenté des procès d'état? Non, le gouvernement aurait succombé, et de quelle grâce demandé-t-il donc le sang de ceux qu'il accuse d'avoir tué un seul homme, lui qui a absous ceux qui ont décimé un corps de troupes de Sa Majesté?

Le gouvernement a admis, par son propre acte, en ne faisant pas faire de procès à ceux qu'il a envoyés à la Bermude, et d'autres qui sont dans le pays qui avaient pris les armes, que ceux qui ont tué Chartrand ne sont pas plus reprehensibles que ceux qui ont tué les soldats.

Les poursuites criminelles se font ordinairement par la couronne, pour la réparation de l'offense commise envers quelqu'un, et à l'instance de parents et amis, mais ici c'est le gouvernement qui fait la poursuite en son nom. Or si le jury croit que le gouvernement n'est pas exempt de blâme dans toute cette affaire, doit-il décider à faire punir des gens qu'on a provoqués?

Le savant avocat cite Delolme, p. 99 et 100; Hale's His. of the Com. of England, c. 12, lec. 11, p. 292; "le procès par jury est plus un *procès par juré* qu'un procès par témoins; le jury, maître de son opinion, et de son verdict, juge du fait et de la loi."

Ce n'est pas l'intention des conseils des accusés de les justifier, en prouvant l'existence d'une insurrection. Les prisonniers sont tenus de faire connaître exactement ce qui en est, et en le faisant, ils se dispensent de l'accusation d'avoir pris part à un meurtre délibéré.

Il a été prouvé que la coercition était grande. 13 ou 14 jeunes gens se sont rencontrés ensemble, étrangers les uns aux autres, tous assembles *par l'ordre de Garant*. Chartrand leur était inconnu. François Surprenant nous déclare que Nicolas n'avait pas le commandement; Isaïe Roy affirme, au meilleur de sa connaissance, que c'est Garant qui commandait; Jean Baptiste Tremblay prouve la violence exercée par Garant, et les menaces qu'il fait. François Bourrassa parle de la frayeur générale; Il n'ose rien déclarer, pas même à son plus proche voisin. Il est clair que Garant a agi d'après quelque autorité, ou couleur d'autorité. Chez Surprenant, il n'a pas été question de Chartrand. Lorsqu'ils arrivèrent au pont de l'Acadie, la majorité désirait retourner. Ils ne voulaient pas continuer, ayant appris que les gens de l'Acadie n'étaient pas prêts; Garant les en empêcha. Cela fait voir combien était grande l'autorité qu'exerçait Garant. Il se fit un commandement général pour aller à St. Charles. Personne ne paraissait avoir hésité à aller à St. Charles. Nicolas n'était pas le chef, n'a donné aucun ordre chez Surprenant ou chez Eloi Roy. De ce qu'il portait un pavil-

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Ion, on doit conclure qu'il n'était pas le commandant. Le pavillon, c'était pour aller à St. Charles. Langlois affirme que c'est Beaulieu qui a pris le commandement après que Garant l'avait quitté chez Roy. Il jure aussi que quoique Nicolas, en gagnant la barrière, faisait un signe avec sa canne, c'est Beaulieu qui l'a ouverte et qui a donné ordre à la bande d'avancer. Il n'y a pas de preuve que Nicolas ait suivi l'exemple de Garant, Giroux et Ouimet en faisant sortir des ordres. Lorsqu'on faisait mention chez Roy du meurtre de Chartrand, la proposition ne venait pas de Nicolas; on a parlé de la bande. C'est Surprenant qui s'est adressé à Roy pour avoir des chaînes et des cordes; Nicolas ne s'est présenté chez Roy en aucun temps. C'est Beaulieu qui s'est rendu avec Surprenant chez Roy. Cela fait voir qu'alors Beaulieu avait le commandement. Joseph Berthiaume déclare que lorsqu'il vit l'homme qu'il crut être Chartrand entre les mains de sept individus de la bande; c'est Beaulieu qui répondit à ses questions. Nicolas ne faisait pas partie des 7; il était dans le champ.

On n'a plus de trace de Garant après le départ de chez Eloi Roy. Il est évident que Nicolas n'avait pas médité la mort de Chartrand. Il est clair, d'après le témoignage de Surprenant; qu'aucun de la bande; lorsqu'ils étaient chez Roy, n'a pensé à Chartrand. Ils ignoraient même qu'il fut dans l'endroit. Il paraît qu'il y avait eu des ordres émanés de quelque autorité encore inconnue, de tuer Chartrand. Langlois dit, " que c'est Beaulieu ou Nicolas qui a donné l'ordre de tirer, il dit ensuite que c'était Beaulieu, alors le plus près de Chartrand. Chartrand n'ayant été frappé que par 1 ou 2 balles sur cinq; fait voir que l'on avait de la répugnance à tirer, et que l'on n'a pas visé. Joseph Pinsonneau ne l'a pas atteint, en toute probabilité, car il était alors comme hors de lui-même, *comme fou* (a dit Poissant.) Poissant admet lui-même qu'il était bien troublé. Beaulieu était le plus actif, c'est lui qui a ôté le fusil à Joseph Pinsonneau, l'a chargé, et le lui a remis en mains en le menaçant. Nicolas n'est pas le seul qui a dit en laissant la maison d'Eloi Roy: " Partons," en allant après Chartrand, d'autres l'ont dit. Garant en a dit autant, cela est prouvé par Langlois. Beaulieu, Ouimet et Giroux, étaient les principaux auteurs à la 2<sup>e</sup> affaire. C'est Garant qui a fourni un fusil à Langlois, ce qui fait voir qu'il commandait. Ce furent Beaulieu et Ouimet, et deux autres qui ont saisi Chartrand; et l'ont retenu jusqu'à l'arrivée des autres, y compris Nicolas. Daignais et P. Pinsonneau ont refusé de tirer et n'ont pas tiré, ils étaient présents involontairement. M. Mondelet s'adresse à la Cour et cite des autorités:—

Russell on Crimes, vol. i. 1, page 431.

Hawkins, P., vol. iv. p. 202, c. 29. sec. 10.

Hale's History P. C. vol. i. p. 438 et 439.

Foster C., p. 350. Voici l'une des autorités, de Russel:—

" Pour rendre un complice à un meurtre ou une félonie principal dans cette félonie. Il faut qu'il soit présent et aidant lors de la commission du crime. Mais une personne peut être présente, et si elle n'aide pas ou n'encourage pas, elle n'est ni principal ni accessoire. Par exemple: A. est présent à un meurtre, n'y prend aucune part, et n'essaye pas de l'empêcher non plus que d'appréhender le meurtrier; cette étrange conduite, quoique grandement criminelle, ne rendra pourtant pas, par cela même, principal celui qui la tient. M. Mondelet explique ensuite aux jurés la loi sur cet objet. Langlois dit: " Beaulieu ou Nicolas a commandé de tirer, je ne sais lequel." Poissant dit: " Beaulieu et Nicolas ont commandé de tirer." Langlois dit qu'il n'a pas tiré. Poissant dit que Langlois a tiré. Eh bien! Si Poissant est d'un esprit faible, comme il a du le paraître lorsqu'il était dans la boîte, il a pu, il a du facilement se tromper dans un moment comme celui où il dit que Chartrand a été tué. Il se trompe d'ailleurs sur deux faits importants. 1<sup>o</sup> Il dit que Langlois a tiré. 2<sup>o</sup> Il dit qu'après la première décharge, Beaulieu a tiré; ce qui est contredit par Langlois, et Bourassa qui n'a entendu qu'un coup, après la première décharge. C'est Beaulieu qui a crié, en se rendant à la pointe: " Arrêtez."

La pointe de bois est entre deux rangs de maisons, ce n'était pas un endroit caché. Si donc le jury met de côté le témoignage de Poissant, qui s'est contredit plusieurs fois, il n'y a pas de preuve que Nicolas a commandé, Langlois ne pouvant affirmer.

M. Mondelet cite les memes auteurs.

Il y a eu refus de la part de Joseph Pinsonneau de tirer une seconde fois, Beaulieu l'a menacé et contraint, Ouimet et Giroux l'aidaient, mais Nicolas ne l'aidait pas. Dans le doute, la présomption que Beaulieu était le commandant doit faire absoudre Nicolas; car, lorsque Beaulieu arracha le fusil des mains de Joseph Pinsonneau et le lui fit reprendre de force en le menaçant, quels sont ceux qui l'aidaient? Ouimet et Giroux. Nicolas n'aidait pas.

S'il y a doute, les prisonniers doivent en profiter, &c. " *The character must turn the balance.*"

Le jury doit se rappeler qu'il est le seul maître de son verdict ou déclaration; il doit agir par lui-même et ne se laisser diriger par qui que ce soit. Le savant solliciteur général a cité un des commandemens de Dieu, et, avec ce ton de sensibilité qu'on lui connaît, il vous a dit: " Homicide point ne sera de fait ni de consentement." C'est bien plutôt au sujet des prisonniers qu'il convient de citer ce commandement; ce ne serait pas un meurtre, c'en serait quatre, que vous commettriez, messieurs, si vous étiez cause par votre verdict que ces quatre prisonniers monteraient à l'échafaud.

L'âme de Chartrand vous poursuivrait, elle vous reprocherait de ne l'avoir pas vengé, vous a dit encore le solliciteur-général. L'âme, les mânes de Chartrand vous poursuivraient! Les mânes de ces quatre prisonniers ne vous laisseraient pas un moment de repos; leur voix se ferait continuellement entendre, vous seriez bourrelés de remords, vous seriez malheureux, vous seriez des meurtriers vous-mêmes si vous condamnerez ces hommes-là au supplice!



J'achève, messieurs; les autres patriotes qui ont pris les armes n'ont pas été poursuivis pour meurtre. Le jury doit considérer et dire que le gouvernement ne les a pas crus coupables, et s'ils sont dans le même cas, vous devez les acquitter.

M. Mondelet se rassied. On a remarqué que pendant sa brillante allocution, dont nous ne donnons qu'un aperçu général, plusieurs individus de la nuance tory ricanaienl entr'eux, et notamment le témoin à charge Macrae, qui se tenait près du banc des jurés, ainsi que le Dr. Arnoldi, qui n'en était pas éloigné.

Les défenseurs des accusés se mettent en devoir de faire leur preuve et demandent à la cour d'envoyer quérir les témoins à décharge.

M. le juge en chef dit que la cour n'a envoyé ces témoins dans une chambre que pour faire plaisir aux défenseurs, et que ces derniers aient à y pourvoir.

Jean Baptiste Poisson, de l'Acadie, 1<sup>r</sup> témoin à décharge, dépose: Garant, accompagné de 7 ou 8 hommes, vint chez M. Pinsonneau le 27 Novembre, pour commander les jeunes gens. Il était armé, ainsi que Giroux, d'un fusil et d'une baïonnette; et il disait qu'il agissait d'après les ordres de M. Papineau. Comme Garant parlait avec beaucoup d'autorité, et qu'il nous menaçait d'un commandement général pour le lendemain si on refusait de marcher ce jour-là, M. Pinsonneau laissa partir ses deux fils. Garant disait qu'il ne commandait que les garçons le premier jour, mais que le lendemain les hommes mariés seraient tenus de marcher, bon gré mal gré, et que ceux qui le feraient refusé la veille seraient maltraités. On parlait d'aller à St. Jean. Quant à moi je crus devoir obéir.

Louis Gagné, 2<sup>e</sup> témoin à décharge, demeure au ruisseau des Noyers, l'Acadie. Un Lundi à la fin de Novembre dernier, il se fit un commandement par Garant, qui était accompagné de plusieurs jeunes gens armés de fusils et de baïonnettes. Il ordonna à mon engagé, Michel Déroleau, de le suivre; mon engagé trouva le moyen de s'esquiver. Il nous dit que M. Papineau faisait commander d'aller à St. Jean. Je croyais qu'il fallait obéir, je m'attendais à partir le lendemain. On m'a dit que si je ne partais pas de bon gré, qu'on me ferait marcher de force. On croyait dans la paroisse que ceux qui ne marcheraient pas subiraient une prompte justice. Les citoyens devaient craindre pour leur vie en n'obéissant pas.

Le docteur Perrault étant appelé comme témoin, le procureur-général s'oppose à ce qu'il soit entendu parce qu'il est resté en cour. On s'assure de la bouche du Dr. qu'il y est resté pendant environ 2 heures.

M. Walker insiste sur ce que ce témoin soit entendu, et dit que le ministère public n'a pas belle grâce à faire cette objection, en ce que les défenseurs ont permis à 5 ou 6 témoins à charge de demeurer en cour pendant tous les débats.

[Le docteur Perrault était appelé pour prouver que Beaulieu était venu chez lui, le 27 Novembre, lui annoncer qu'il allait à St. Charles, ordonnant à tous de le suivre sous peine d'être fusillé.]

Abraham Béchar, témoin à décharge, dépose: Je demeure à l'Acadie; je suis marié. Le 27 Novembre, une bande de patriotes, armés de fusils et quelques-uns de baïonnettes, vint commander mon engagé. Le capitaine Garant était le chef de la bande; il commandait au nom de M. Papineau et de manière à se faire obéir. Il annonça qu'une forte troupe de jeunes gens viendrait le lendemain me contraindre à marcher si j'essayais de me rebeller. [Le témoin corrobore la déposition du témoin précédent.]

Mon engagé les suivit. Il s'agissait d'aller s'emparer de St. Jean. M. Garant se présenta d'abord seul chez M<sup>de</sup> la veuve Giroux et ordonna à ses garçons de marcher. Elle ne le voulait absolument pas; et comme le capitaine Garant persistait, elle fondit en larmes. Il se pressa de la calmer, sans pour cela renoncer à se faire accompagner de ses fils, et il lui disait de sécher ses larmes, puisque, tôt ou tard, elle serait toujours obligée de consentir à leur départ. Un d'eux, garçon, se décida à suivre le capitaine Garant, l'autre espérait de partir le lendemain. Je connais bien les prisonniers à la barre. Joseph Pinsonneau se laisse facilement persuader; il est très-léger de caractère, et il a l'esprit un peu faible. Daunais est un jeune homme bon et très-estimable, ainsi que les Pinsonneau, dont la famille est d'une douceur héréditaire, et d'une urbanité que tout le monde reconnaît. Quant à Nicolas, c'est un homme généreux et d'une réputation irréprochable.

Louis Monbléau, 4<sup>e</sup> témoin à décharge, de l'Acadie, corrobore le témoignage précédent, et dit qu'il a été élève avec les jeunes Pinsonneau.

François Déroleau, 5<sup>e</sup> témoin à décharge, de Blairindie. Le 27 Novembre, on commanda dans plusieurs endroits pour aller donner un coup de main aux patriotes de St. Charles. Je connais les jeunes Pinsonneau depuis leur enfance. Je crois que l'on peut pousser Joseph à faire des choses qu'il ne ferait pas de lui-même. Ils sont d'une famille très-honnête et qui est singulièrement douce. Nicolas est un homme généreux et qui est estimé de tout le monde.

*Contre-examen.*—M. le solliciteur-général lui demande, si l'esprit de Joseph est tellement faible qu'on puisse l'induire à voler ou à tuer. A quoi le témoin répond, qu'il ne le croit pas. M. le solliciteur-général parle ensuite des sacrements, et demande s'il y avait long-temps que le prisonnier les avait reçus. Le témoin dit qu'il ne connaît pas cela.

M. Walker fait, à plusieurs reprises différentes, des objections sur la manière dont M. le solliciteur-général interroge, mais la cour décide toujours du côté de la couronne. On a remarqué qu'elle a souvent interrompu et arrêté les défenseurs, et pas une seule fois les officiers publics, qui n'ont pas fait de propositions ni d'objections qui ne fussent de suite agréées.

On rappelle le témoin A. Béchar, qui dit qu'il connaît M. Nicolas pour un homme doux, honnête, bon et généreux; et que l'école dont il était le maître se trouvait sous la surveillance du curé; qui ne l'aurait pas recommandé ni gardé si Nicolas n'eût pas été d'un caractère irréprochable. Beaulieu, au contraire, était un homme très-empoité.

*Contre-examen.*—M. le solliciteur-général interroge de nouveau. Le témoin dit qu'il n'a jamais engagé Nicolas à faire du mal, et que quant à la faiblesse de l'esprit de Joseph Pinsonneau, il en juge par sa conversation avec les autres jeunes gens.

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Narcisse Monbleau, 6e témoin à décharge, corrobore les témoignages précédents.

Le Dr. Quesnel, 7e témoin à décharge, demeure à l'Acadie depuis 15 ans. Beaulieu, qui est un jeune homme violent, vint pour le commander, en lui faisant des menaces, qu'il craignait. Le témoin était entièrement opposé aux patriotes; dit que l'autorité n'était nulle part; que l'agitation était extrême (ce mot fait sourire M. le juge en chef, qui suggère au solliciteur-général de demander combien il y avait d'agitateurs?); et que tous les habitants étaient unanimes. L'anarchie était complète, on forçait des pères de familles à laisser aller leurs enfans. Le gouvernement Anglais n'était pas reconnu, et il n'avait aucun moyen de repression dans l'endroit. Le témoin, qu'on avait forcé de renvoyer sa commission, empêcha un capitaine de milice de marcher avec toute sa compagnie en lui conseillant de rester tranquille.

*Contre-examen.*—Le témoin dit que tous les jeunes gens se remuaient. Le solliciteur-général lui demande si cette agitation avait bientôt cessé. Le docteur, qui aime apparemment les fleurs de rhétorique, dit: "La mer ne se calme pas si vite!" qu'on ne s'arrêta qu'à la nouvelle de la bataille de St. Charles. M. le solliciteur-général parle d'un ton furieux, et dit que c'était une bande de brigands, etc.

Laurent Archambault, 8e témoin à décharge, demeure à Blairfindie depuis 17 ans. En Novembre les esprits étaient dans l'effervescence dans l'Acadie. Il n'était pas du sentiment de ceux qui se soulevaient, mais la très grande majorité était mécontente. Le gouvernement Anglais n'était pas senti, et il n'y avait d'autorité que celle du peuple. Pas un seul magistrat n'aurait pu ni oser exercer ses fonctions. Le témoin raconte très en détail qu'on le força à renvoyer sa commission. Beaucoup de familles s'étaient enfuies, de peur, à New York. Enfin, l'anarchie était au comble.

*Contre-examen.*—M. le solliciteur-général veut lui faire dire que cette anarchie ne régnait que pour forcer les gens en place à renvoyer leurs commissions. Le témoin répond qu'elle pouvait avoir encore une autre portée.

Pierre Roy, 9e témoin à décharge, de l'Acadie, corrobore le témoignage précédent quant à l'état d'anarchie, et dit en propres termes que le gouvernement Anglais était rejeté. On s'organisait, et déjà plusieurs rassemblemens se faisaient pour se porter sur St. Jean et sur St. Charles. Il dit que Nicolas était un parfait honnête homme.

*Contre-examen.*—M. le solliciteur-général pose sa question par rapport à l'anarchie et aux commissions. Le témoin dit formellement que le but des habitants n'était pas seulement de forcer les gens en place à résigner, puisqu'ils se préparaient à aller jusqu'à St. Charles.

Casimir Michel, 10e témoin à décharge, de Blairfindie, dit qu'il n'a jamais connu de commandement à Nicolas lors des troubles à l'Acadie. Il établit la bonne réputation des prisonniers, et dit que Garant et Giroux étaient reconnus pour des boutes-feu.

Louis Régior, 11e témoin à décharge, corrobore le témoignage précédent, et dit que Nicolas ne passait pas pour un des chefs, et qu'il y avait des chefs reconnus.

Louis Defayette, 12e témoin à décharge, dit qu'il connaît Daunais depuis son enfance, et qu'il a toujours été un jeune homme doux et honnête.

Laurent Regnault, 13e témoin à décharge, corrobore Defayette, et ajoute qu'il a employé Daunais à son service, et qu'il en a été parfaitement satisfait.

Pierre Picard, 12e témoin à décharge (respectable vieillard à cheveux blancs, ayant l'air d'un patriote), dépose: Je demeure à St. Jean. J'y ai connu Chartrand, qui ne passait pas pour être un homme comme il faut. M. David Roy avait passé quelques jours chez lui, à St. Jean, et Chartrand le battit un soir. Plus tard il lui en demanda excuse. Je le rencontrai le lendemain matin, il me demanda comment se portait Roy. Je lui dit qu'il devait le savoir mieux que moi, puisqu'il avait manqué de le tuer la veille au soir. Chartrand dit qu'il en ferait bien d'autres. Il passait pour un espion, et était parmi les volontaires.

M. le sol. génl., d'un ton fâché, demande au vénérable témoin son âge. Il répond, 75 ans, et s'il n'a pas lui-même eu des querelles dans sa vie. "Pas souvent," réplique-t-il. Le sol. génl. lui dit alors: "Vous en avez eu du regret ensuite?" Le témoin: "Oui, mais Chartrand ne paraissait pas en avoir." Il n'était pas présent lorsque Chartrand assaillit David Roy.

Jacob Bouchard, 15e et dernier témoin à décharge, cultivateur de l'Acadie, dépose: que l'on craignait beaucoup Chartrand; on s'attendait chaque jour à le voir venir avec une compagnie de volontaires pour commettre des déprédations; on disait qu'il voulait mettre tout à feu et à sang dans l'Acadie. Tous le prenaient pour un espion.

Répondant au sol. génl., qui lui demande s'il ne courait pas de faux bruits pendant les troubles, il dit que oui.

L'enquête des accusés close.

M. le procureur-général s'adresse au jury:—Messieurs,—Vous êtes réunis pour vous enquerir de l'offense de meurtre, c'est-à-dire le plus grand des crimes que connaissent les lois, et dont l'inculpation pese sur les prisonniers. On ne peut, ni ne doit mettre en accusation que par la voie du grand jury, et cela sans partialité, sans faveur. J'ai fait tout ce que j'ai pu, non pas par ordre du gouvernement, mais de mon propre mouvement: c'était mon devoir. S'il est au monde un pays où les lois criminelles soient administrées impartialement, c'est ici, chez un peuple heureux, le plus heureux peut-être qui soit au monde. Messieurs, on a voulu parler d'anarchie. Une demi-douzaine d'individus mal-intentionnés ont d'abord parcouru les paroisses: bientôt on a vu leur nombre s'accroître et l'agitation se répandre; ils finirent par faire bouleverser les lois. Si les lois criminelles sont bien administrées, on doit se prononcer sur ce procès avec justice. Vous devez vous dépouiller de tout sentiment personnel, et de considération, soit politique, soit autre, pour n'envisager le procès que sous le rapport des lois.

J'ai fait retirer les témoins, pour rendre justice aux accusés; j'ai insisté sur ce que l'on en fit autant des leurs pour empêcher jusqu'à la possibilité d'un complot entre-eux. Vous devez

rendre votre verdict d'après les témoignages; vous examinerez si les quatre prisonniers sont tous coupables, ou si quelques-uns d'eux seulement le sont, et lesquels.

Il paraît, messieurs, que Nicolas a agi comme principal dans l'affaire, et les trois autres en qualité de complice, comme vous l'a dit le solliciteur-général qui vous a dépeint d'une manière si touchante comment le pauvre Chartrand a été mis à mort. Je vais vous lire la loi, et vous laisserai à décider du sort des prisonniers.

(M. le procureur-général cite Blackstone, en français, pour définir le meurtre; puis des passages des auteurs cités par M. Moudélet, pour détruire ce que celui-ci en a tiré.)

La loi veut que le doigt de chacun soit sur la cachette d'une arme à feu pour que dans les circonstances ils soient tous coupables. Ils étaient une bande. Ceux qui ont été témoins du crime et qui n'ont pas essayé de l'empêcher sont aussi coupables que ceux qui ont tiré. Il a été décidé que ceux qui sont présents par accident et qui n'empêchent pas le crime ne sont pas coupables.

Le savant avocat qui s'est adressé à vous, messieurs, de la part des accusés, a parlé des troubles et reproché au gouvernement de n'avoir pas fait ce procès pour haute trahison, comme les autres; mais s'ils avaient été inculpés pour haute trahison, on les aurait traités avec la même clémence que les autres. Parce qu'un grand nombre d'individus se sont trouvés impliqués pour haute trahison par rapport aux troubles, ce n'était pas une raison pour que les prisonniers à la barre ne le fussent pas pour meurtre. Le gouvernement a distingué les chefs, les lâches qui, après avoir excité le peuple, se sont sauvés. Un acte d'amnistie a absous les autres, et a fait exception des prisonniers et autres accusés du meurtre de Weir et de Chartrand.

On dit qu'on a excusé ceux qui ont tué les soldats; ce n'est pas à moi à en répondre, ce n'est pas aux autres à s'en plaindre. Chartrand tira-t-il? Était-ce une guerre civile? Non, messieurs. Chartrand était allé à l'Acadie pour affaire particulière, et s'en retournait à St. Jean. On s'en empare et on le fusille de sang froid. Est-ce comme à St. Charles et à St. Denis? Dans ce cas, c'était rébellion; dans l'autre, un meurtre de la plus grande barbarie. [Il cite les circonstances, et se met à l'aise en posant le pied sur un siège, se caresse le genou de la main et déclame sur le ton braille d'un ministre-méthodiste.] On s'est efforcé de vous faire accroire qu'on avait contraint les jeunes gens à marcher; mais le projet de l'expédition avait été abandonné, il n'était plus question de prendre St. Jean ni d'aller à St. Charles.

J'ai remis les procès des accusés; je n'ai pas voulu qu'ils eussent lieu en Mars, de crainte que, des ennemis se trouvant parmi le jury, ils ne les condamnaient. Mais un gouvernement paternel, juste et impartial, n'a pas voulu qu'un Canadien ait pu être tué impunément. Des meneurs, des lâches, qui ont conduit les gens à la boucherie, se sont sauvés aux États-Unis, beaucoup sont rentrés en grâce, mais l'ordonnance qui décrète l'amnistie ne s'applique pas au cas actuel. [Il lit cette ordonnance.] Si le gouvernement a voulu pardonner à quelques-uns, on ne doit pas l'accuser ni le blâmer parce qu'il veut punir ceux-ci [en montrant les accusés.] Il est de votre devoir d'administrer les lois de votre pays consciencieusement, de maintenir l'ordre et d'appuyer le gouvernement qui protège la société. Oublions le passé, messieurs; mettez tout sentiment de parti de côté; élevez-vous aux grands principes de justice, et que votre verdict ne laisse pas échapper des coupables. J'ai fait mon devoir, faites le vôtre.

M. le juge en chef porte ensuite la parole et fait du tout un long résumé, que nous regrettons de ne pouvoir qualifier de l'épithète d'impartial; il commence ainsi: "Parmi un peuple reconnu pour être paisible, il est rare qu'on ait vu se commettre un crime accompagné de circonstances aussi atroces. Le sang d'une victime crie vengeance, et demande justice." Après quoi les jurés se retirent dans leur chambre à 4 heures, reviennent au bout d'une heure et demie, et rendent le verdict: NON COUPABLES.

Cette décision est accueillie avec des signes visibles de satisfaction par le public. Des individus suspects s'étant tout-à-coup présentés en grand nombre, tandis que d'autres ont envahi les avenues du Palais de Justice, M. Walker fit motion à l'effet de retarder de quelques instans la mise en liberté des prisonniers.

De leur part, les accusés se montrèrent fermes jusqu'au bout, et ne témoignèrent aucune faiblesse à l'instant fatal où le verdict était sur le point d'être prononcé.

Comme il y avait lieu de craindre que quelques forcenés ne vinssent à se porter à des excès, Messieurs Nicolas, Daunais, Joseph Pinsonneau, et Gédéon Pinsonneau furent accompagnés à un hôtel par des agens de police, et une foule de Canadiens s'étaient rendus sur les lieux afin de prêter main forte en cas de besoin, mais le tout se termina dans le plus grand ordre, à l'exception de 3 ou 4 individus qui sifflèrent les patriotes libérés sur leur passage, et qui furent méprisés par le public.

(Signed) JOHN IMY.  
A. RAMBAU.

## Enclosure No. 5.

EXTRACT of a REPORT of the COMMISSIONERS of INQUIRY, dated, Montreal, 11th December, 1839.

Enclosure No. 6.

SIR,

WE have the honour to acquaint you, for the information of His Excellency, the administrator of the government that in pursuance of the powers granted to us, as a Commission of Inquiry into the cases of persons in gaol, or otherwise in custody, charged with crimes and offences committed during the late rebellion, we proceeded, at the earliest moment, on Monday, the 3rd of December instant, to the common gaol, where we have taken the voluntary examinations of about one hundred and fifty prisoners.

No. 12.  
Sir John Colborne  
to the Marquis of  
Normanby.  
6th May, 1839.

The packet C. contains declarations and protests on the part of Messrs. Lafontaine, Mondelet, D. B. Viger, Levesque, L. M. Viger, and J. A. Berthelot, all of whom, except Mr. Levesque, are advocates, who signified their unwillingness to undergo examination, denying the legality of the commission, and vehemently exclaiming against the injustice of the imprisonment and detention.

It would suit our dispositions to make no remark on the conduct of those learned gentlemen, the presence or absence of courtesy in those coming before us, in the discharge of such a duty, being a matter of some indifference to us, and we are inclined to make every allowance for the irritated feelings of gentlemen in their situation; but we cannot, in justice to ourselves, overlook an untruth, petulantly asserted by Messrs. Lafontaine and Mondelet, that they were brought before us by force. No compulsion has been, nor could be, used by us, in any of our proceedings, and those gentlemen, in particular, were informed that their coming before us was perfectly unshackled and voluntary; and the idea of the employment of any force, must have grown out of their own imaginations, for they appeared, before us, within a few minutes after the signification of our request, and without time to frame and transcribe their protests in which anticipated violence is gratuitously alleged.

(Signed) A. BUCHANAN,  
JOHN BLEAKELEY,  
DUNCAN FISHER,  
Commissioners.  
Certified.  
(Signed) C. R. OGDEN,  
Attorney-General.

(Copy.)

Enclosure 6 in No. 12.

Montreal, 3rd December, 1838.

Enclosure No. 6.

SIR,

I AM directed by His Excellency the Commander of the Forces, to acquaint you, with reference to the accompanying complaint from Mr. Joseph Ainsse, of Varennes, and the reply, that although the charge for Quarters cannot be admitted, it was intended that the provisions should have been furnished by the Commissariat.

The Commander of the Forces thinks that the villages which were in a state of rebellion, should be made to feel some inconvenience by having the troops quartered on them, but the system of allowing each regiment to obtain their own provisions from the inhabitants, could not be carried into effect without injustice to many, and causing great irregularity amongst the troops. His Excellency therefore desires that the Commissariat may be instructed to pay for the amount of provisions which have been furnished the troops on their march to St. Hyacinthe.

I have, &c.

(Signed) THOMAS LEIGH GOLDIE,  
Assistant-Commissioner.

Colonel, the Honourable Charles Gore,  
Deputy Quartermaster General, Montreal.

(Copy.)

Enclosure 7 in No. 12.

Enclosure No. 7.

Sir,

Military Secretary's Office, Montreal, 10th January, 1839.

I am directed to acquaint you, with reference to your letter of the 7th instant, that the Commander of the Forces having called on Lieut.-Colonel Lyster for an explanation, that the charges contained in your petition of the 24th November, 1838, that officer has forwarded a reply which appears perfectly satisfactory, and which is confirmed by the statement of Mr. Martigni.

His Excellency, however, has directed the Commissary-General to pay you the amount of provisions which you supplied for the battalion of Guards on their march through Varennes, on the production of receipts from the commanding officer for the articles furnished by you, as it was through misapprehension on the part of the public departments that the troops did not receive their rations regularly from the Commissariat.

I have, &c.

(Signed) WM. ROWAN, M.S.

Mr. Joseph Ainsse,  
Varennes.

Enclosure 8 in No. 12.

Enclosure No. 8.

Montreal, 3rd December, 1838.

Major Law will proceed to the Marie de Monnoir and fix his residence at that village for the present. He will explain to the principal inhabitants that he is come amongst them to inquire into their complaints, and to prevent any improper or unauthorised arrests. He will report on the state of the country, and endeavour to ascertain whether any arms or ammunition

have been brought into the neighbourhood, and if any inhabitants express a wish to take the oath of allegiance, he will encourage them to do so, inserting their names in a list, stating whether they are landed proprietors or labourers.

Major Law will act in both a civil and military capacity, and will assume the command of any troops commanded by a junior officer who may be stationed at the Marie de Monnoir.

By command,  
(Signed)

JOHN EDEN, D.A.G.

Major Law, 83rd Regt.

No. 12.  
Sir John Colborne,  
to the Marquis of  
Normanby,  
6th May, 1839.

Enclosure 9 in No. 12.

General Order.

Head-Quarters, Montreal, 4th December, 1838.

Many unauthorised arrests having lately been made in this district, it has become necessary to promulgate the following orders, for the guidance of all magistrates and officers in command, and of such other persons as may be duly authorised to arrest offenders charged with treason or treasonable and seditious practices.

No arrest whatever shall take place, except under the authority of a magistrate, upon sufficient evidence or deposition, nor shall final committal take place until after the personal examination of the accused.

A magistrate authorising such arrests, upon finally committing such offenders in all places where jails or other proper places of confinement are provided, will immediately transmit to the Attorney-General the depositions upon which such offenders have been committed, with a full statement of the result of his personal examination.

In all places where jails or other proper places of confinement are not provided, or from whence it may be necessary to transmit the accused to the common jail of the district of Montreal, all magistrates, other than special, issuing such warrants, will direct the persons conveying such prisoners, to bring them and the deposition upon which they are committed before the nearest special magistrate, who will decide upon the future destination of such prisoners, according to his instructions.

All officers commanding, or special magistrates, causing such prisoners to be forwarded to the common jail of the district of Montreal, shall direct the depositions upon which they have been committed, to be transmitted simultaneously to the Attorney-General.

By command,  
(Signed)

JOHN EDEN, D.A.G.

(Copy.)

Enclosure 10 in No. 12.

General Orders.

Head-Quarters, Montreal, 5th December, 1838.

It having been represented to the Commander of the Forces that the inhabitants suffer from providing the troops with fuel and light when billeted on them, his Excellency is pleased to approve of the sum of twopence currency being allowed for each man per diem, but this is not to extend to the inhabitants when the troops are on march through the country; and in the rebellious districts, this issue is to be made on the certificate of the officer commanding the troops of the necessity of the issue; but to the loyal inhabitants it is invariably to be granted when the troops are stationary for any time.

(Signed)

JOHN EDEN, D.A.G.

(Copy.)

Enclosure 11 in No. 12.

Head-quarters, Montreal, 19th December, 1838.

GENERAL ORDERS.

No. 3.—Adverting to the General Order, dated 5th December instant, and with a view to point out the form of payment for the billeting of the troops, his Excellency the Commander of the Forces directs that the commandant of each district, on reference to the magistrates or principal inhabitants, will be pleased to appoint a billet-master in each town or village in his district, who will be authorised to receive payment for this service from the Commissariat at the established rates, upon returns, showing the numbers and period, signed by the commanding officer of the corps or detachment.

(Signed)

JOHN EDEN, D.A.G.

(Copy.)

Enclosure 12 in No. 12.

Benjamin Delisle, Ecuyer, Grand Connétable, demeurant en la ville de Montréal, après serment prêté sur les saints Evangiles, dépose et dit: Je connais l'Honorable Denis Benjamin Viger, demeurant à Montréal, et sais qu'il est propriétaire et possesseur de plusieurs propriétés.

Enclosure No. 12.



No. 12.  
Sir John Colborne  
to the Marquis of  
Normanby.  
6th May, 1839.

tés foncières situées en cette ville. Il est à ma connaissance que la maison où s'est imprimé "Le Temps" journal, ci-devant publié en langue Française en cette ville, appartient au dit Honorable Denis Benjamin Viger, et lui appartenait lorsque le dit journal "Le Temps" y était imprimé et publié. Je suis bien informé que le nommé François Lemaitre était l'imprimeur du dit journal, et que la maison dans laquelle le dit journal s'imprimait est située en cette ville, rue St. Paul, et près du Marché neuf, et que c'est la même maison où s'imprimait ci-devant "La Minerve." J'avais en Novembre dernier été chargé d'un warrant d'arrestation contre le dit Lemaitre pour haute trahison, mais il a réussi à éluder mes recherches et à sortir de la province. Je fis autoriser le 6 Novembre dernier à saisir les presses et caractères d'imprimerie, ainsi que les papiers qui pourraient se trouver au bureau du dit journal "Le Temps," dans la maison ci-dessus mentionnée. Je fis en effet la dite saisie, et au nombre des papiers que je trouvai dans le dit bureau se trouvaient les huit numéros du dit journal "Le Temps" ci-annexés, portant les numéros 2, 3, 4, 5, 6, 7, 8, et 9, lesquels ont tous été paraphés par moi. Le déposant ne dit rien de plus, et a signé,

BENJAMIN DELISLE, Grand Connétable.

Assermenté devant moi, à Montréal, ce 9 Février, 1839.

P. E. LECLERC, J. P.

(Copy.)

Enclosure 13 in No. 12.

Enclosure No. 13

Paul Montanary, huissier, de Montréal, après serment prêté sur les saints Evangiles, dépose et dit: Je suis huissier de la cour du Banc du Roi pour le district de Montréal; c'est moi qui, en ma qualité d'huissier, ai vendu le printemps dernier tous les presses et caractères qui composaient l'imprimerie appartenant à Ludger Duvernay, ci-devant de Montréal et actuellement absent de la province. C'est dans cette imprimerie que se publiait le journal Français, intitulé "La Minerve," depuis plusieurs années. L'Honorable Denis Benjamin Viger, de Montréal, est la personne qui a acheté la dite vente toutes les presses et la presque totalité des caractères d'imprimerie appartenant au dit Ludger Duvernay. Le dit Honorable Viger est aussi à ma connaissance le propriétaire de la maison où l'imprimait le dit journal, "La Minerve," c'est aussi dans la même maison que s'est imprimé aussi un petit journal, intitulé "Le Quotidienne," par un Monsieur Lemaitre, aussi absent de cette province. La déposant ne dit rien de plus, et a signé.

(Signé)

PAUL MONTANARY.

Assermenté devant moi, à Montréal, ce 10 Janvier,

(Signé) P. E. LECLERC.

(Copy.)

Enclosure 14 in No. 12.

Enclosure No. 14

John Jones, of the parish of Montreal, Gentleman, being duly sworn on the Holy Evangelists, doth depose and say, that some time last spring two presses, with types, &c., being the materials composing the Minerve Printing Office, supposed to be the property of one Ludger Duvernay, were sold by public auction; and deponent saith that Denis Benjamin Viger, Esquire, did purchase the greater part of the materials, two presses, and types, composing the said Minerve Office.

And further deponent saith, that he believes that the house, with the said printing materials, &c., were in and do belong to the said D. B. Viger, Esquire.

And farther deponent saith, that François Lemaitre was present at said sale, and told deponent that the said D. B. Viger was buying said office for him to print the "Quotidienne," a paper which was published with said Lemaitre's name as proprietor; and it is also in the same office that another revolutionary newspaper, called "Le Temps," was published, which contained articles of a treasonable and revolutionary character. And further deponent saith, not, and hath signed.

(Signed)

JOHN JONES.

Sworn before me this 10th January, 1839.

(Signed)

C. S. RODIER, J. P.

(Copy)

Enclosure 15 in No. 12.

Enclosure No. 15

Benjamin Delisle, Grand Connétable, demeurant en la ville de Montreal, après serment prêté sur les saints Evangiles, dépose et dit: Je connais l'Honorable Denis Benjamin Viger, demeurant à Montréal, et sais qu'il est possesseur de plusieurs propriétés foncières situées en cette ville. Il est à ma connaissance que la maison où s'est imprimé "La Minerve," journal public en langue Française, appartient au dit Honorable Denis Benjamin Viger, et lui appartenait lorsque Ludger Duvernay, propriétaire du dit journal, a laissé la province. Qu'un warrant d'arrêt avait été lancé contre le dit Ludger Duvernay en conséquence des écrits séditieux et révolutionnaires imprimés depuis plusieurs années dans le dit journal "La Minerve." Que



depuis le départ du dit-Ludger Duvernay, il s'est imprimé par un Monsieur Lemaitre, actuellement absent de la province, et contre lequel un warrant pour haute trahison a aussi été lancé. Dans la dite maison, un autre journal Français, intitulé "La Quotidienne," dans lequel les articles révolutionnaires ont paru, lequel tendaient au renversement du gouvernement existant. Cette maison est située rue St. Paul, près du Marché neuf. J'ai eu ordre de saisir les presses et caractères de "La Quotidienne." Je l'ai fait, et ces presses et caractères sont en ma possession.

Le dit Honorable Denis Benjamin Viger est aussi le propriétaire d'une maison située en cette ville, rue St. Paul, près du neuf Marché. C'est dans cette maison que s'est imprimé un petit journal en langue Anglaise, intitulé "The Express." Un warrant d'arrêt a aussi été lancé contre les propriétaires de ce journal en conséquence des articles séditieux et révolutionnaires imprimés dans le dit journal. J'ai aussi saisi par autorité les presses et caractères de ce journal, lesquels sont encore en ma possession. Et le déposant ne dit rien de plus, et a signé.

(Signé) BENJ. DELISLE,  
High Constable.

Assermenté devant moi, à Montréal, ce 10 Janvier, 1839.  
(Signé) P. E. LECLERC, J. P.

No. 12  
Sir John Colborne  
to the Marquis of  
Normandy.  
6th May, 1839.

(Copy.)

Enclosure 16 in No. 12.

Enclosure No. 16.

Province of Lower Canada, District of Montreal.

Joseph Nickless, of the city of Montréal, Merchant, being duly sworn on the Holy Evangelists, doth depose and say:—

I keep my store in Notre-Dame street, the second house from the New Market. I frequently during last summer saw the Honourable Denis Benjamin Viger, of Montréal, in the said market, on market days, recommending to the habitans farmers the newspaper then published in this city, called the "Quotidienne," as a good paper for them to read, and encouraging the sale of the said paper, telling them to purchase the same—that it was a good paper. I also frequently, on market days, saw the said D. B. Viger between Nelson's monument and Mr. Kurczyn's grocery store, at the head of the market, doing the same thing, that is to say, recommending the said newspaper "La Quotidienne," to the Canadian farmers, who, on such occasions, would purchase the said paper from the carriers. On the occasions last alluded to I could not overhear what Mr. Viger said to the habitans, but I could distinctly see them grouped about him, as also the carrier boys; and afterwards the said paper "La Quotidienne," handed to the said habitans, who in return paid the carrier boys for it.

Sworn before me at Montreal this 2nd February, 1839.

(Signed) P. E. LECLERC, J. P.  
(Signed) JOSEPH NICKLESS.

(Copy.)

Enclosure 17 in No. 12.

Montreal, 19th January, 1839.

Enclosure No. 17.

SIR,

WITH reference to the Petition of the Honourable D. B. Viger, to His Excellency, dated the 12th January, instant, which you transmitted to us, desiring us to make further inquiry into his case, we beg leave now to state, that we have read the said petition, and we do not see that it deserves any observation on our part.

Since we had the honour of reporting with regard to Mr. Viger, and of recommending that he should be discharged, on his giving bail to a large amount for his good behaviour, we have been placed in possession of evidence which satisfies us that he directed seditious journals, and gave them his valuable protection, previous to the breaking out of the last rebellion.

We see no reason, therefore, to advise his being enlarged without his giving bail.

Should Mr. Viger see fit to acquiesce in what we consider a necessary and salutary check, in this way, we beg leave to add that the amount of bail might be ultimately fixed, with a just consideration of his means, which we are led to believe are very ample.

We have, &c.  
(Signed) A. BUCHANAN,  
GEORGE WEEKES,  
JOHN BLEAKLEY,  
DUNCAN FISHER,  
Commissioners.

Charles R. Ogden, Esq., H.M. Attorney General,  
&c. &c. &c.

(70.)

No. 13.

COPY of a DESPATCH from Lieut.-General Sir JOHN COLBORNE, G.C.B.,  
to the Marquis of NORMANBY.

MY LORD,

Government House, Montreal, 9th May, 1839.

I HAVE the honour to transmit herewith certified copies of the ordinances passed by the Special Council of Lower Canada, during the last Session, numbered from cap. 1 to cap. 67 inclusive.

I have, &amp;c.

(Signed) J. COLBORNE.

The Marquis of Normanby,  
&c. &c. &c.

(75.)

No. 14.

COPY of a DESPATCH from Lieut.-General Sir JOHN COLBORNE, G.C.B.,  
to the Marquis of NORMANBY.

MY LORD,

Government House, Montreal, 20th May, 1839.

I HAVE the honour to transmit to your Lordship, in reference to my despatch No. 67, of the 6th instant, Enclosure No. 5 to that despatch, and a copy of another Report from the Commissioners of Inquiry, relative to the case of the Hon. D. B. Viger.

I have, &amp;c.

(Signed) J. COLBORNE.

The Marquis of Normanby,  
&c. &c. &c.

Enclosure in No. 14.

SIR,

Montreal, 2nd February, 1839.

Enclosure.

IN pursuance of your request, signified to us this day, that we should take into consideration the memorial, dated the 28th of January last, of the Honourable D. B. Viger, a person confined upon a charge of political offence, by which he seems chiefly to seek the recovery of certain manuscripts, documents, extracts, and other productions. We have the honour of reporting that, in the month of December last, while we were engaged in inquiry as to the causes of his detention, a box containing papers, which had been seized in his possession, was presented to us as evidence against Mr. Viger, for seditious conduct.

In the whole course of a very irksome investigation, we do not think that we were called upon to perform a more disagreeable task than that of reading through such a mass of manuscripts, which we are inclined to believe are not, nor can ever be, of value except to the writer.

Pursuing that line of conduct which we regarded as correct, we requested Mr. Leclere to obtain proof to establish these facts, and to afford evidence of the following description:—

1. That Mr. Viger's hand-writing was apparent on the face of the proof-sheets of the small newspapers that were got up during the last summer for the purpose of agitating the peasantry of the country.

2. Such evidence as could be had to show Mr. Viger's activity, in the way of pecuniary encouragement and of oral persuasion, for the dissemination of those petty journals set on foot with the express design of creating disaffection against the Government.

3. His means of influence, as a member of society.

In answer to that part of Mr. Secretary Goldie's letter of yesterday, addressed to you, by which you are desired to state, for the information of his Excellency the Governor-General, in whose hands Mr. Viger's papers have been placed in order that such as are not of a seditious tendency may be returned to him immediately. We have the honour of reporting that Mr. Leclere, having selected some newspaper proofs, the corrections of which we have ascertained, were made by Mr. Viger, all these papers, except the said proofs, were returned to Mr. Leclere, and we suppose they are in the possession of that department.

These corrected proofs, together with important depositions connected with the subject, we now beg leave to transmit to you; and, although we are not prepared to say that Mr. Viger should be put upon trial, we conceive that Her Majesty's Government have a right to require bail for his good behaviour, for the following reasons:—

1. Because Mr. Viger is a person of high standing and consideration in the estimation of his fellow-countrymen, as well from his great wealth as from a long career of forensic life.

2. Because Mr. Viger, having such influence, exercised it by means of seditious presses, supported, if not established wholly, by his pecuniary sacrifices, to produce discontentment with, if not an alienation from, Her Majesty's Government.

3. Because Mr. Viger, conducting himself with apparent premeditation in this manner,

was during the late troubles, and previously thereto, a person dangerous more by example than by action; and that therefore it is just and right to require from him a guarantee for his peaceable conduct in time to come.

No. 14.  
Sir John Colborne  
to the Marquis of  
Normanby.  
20th May, 1839.  
Enclosure.

We have, &c.  
A. BUCHANAN,  
GEO. WEEKS,  
JOHN BLEAKLEY,  
DUNCAN FISHER,  
Commissioners.

Certified.  
(Signed) C. R. OGDEN,  
Attorney-General.

(86.)

No. 15.

EXTRACTS of a DESPATCH from Lieut.-General Sir JOHN COLBORNE,  
G.C.B., to the Marquis of NORMANBY.

MY LORD; Government House, Montreal, 8th June, 1839.

No. 15.  
Sir John Colborne  
to the Marquis of  
Normanby.  
8th June, 1839.

I HAVE the honour to transmit to you a copy of a letter from Captain Sandom of the Royal Navy, commanding on the lakes of Upper Canada, and my reply to him, respecting the armed boats which have been seen on the St. Lawrence, equipped by Johnson of French Creek and his associates.

The objects of these brigands are, to attack our steam boats, interrupt the commerce on the St. Lawrence, and commit outrages and depredations on the Canadian frontier, which will compel the British Government to continue the expensive precautionary measures of defence which have been adopted, and involve the two countries in discussions which may ultimately produce a war.

The preparations of the brigands, and the activity of the refugees, observed on this frontier, and the reported enrolment of the French Canadian labourers, who at this season pass into the States in search of work; and, it is said, avow their intention of joining the outlaws and patriots on the Borders in the autumn, have probably occasioned the rumours which now prevail in this province, that insurrectionary movements are contemplated in the ensuing winter.

The agent of the Seignior of Beauharnois is alarmed at the unusual neglect which he observes among the habitans, in their agricultural concerns, and attributes their indifference and idleness, to the expectation of disturbances.

I have endeavoured to ascertain whether there are really facts to warrant the suspicions of the alarmists; but I cannot discover there are any; except the reported encouragement which the parties of refugees receive beyond the frontier line, and the predatory incursions which have lately taken place, and have been traced to Swanton. I have received information, however, from individuals residing in New York; that the patriots have not abandoned their hostile schemes in respect to Canada.

The priests of the districts which have been most disturbed, inform me that the habitans are quiet, and following their usual occupations, but that there is little improvement generally in the feeling of the people.

Any immediate favourable change in the dispositions of the habitans cannot be expected, they have been corrupted by the leaders of a revolutionary party, with much perseverance, and assiduity, whose aim was independence, however many of them may have differed as to the best means to be used in attaining it. In every district of the province the greater portion of the habitans were acquainted with the plans of the conspirators who were implicated in the last revolt; and there is reason to believe that the official documents which have been circulated since the insurrection have tended to irritate influential classes of the French population, which were known always as obedient and quiet subjects, if not essentially loyal.

I am persuaded, that not many of the habitans could be induced to engage in further schemes against the Government, unless they were convinced that powerful assistance would be afforded them by the patriots of the United States. The tranquillity of the frontier countries must depend altogether on the conduct of the authorities of the adjoining States, and the exertions which the Presidential Government may venture to make to prevent the assembly of brigands on the frontier.

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In adverting to the bad spirit, which I think will be found to have long prevailed among the French habitans, and which I am confident has not been diminished by the events of the two past years, I beg to mention that I have no apprehension that there is any danger whatever in their conduct which can be considered as indicative of any future attempt to disturb the province. There are few instances in the parishes which have been agitated, in which a want of loyalty has been shown by the priests; indeed, it cannot be denied that they have, with two or three exceptions, acted with great firmness, and have exerted their influence in favour of the Government. The field officers of the militia, with few exceptions, are also loyal subjects; and, indeed, many of the officers of militia.

If a different feeling among the habitans from that which now exists should take place, it may probably be gradually introduced by the appointment of intelligent magistrates, the carrying into effect the proposed circuit-courts, and alterations in the judicature of the province, the reorganization of the militia, and certain modifications in the feudal tenures. Several individuals who have been most conspicuous in promoting the views of the revolutionary party have expressed an opinion favourable to the Legislative Union of the provinces, whatever may be their views in supporting that measure.

The Enclosure No. 3 contains the substance of the charge of the judge of the State of Vermont, as reported by the officer of police, attending with the witnesses from Canada, who presided at the trial of West and Grogan, the two ruffians concerned in the burning of Vosburg's house, reported in my Despatch of the 19th February, No 28.

With respect to the border outrages, it appears evident that the American Government do not, or have no power to punish offenders who may be apprehended.

Your Lordship will perceive from the annexed copies of letters from the Governor of Vermont, how inconsistent their conduct has been in regard to offenders escaping from justice. I find from a letter which I have received from Sir John Harvey, that he has detached a company of the 69th Regiment to the Madawaska settlement, in consequence of the encroachment of the armed party of the State of Maine, still in the disputed territory.

I have, &c.

(Signed)

J. COLBORNE.

The Marquis of Normanby.  
 &c. &c. &c.

Enclosure 1 in No. 15.

Sir,

Her M. S. Niagara, Kingston, 31st May, 1839.

Enclosure No. 1.

As I feel assured that the most prompt and decisive measures are absolutely essential to crush in the bud the movements of the turbulent people scattered on the borders of the St. Lawrence, and on some of the islands, with the avowed intentions of committing depredations on some part of the British dominions in Canada, or on the mercantile steam vessels, I most earnestly entreat your Excellency to give me instructions for my guidance, should the naval force under my command come in contact with them. Their tact and cunning will keep them within the American line of demarcation on the St. Lawrence, but chance may enable some of my officers to meet them off their guard, on our side, in which case the result would be simple—they would be taken.

Their present haunts are on the American islands bordering upon our lines, so near, as to enable them to make incursions with facility and success.

It is in such cases that I feel most perplexed and at a loss how to act.

My understanding with General Macomb last year was, that I should be at liberty to attack such people on any of the islands, but in the event of capturing the Brigands, to hand them over to the American authorities (when taken on their territory) for trial.

Your Excellency is aware of the fact of officers under my command having surprised a party of these miscreants on Grindstone Island, and of capturing two of them, who, together with a quantity of arms, were by me handed over to the American authorities, agreeable to stipulation—in good faith.

These men were released, and the same scenes are now acting on the same spot.

General Macomb informed me that he must withdraw the sanction he had given for my people to search the American islands.

I would now beg your Excellency's advice as to what measures it would be most proper to pursue when I have positive proof, and the means of capturing them, on any of the islands within the American territory.

(Signed) WILLIAM SANDOM, Captain R.N.  
Commanding Her Majesty's Naval Forces in Canada.

His Excellency Sir John Colborne, G.C.B.  
&c. &c. &c.

No. 13.  
Sir John Colborne  
to the Marquis of  
Normandy.  
8th June, 1839.  
Enclosure No. 1.

## Enclosure 2 in No. 15.

SIR,

Government House, Montreal, 7th June, 1839.

WITH reference to your letter of the 31st ultimo, in which you advert to the piratical movements of the Brigands scattered on the islands and borders of the St. Lawrence, with the avowed object of committing depredations on the unprotected Canadian frontier, and requesting instructions for your guidance in the event of the naval force under your command coming in contact with these pirates within the American line of demarcation, I have to acquaint you, that I authorise you to give such orders to the officers in command of armed boats and steam vessels, as may appear to you calculated to frustrate the intentions of the marauders, and to ensure their capture, in whatever part of the waters of the St. Lawrence they may be found.

You will, however, explain to the officers under your command, that they are on no account to disembark on any American island, with a view of attacking the brigands, without the sanction of the authorities of the United States Government, nor pursue their boats into American ports.

This subject will be again brought under the consideration of the American Government at Washington, and I trust that the authorities of the United States will co-operate with you in carrying into effect the measures for expelling the marauders from the St. Lawrence.

I have, &amp;c.

(Signed)

J. COLBORNE.

Captain Sandom, R.N. Commanding Canadian Lakes Kingston, Upper-Canada.  
&c. &c. &c.

Enclosure No. 2.

## Enclosure 3 in No. 15.

SIR,

Montreal, 25th May 1839.

AGREEABLY to your instructions of the 14th inst., I proceeded to Missisquoi, there to collect the witnesses, against James Grogan, George Starton West, and others, and to convey them to Windsor, State of Vermont, on or before the 21st instant.

I beg leave to report that, on my arrival at Bachridge, I found Thomas Donaldson, one of the witnesses previously notified, absent from his home, Martha Denton, and Clark Gibson were unable to attend the court from indisposition.

I accompanied the undermentioned witnesses to the Circuit Court at Windsor, on the 20th instant,

Clarinda Johnson.  
Sarah Waters.  
Mr. G. Clark.  
David Clark.  
John Gibson.  
Martha Donaldson.  
Jason Waggoner.  
Stephen Waggoner.  
Catherine Waggoner.

Catherine Waggoner had not been previously notified, but understanding she was a material witness in the prosecution, I took her with me.

Judge Paine in opening the court, and addressing the grand jury, informed them, that, after inquiring into the case of Grogan and West, the court was of opinion that if they were guilty of arming themselves with an intention of attacking any military force in Canada, the jury must therefore bring in a verdict of guilty; but if, on the other hand, it was proved to the satisfaction of the jury, that they were only retaliating, or for a mere act of vengeance on private individuals, it would not come within the Act of Congress, the finding of the jury must be not guilty.

The jury, after examining the evidences, informed the judge that they were of opinion that Grogan and West were not guilty: the latter was released accordingly, the former was not in confinement having been rescued previously.

This morning I left the witnesses at their respective homes.

I have, &amp;c.

To P. E. Seclere, Esq.  
&c. &c. &c.

(Signed)

Wm. BROWN, Capt. Montreal Police.

Enclosure No. 3.



No. 15.  
 Sir John Colborne  
 to the Marquis of  
 Normandy.  
 8th June, 1839.  
 Enclosure No. 4.

Enclosure 4 in No. 15.

Government House, Montreal, 23rd March, 1839.

SIR,

INFORMATION having reached me that the President of the United States cannot under the existing laws; and in the absence of any Conventional arrangement between them, and Great Britain, take cognizance of crimes and misdemeanors committed without their territorial jurisdiction, and that his Excellency under these circumstances has declined to interfere on the application addressed to him, requesting the delivery of the body of George Holmes, charged with the commission of murder in this province, and finding that the accused is still confined in prison by your Excellency's authority, within the State of Vermont, upon the charge in question. I have the honour of soliciting at your hands the delivery of that individual.

The President's determination has in all probability been made known to your Excellency by his command, but as yet I have not received any official communication on that subject.

It is to be presumed that the authority to surrender a person charged with so heinous a crime, regarded with abhorrence in all communities, must exist somewhere; and I confidently hope that your Excellency will, on inquiry, find that the important power is vested in yourself; should that be the case, I have perfect reliance on your Excellency's disposition to do an act which the reciprocity in such conjunctures long subsisting between this province and the State of Vermont would seem to demand.

If your Excellency shall feel justified in acceding to my request, I have to inform you that the gentleman who bears this Despatch, holds due authority to take the accused into custody, at such time and place, within this province, as your Excellency may be pleased to appoint.

I have, &c.

(Signed)

J. COLBORNE.

His Excellency the Governor of Vermont.

&c.

&c.

&c.

Enclosure 5 in No. 15.

Executive Office, Shoreham, Vermont, April 16th, 1839.

SIR,

I HAVE the honour to reply to your Excellency's application for the surrender of the body of George Holmes, late of the province of Canada, and charged by the authorities of the said province with having committed the crime of murder.

This being clearly a case of simple murder, entirely detached from and disconnected with any political insurrection or disturbance, I have determined to make the surrender of the said Holmes to the authorities of Canada, that he may be made amenable to the laws he has violated.

I have been brought to this result, more by the consideration of the amity which has heretofore subsisted between the authorities of the province of Canada and the State of Vermont, and the influence which a contrary practice would have upon the peace and safety of the inhabitants of the respective territories, than from any obligation imposed by express enactments.

George A. Allen, Esq., Sheriff of Chittenden County, in whose custody the said Holmes has been since his first arrest, is charged with the order to deliver the said Holmes to William Brown, or to such other person as your Excellency may be pleased to appoint, at such convenient place upon the boundary between this State and the Province of Canada, as may be mutually agreed upon by them, that he may be thence conveyed to the jurisdiction within whose limits the offence is charged to have been committed, for trial.

It may be pertinent on this occasion to refer to a request heretofore made by your Excellency, for the delivery of sundry persons concerned in the burning of buildings in Caldwell's Manor on the night of the 30th of December last, and also for the delivery of others subsequently charged with being engaged in the atrocious attack upon the family of Abram Vosburgh.

It is matter of general notoriety, that the authorities of the General Government have commenced proceedings against such of those concerned in the abovementioned outrages as have been identified, for an offence against the laws of the United States. And I deem it proper to say, that the offences with which those persons stand charged, having ostensibly grown out of the present unhappy political disturbances and difficulties existing in the provinces of Canada; I cannot consent to extend the rule adopted on the present occasion to demands for fugitives charged with offences in any way connected with or growing out of the said disturbances.

I have, &c.

(Signed)

S. H. JENISON.

His Excellency Sir JOHN COLBORNE,  
 Governor of Canada.

Enclosure 6 in No. 15.

SIR,

Executive Office, Shoreham, Vermont, April 17th, 1839.

I AM given to understand that one Newel Ordway, late of Tunbridge, in this city, is now confined in goal in Montreal.

The said Ordway was charged, before leaving this State, with having committed the crime of forgery, as will more fully appear by a copy of indictment herewith transmitted.

I have to request, that in accordance with the amity which has heretofore been so liberally

Enclosure No. 6.

extended to the authorities of this State, your Excellency will be pleased to afford to the bearer hereof, Mr. David G. Foster, such aid and assistance as your Excellency may deem proper to enable him to arrest and bring back for trial the man so charged with crime, in the detection and punishment of which society at large have a common interest.

(Signed)

I have, &c.,  
S. H. JENISON,  
Governor of Vermont.

His Excellency Sir J. COLBORNE,  
Governor of Canada.

No. 15.  
Sir John Colborne  
to the Marquis of  
Normanby.  
8th June, 1839.  
Enclosure No. 6.

Enclosure 7 in No. 15.

SIR,

Government House, Montreal, 25th April, 1839.

Enclosure No. 7.

I HAVE the honour to acknowledge the receipt this day of your Excellency's letter of the 17th instant, and to acquaint you that, in compliance with your request, I have given directions for the surrender to the authorities of the State of Vermont of the person of Newel Ordway, charged with the crime of forgery.

I have, &c.  
(Signed) J. COLBORNE.

His Excellency Governor, Jenison, Shoreham, Vermont.

No. 16.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE, G.C.B.,  
to the Marquis of NORMANBY.

MY LORD,

Government House, Montreal, 2nd July, 1839.

WITH reference to the reports to which I adverted in my despatch of the 8th June, No. 86, respecting the movements of the refugees on the frontier, I beg to acquaint your Lordship, that although I have received many communications from New York, informing me of the determination of the patriots not to abandon their schemes of disturbing the tranquillity of these provinces, and of even at an early period renewing their incursions; I am persuaded that they have not the means of carrying into effect their evil intentions. Within the province the police magistrates are active, and no circumstances have occurred to induce me to suspect that the habitans encourage the refugees to menace or disturb the frontier. Reports, however, have been circulated in every district, with great industry, that the American brigands are prepared to make an incursion on the 4th instant, or before the end of the month.

The United States officers are vigilant, and have promised to transmit to me any intelligence they may receive as to the projects of the brigands.

Mackenzie, of Upper Canada, has been tried at Rochester, in the State of New York, under the Neutrality Act, passed by the Congress, and sentenced to be imprisoned for eighteen months. I entertain no doubt that the want of employment, and the bad appearance of the crops, are the causes of so many of the habitans passing into the United States, where they find no difficulty in obtaining work at twenty dollars per month; and I am confirmed in this opinion by the report of the stipendiary magistrate employed in the seigniories of Chateaugay and Beauharnois, an extract of which is annexed for your Lordship's information.

I have, &c.  
(Signed) J. COLBORNE.

The Marquis of Normanby,  
&c.

Enclosure in No. 16.

EXTRACT of a LETTER from E. BOWEN, Esq., Stipendiary Magistrate for the District of  
MONTREAL.

SIR,

Chateaugay, 21st June, 1839.

Enclosure.

I HAVE the honour to report, for the information of his Excellency the Governor-General, that the alarm and excitement which I have before stated to exist in the county of Beauharnois is rather on the increase than otherwise.

The farms, with very few exceptions, throughout the country, have been put under crop, since which many of the French Canadians have left the country, and more are leaving daily.

In some parts of the country the inhabitants are almost in a state of starvation; and I believe the principal cause of the late emigration to the United States from the frontier settlements has been the scarcity of provisions, consequent upon the loss and destruction of food in those places, during the last winter.

Many of the French Canadian families on the Chateaugay River must leave their farms within a few days in search of labour and food, either in the United States or in the less dis-

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turbed counties of their own country, where they must remain until the new potatoes are fit to eat.

A general belief prevails amongst the French Canadians, that the Americans and Canadian refugees upon the frontier are immediately about to invade the province, and the same idea is general amongst the British part of the population.

I have, within the last week, visited the parishes of St. Remi, St. Philip, St. Edouard, the Pignoniere, the Scotch settlement, the settlement at Beach Ridge, St. Martine twice, the Indian village of South St. Louis, the settlements at English River, Chateauguay River, as far up as the Block House, the Cote St. George, and the other back concessions of Beauharnois, and I was twice in Beauharnois. In many of the English settlements bordering on French Canadian, the inhabitants mount guard at night.

False reports are industriously circulated, and generally believed. The assembling of a few French Canadians at a wedding was in one instance converted, by common report, into secret meetings for the purpose of training, &c. This report was generally believed, and obliged me to ride to the spot, in order to disprove it by a statement of my personal knowledge of the facts.

I had, last night, a visit from ————, who lives in St. Margret's, only three miles from Chateauguay church, who informed me that there is certainly something going on wrong amongst the French Canadians in his neighbourhood. He was evidently in great alarm, and has promised me every information he can obtain. He is in very good circumstances, and, as a loyalist, obnoxious to his countrymen.

His statement is strangely confirmed by that of a very respectable farmer, a Scotchman, ————, who came to me secretly, and in great distress, with information to the same effect, which he had obtained under a solemn promise of secrecy a few days ago.

My own opinion is, that many of the rebels of last year fancy they are likely to have another opportunity of getting rid of the English, and talk of it amongst themselves, under the belief that the refugees and Americans are about to invade the country; but that anything deserving the name of a general plan of operations exists I do not believe. The refugees no doubt do all in their power to keep up the excitement, and it is impossible to prevent their communicating with their friends here. The wives of the refugees visit them frequently; and I think many of the reports in circulation may be fairly attributed to them.

I have, &c.

(Signed)

EDW. H. BOWEN.

No. 17.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE, G.C.B.,  
 to the Marquis of NORMANBY.

MY LORD,

Government House, Montreal, 28th July, 1839.

I HAVE had the honour to receive your Lordship's despatch of the 5th instant, No. 55, with the copies of the two Bills introduced into Parliament. It is my intention to appoint ten additional members to the Special Council; and there is every reason to believe that if the proposed increased number can be selected from the most influential persons in each district, the Special Council will be enabled to pass many important measures, which will afford general satisfaction, and be conducive to the welfare and future tranquillity of Lower Canada, with reference to the prospect of its union with the upper province. It is evidently desired by the British portion of the population that the union of the provinces should not be delayed. The French Canadians who were strongly opposed to this change last year, are certainly by no means so averse to it as they were; their opinion, probably, has been much influenced by the late insurrectionary movements. The Canadian party connected with the revolutionists, express themselves decidedly favourable to the scheme of the Union. In the Upper Province public opinion is much divided upon the subject; but I am persuaded most of the districts are looking forward to the Union as a measure which will relieve them from their embarrassments, and prevent any interruption to their commercial undertakings. The frontier of Lower Canada has, with one exception, remained undisturbed. On the 25th of June a few natives of the United States entered Barnston, one of the eastern townships, and created an alarm by setting fire to a barn of Captain Burroughs, of the Barnston Volunteers.

I have had a correspondence with the governor of Vermont relative to this outrage, and he referred the case for the consideration of the Presidential Government. On the American frontier line generally an improved feeling is appearing, and I do not think that at present the refugees receive the encouragement which was given to them a few months since. In many counties in the district of Montreal and of Three Rivers, a vigilant police has been established, which affords ample protection to private property; and, as a measure of precaution, has given great satisfaction. I regret to inform your Lordship

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 Sir John Colborne  
 to the Marquis of  
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that the transport destined to convey the convicts to Australia has not yet arrived: the suspense and expectation which the long passage of this vessel occasions, is painful to the connexions and acquaintance of the parties concerned, and disadvantageous to the Government. I am, &c.

(Signed) J. COLBORNE.

The Marquis of Normanby,  
&c. &c.

No. 17.  
Sir John Colborne  
to the Marquis of  
Normanby.  
28th July, 1839.

Enclosure 1 in No. 17.

SIR,

Stanstead, 26th June, 1839.

I HAVE the honour to enclose you, for the information of His Excellency the Governor-General, the deposition of Captain Burroughs of the Barnston Volunteers; it will inform you that a band of ruffians crossed from the United States from Holland, with the object in view of depriving that officer of Her Majesty's arms, then in his possession, and also with the full determination of destroying his dwelling house, and out offices, but I am gratified in informing you, that though the attempt at firing the barn and house at first appeared serious, for the former-named building was actually on fire, yet, from the prompt and spirited conduct of the owner, it was subdued. A pursuit on the part of persons who could be collected at the moment, after the ruffians abandoned the attempt, gave him an opportunity of capturing one of the party, named Switzer, concerned in this violent outrage, who took to the woods, lost himself, and was taken some time after the attempt on the house. He is a native of the United States, and has undergone an examination before magistrates, who have committed him. The gun which he had in his possession was afterwards found in the woods, as also two daggers, and a rifle-belt found near the house, which appeared of late manufacture. Every exertion was made by a detachment of the Stanstead Cavalry, whom I ordered out immediately to endeavour to intercept their return into the States; but I regret to say that the rest of the plunderers had effected their escape previous to the arrival of the cavalry in Barnston. It appears that the majority of the party concerned consisted of the most profligate description of characters that disgraced this part of the country during the last winter, and who escaped justice by crossing the Lines. I have, &c.

(Signed)

ROBERT NICKLE,  
Col. Commanding.

Enclosure No. 1

Enclosure 2 in No. 17.

Copy.]

District of St. Francis, Province of Lower Canada.

Personally appeared, Captain William Burroughs, of the township of Barnston, in the said district, who, after being duly sworn on the Holy Evangelists of Almighty God, doth depose and say, that, on the morning of the 25th June, instant, about three o'clock in the morning, was awoke by one or more persons riding under his wood-shed, which adjoins his dwelling-house, who then rode up to the front window of his house, and then rapped at the door, when deponent demanded what was wanted. The reply was, "Your guns: give them up without delay: don't be rash; we have done up the business at Stanstead, and we are going to do it up here!" I replied to them, "Stop till I get on my pantaloons, and I will accommodate you." The person outside said, "Be sry, for I shall not wait long." I immediately loaded four guns, and myself and son took each of us one, and stepped out at the door, but could see no one. I then stepped round the corner of the house, and saw my barn was on fire, but did not see the men. I immediately went to the barn to extinguish the fire. While at the barn, I heard the report of a gun, which I afterwards learned was fired at my wife, as the ball struck the house near where she stood at the time. I have every reason to believe, and do verily believe, that the fire was communicated to my barn by some of the party that demanded the guns, as I found a bottle of spirits of turpentine; and a quantity of matches were also found near the hog-pen, which is attached to my house.

I soon went into the road to see which way the horsemen went. About three-fourths of a mile from my house I met the prisoner Sweetzer; he was wet, and appeared very much fatigued; he said he was going to Troy Vermont; said he had been lost in the woods; that he had travelled about three miles. This was about five o'clock in the morning.

The deponent further states that he heard, said Sweetzer, the prisoner, admit or acknowledge that he was one of the two men armed that made up to and spoke to the coloured man, Chester Buss, at Aaron-hill, in Barnston, about one-and-a-half miles from my house, near the break of day on Tuesday morning.

There were found near my house two dirks the morning after the party left. The prisoner went into the woods with me about half a mile from my house, where he said he had left his gun, and I found it where he said he had left it, and have it in my possession.

That deponent further says that property to a considerable amount was taken away, such as shirts, sheets, and various other articles, which this deponent has reason to believe was taken by the same party. Four of the party whom I saw were armed with guns: all that I saw were thus armed.

I should think there were a dozen or more of the party, from the noise made about my house, and from the tracks made; and further deponent saith not.

(Signed)

WM. BURROUGHS, Captain.

Sworn before us this 26th June, 1839.

(Signed)

S. POMROY, J.P.

R. HOYLE, J.P.

R. NICKLE, J.P.

R. NICKLE, Col.

(A true copy.)

(Signed)



No. 18.  
Sir John Colborne  
to the Marquis of  
Normanby.  
August 19, 1839.

(No. 107.)

No. 18.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE, G.C.B.,  
to the Marquis of NORMANBY.

MY LORD,

Government House, Montreal, 19th August, 1839.

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

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

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

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

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

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

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

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

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

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

Fourthly. That each county of Lower Canada shall elect one member to sit in the House of Assembly of the united provinces.

Fifthly. That the cities of Quebec and Montreal shall elect each one member.

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

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

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

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



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

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

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

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

No party could justly complain of this arrangement and if adopted, it would enable the governor or viceroy to direct the bill to go into immediate operation with a working house of assembly, without experiencing the very great difficulty of forming new electoral divisions, a measure which would soon probably produce much clamour and discontent.

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

That a Deputy Commissioner of crown lands, a Deputy Surveyor General, and a Deputy Registrar shall reside at Toronto to assist in transacting the business of the Western Districts.

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

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

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

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

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

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

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

I have, &c.

(Signed) J. COLBORNE.

The Marquis of Normanby,  
&c. &c. &c.

(No. 111.)

No. 19.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE, G. C. B.,  
to the Marquis of NORMANBY.

MY LORD,

Government House, Montreal, 10th Sept. 1839.

I HAVE the honour to report to your Lordship, that, before the opening of the Court of King's Bench of Montreal on the 27th ultimo, I considered it expedient

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No. 18,  
Sir John Colborne  
to the Marquis of  
Normanby.  
August 19, 1839.

No. 19,  
Sir John Colborne  
to the Marquis of  
Normanby.  
Sept. 10, 1839.

No. 19.  
Sir John Colborne  
to the Marquis of  
Normandy.  
Sept. 10, 1839.

to revoke my proclamation of martial law in this district, which had been in force since November last.

Martial law has therefore ceased to exist in every part of the province, and as the frontier has remained for some time undisturbed, I trust that there will be no further occasion to resort again to a measure which could not be dispensed with while the outrages and depredations committed on the borders of the Province continued.

The Marquis of Normanby,  
&c. &c. &c.

I have, &c.  
(Signed) J. COLBORNE.

(No. 112.)

No. 20.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE, G. C. B.  
to the Marquis of NORMANBY.

No. 20.  
Sir John Colborne  
to the Marquis of  
Normandy.  
Sept. 14, 1839.

MY LORD, Government House, Montreal, 14th Sept. 1839.

I HAVE the honour to report to your Lordship, that as the trial of François Jalbert, confined in the Montreal gaol since the 12th of December, 1837, charged with the murder of the late Lieutenant Weir of the 32d regiment, could not be longer deferred, he was brought before the Court of King's Bench at Montreal at the last criminal term.

The prosecution and defence in this case occupied the Court four days; and the jury, not having agreed on a verdict, were discharged at the expiration of the usual time allowed in this country.

Three of the jurors were of British origin, one American, the remainder Canadians of French origin.

During the trial much excitement prevailed in Montreal, and on the discharge of the jury some disturbance took place in the Court.

At the request of the judges every precautionary measure had been adopted with a view of protecting the jury and prisoner, and preserving the peace of the city. The Court was closed without further interruption or any occurrence that demanded interference on the part of the civil or military power. Your Lordship will perceive from the accompanying copy of an opinion of the Attorney-General, that I had consulted him whether the trial could not be removed to another district, with a prospect of obtaining a more impartial jury than in the district of Montreal, but that he considered that such a course would be objectionable.

I transmit to your Lordship the Montreal Gazette of the 10th instant, which contains a report of the trial. It is scarcely necessary to observe that the same feelings which have created the lamentable discord which prevails in this province must extend to the juries, and influence their decision in every case that can be brought before them.

The Marquis of Normanby,  
&c. &c. &c.

I have, &c.  
(Signed) J. COLBORNE.

Enclosure I in No. 20.

SIR,

Government House, Montreal, 17th July, 1839.

Enclosure No. 1.

I AM desired by the Governor-General to state to you with reference to his intention of removing the prisoner Jalbert, confined for murder, and Macdonel, for high treason, from Montreal to the district of the Three Rivers, that he is most anxious to learn from you before the Court is ordered to be held, whether you are of opinion, viz—

First. That the evidence that can be brought against Jalbert will be sufficient to convict him of the murder of the late Lieutenant Weir.

Secondly. Whether the charges against Macdonel are of a nature so serious as will justify the Executive Government in departing from the usual course of trial, and removing the prisoner to another district, in conformity with the ordinance passed by the Special Council?

Thirdly. Whether there is sufficient evidence to convict him of high treason, a charge so difficult to prove in cases in which no overt act may be proved against the prisoner?

There is another consideration which his Excellency begs to draw your attention to

whether it is not necessary that a part of the jury should consist of French Canadians, according to the Quebec ordinances, and whether in that case there will be any difficulty in assembling a jury for the trial of Jalbert.

No. 2.  
Sir John DeBorja  
to the Marquis of  
Normandy.  
Sept. 14, 1839.  
Enclosure No. 1.

I have the honour to be, Sir,  
Yours, &c.,

The Attorney-General.

(Signed) T. L. GOLDIE, Civil Secretary.

Enclosure 2 in No. 20.

Montreal, 23d July, 1839.

Enclosure No. 2.

SIR,

I HAVE the honour to acknowledge the receipt of your letter of the 17th instant, signifying, by desire of his Excellency the Governor-General, with reference to the intention of removing the prisoner Jalbert, confined for murder, from Montreal to the district of St. Francis, before the Court is ordered to be held, that I should give my opinion on the following points:—

First. That the evidence that can be brought against Jalbert will be sufficient to convict him of the murder of the late Lieutenant Weir.

Secondly. Whether the charges against Macdonel are of a nature so serious as will justify the Executive Government in departing from the usual course of trial, and removing the prisoner to another district, in conformity with the ordinance?

Thirdly. Whether there is sufficient evidence to convict him (Macdonel) of high treason, a charge so difficult to prove in cases in which no overt act may be proved against the prisoner?

Fourthly. Whether according to the ordinance in that respect the prisoner Jalbert, being a French Canadian, would not be entitled to a jury *de medietate linguae*, and whether to afford him that privilege there would be any obstacle in assembling a jury?

With regard to the evidence against Jalbert, I have the honour of stating that, if the witnesses attend at the trial, and adhere to the narration contained in the affidavits now in my possession, there can be little doubt of a conviction. It is very notorious, that every artifice has been practised by the political friends of Jalbert to remove those who might criminate him; and even, assuming that those who have given affidavits should attend the trial of Jalbert, it may be doubtful whether they would declare the truth.

In the matter of Mr. Macdonel, I beg leave to remark, that, though the papers in my possession exhibit a long-continued system of disorganization of society, in which Mr. Macdonel was a very active instrument, I think I am justified in reporting to his Excellency that I consider the subjecting of Macdonel to trial not to be expedient; for although the information given to me proves to my satisfaction that he was deeply engaged in the rebellion at the time of his capture, I have reason to apprehend that, in the estimation of a jury, there might be an absence of an overt act.

As to a mixed jury, supposing Jalbert to be put upon trial, I deem it necessary to remark, that, if the trial took place in another district, the privilege granted to him could be exercised; and I have reason to fear that a mixed jury so impanelled would not convict Jalbert, however convincing the testimony might be.

I have, &c.

(Signed) C. R. OGDEN, Attorney-General.

Major Goldie, Civil Secretary,  
&c. &c. &c.

Enclosure 3 in No. 20.

Extracted from Montreal Gazette, 10th September, 1839.

COURT OF KING'S BENCH.

3rd September, 1839.

CRIMINAL TERM.

Trial of FRANCOIS JALBERT for the Murder of GEORGE WEIR, Esq.; (late Lieutenant in Her Majesty's 32d Regiment of Foot.) at St. Denis, on the 23d day of November, 1837—  
Pleads Not Guilty.

Enclosure No. 3.

JURORS.

- |                                |                      |
|--------------------------------|----------------------|
| 1. Etienne Courville,          | 7. Benjamin Tudeau,  |
| 2. Charles le Noir dit Roland, | 8. Amable Desantels, |
| 3. Pascal le Mieux,            | 9. Daniel M Kercher, |
| 4. Edwin Atwater,              | 10. George Fraser,   |
| 5. Simon Lacombe,              | 11. John Cadotte,    |
| 6. Alie Deseve,                | 12. John Maybell.    |

Joseph Pratt, Jean Bte. Maillet, Francois Jalbert, and Louis L'Hussier were indicted, Francois Jalbert alone being present.

No. 20.  
Sir John Colborne  
to the Marquis of  
Normanby.

Sept. 14, 1839.

Enclosure No. 3.

Case opened on part of the Crown by Andrew Stuart, Esq., Solicitor-general, who began, by stating their duty, as a jury, in regard to the trial of the prisoner before them, the power and dignity of their important office—urged upon them the necessity of being guided by the evidence, leaving all reports and stories aside. He then stated as follows:—

It is within your recollection that a division of troops started in November, 1837, from Sorel, to go to St. Denis, under the command of Colonel Gore. Lieutenant Weir, of the 32d Regiment, received orders in Montreal to proceed from thence to Sorel, with despatches for him. On the 22d November he (Lieutenant Weir) proceeded, in the morning, by land. Colonel Gore went by water, and arrived at Sorel before Lieutenant Weir. Lieutenant Weir anticipated that he would reach Sorel before Colonel Gore would have left that place: Colonel Gore, however, proceeded or started before the arrival of Lieutenant Weir, so that when the latter arrived at Sorel, he found that Colonel Gore had gone on. He was anxious to reach that officer, and engaged a carter to take him on towards the troops. The road from Sorel to St. Denis, about the distance of four miles from Sorel, branches off into two roads; one of which was taken by Colonel Gore, but Mr. Weir, supposing that the colonel had taken the other, adopted it. In consequence, he missed the troops, and arrived at St. Denis before the troops did. He was brought before Dr. Nelson, who appeared to be in command there, who sent for the *voiture* of one Migneault, and for Captain Jalbert. Migneault came with a waggon and one horse. Mr. Weir's hands were bound with a strap, and he was put into the waggon. After they left the house, the driver removed the strap from his hands, and put it round his waist, holding one end of it. Having arrived opposite the church, a conversation took place. Lieutenant Weir got out of the waggon—he was struck and assailed with a sword by one of his captors. Captain Jalbert, the prisoner before you, was on horseback with a sword, or sabre, at his side. He called out to those in whose charge Mr. Weir was, to kill him, "*Tirez-le, tirez-le, il est déserteur*;" then struck the head of Lieutenant Weir with his sword, which cut through (*l'écrasez*)—the others then followed his example; he received a variety of wounds, which caused his death.

#### EVIDENCE FOR THE CROWN.

JOHN CARTER.—I resided in the early part of November, 1837, at Sorel; I am a captain of militia; met Mr. Weir in the evening before the outbreak of the 23d November, at St. Denis, at Sorel; I received orders from Colonel Jones to cross the river; I arrived at the house of one Mack, who owns the ferry. Lieutenant Weir was challenged by one of us on the other side of the river—"Who goes there?" He replied, "A friend." I told him that he was to go to Sorel with me; he asked me where the 24th regiment's barracks were; I told him I would go over with him and show him; he crossed the river with me, after paying the man with whom he came in a calèche. I then went with him to the barrack-yard; he asked the serjeant of the guard if his baggage had arrived; serjeant said that the baggage had gone with the regiment; went in search of it, but could not find it. On our return, met Mr. Leclere and Mr. Wragg. Mr. Wragg said to Lieutenant Weir, he had better come on with them, meaning to St. Denis; Lieutenant Weir said he wanted his baggage, sword, and sash, and could not find them; he then asked me if I could get him a calèche; we applied in different places, found one, André Lavallé's; Mr. Weir engaged him for a dollar to go six miles to reach the troops; it was a wet night. Lieutenant Weir had on a blue coat or sur-tout; I think he had a large coat with him; he appeared to be very much fatigued; his hands were very cold, so cold, in fact, that he could not, or could hardly get money out of his pockets, to pay the carter; his legs were very muddy, and he appeared to be very much fatigued. The troops had started two hours or so before he did for St. Denis. It might be about seven or eight o'clock when he arrived at Sorel—it was dark. Lavallé has been a carter for some years. I do not know what road they intended to take, but it was that to get to the troops.

Examined by Defendant's Counsel.—It might have been about half-past seven when he started for St. Denis; I do not know what time it was, I had not my watch with me. Lieutenant Weir had on a blue coat, but no sword, but appeared to be a military man; I could not be mistaken in his being a military man.

ANDRÉ LAVALLÉ, carter.—Has lived a long time at Sorel; lived there in November, 1837. In the evening previous to the 23d November, 1837, I was engaged by a person who wished to be left at about three leagues from Sorel with the troops. This person, whom I understand was named Lieutenant Weir, was accompanied by Mr. John Carter; he appeared to be in a hurry, and had mud all over him. Left Sorel at eleven or twelve o'clock; I cannot say exactly what time. He told me that perhaps I would overtake the troops at Jones' mills. I thought that the troops started earlier than I understood, for I do not know what time they started. We went to St. Denis. About 15 or 20 arpents from St. Denis, before we arrived there, we were stopped by a guard. They asked us where we were going; I told them, to Chambly; they replied, very well, go on. Four persons on horseback then came on with us to Dr. Wolfred Nelson's house, which is situated on the left-hand side, a little higher than Madame St. Germain's. When we arrived at Dr. Nelson's, they made us get out of the carriage. We were obliged to go into the house. Dr. Nelson showed Mr. Weir into a room, and I was sent to the kitchen. I was stopped or detained there for about an hour, and was then sent away. They told me in the house that they would send him (Weir) where he liked. When I came away, I noticed that Dr. Nelson and Mr. Weir, with an old gentleman, sat at a breakfast-table in the room. Mr. Weir's hair was sandy; his clothes, I think, were black thick stuff, like pilot-cloth, or something of that sort.

Cross-examined.—I understood that I was to take him to the troops. I spoke a little English, and understood him well enough to know his intention. Met no troops, or any



other person, on the road; the road was free. I could not tell whether he was a military man or not; I did not know what he was. When we arrived at the house of Dr. Nelson, the doctor told him to come in, very politely. I have known Dr. Nelson for many years; he was a very polite man; he received Mr. Weir very politely—like a gentleman. I did not see what happened in the room afterwards. When I went away, one hour after, I saw them sitting at the table; I think there were cups on it, but who the breakfast was for I cannot say. I did not know how many the guard was composed of; four of them accompanied us to Dr. Nelson's house; the rest remained. Nobody spoke to Mr. Weir between the guard and Dr. Nelson's house. Guard of four was unarmed. The large guard appeared to me to be armed; I did not look particularly. A good many people in the village were armed; they appeared to me to be about to defend themselves; the going and coming indicated that they expected something. I stayed about an hour at Dr. Nelson's; it was not daylight when I started from St. Denis—about a quarter of an hour before daylight. I returned on the same road; met a great many people (besides the guard which I met) going towards St. Denis; a good many of them armed. I did not see the troops at St. Denis.

By the Court.—I took the route that goes along the river Richelieu, in going to St. Denis, and I returned the same way.

JOHN MASON.—I am an engineer by profession; I resided at St. Denis in November, 1837; I was in the employ of Deschambault and Nelson as engineer; I remember the time when the troops came to St. Denis, and met resistance there; the engine was working in the night, and I attended it; I understood that an officer of Her Majesty had been arrested by the rebels as they were then called, radicals as they are now called; next morning I saw him about seven or eight o'clock in a waggon with a person on the right side of him, one Maillet; Migenault, the postmaster and innkeeper appeared to be driving in front of the waggon; nobody else in at the time; a little time after another person got in; I don't know him; Mr. Weir had his hands tied before him; I saw the waggon leave the house of Dr. Nelson; I saw the prisoner at that time, known as Captain Jalbert; he is, or was, a captain of militia; when I saw him he was on horseback between the waggon and door of Dr. Nelson's house; he had a drawn sword over his shoulder, and I saw the butt end of a pistol sticking out of his left breast; Dr. Nelson gave him orders to use every diligence to deliver him at the encampment of St. Charles to General Brown; Mr. Weir had been in Dr. Nelson's house; Dr. Nelson appeared to have the command or management; when he came out he gave these directions to the persons then present, who were Migneault, the prisoner Jalbert, and Desmarais; the prisoner Jalbert then stretched out his sword and said in English, the only words I ever heard him speak in English, "Drive on;" they went on, the prisoner with them, and at the side of the waggon; I again saw prisoner about three-quarters of an hour or an hour after, when he passed me as I was standing at the gate of the distillery in the village; with his sword on his shoulder on horseback; I cannot say positively the time, I did not look at my watch; he rode past about thirty yards to the house of Madame St. Germain, where the rebels were posted, and, flourishing his sword, he told them, "*Je viens de tuer l'officier, voyez-vous son sang*;" the sword appeared to be stained with blood; it was blood; Dr. Nelson answered him, "You old fool, you don't know what you have done," "*Tut, tut, bête, vous ne savez pas que vous avez fait*"; he turned about his horse, and repassed me after remaining at the house but a few minutes, in repassing me he waved his sword before his horse's head and said, "*Je viens de tuer un de nos ennemis*," or "*des ennemis*," I do not know which; from there he went to the mill, tied his horse, and went into the mill; I saw no more of the prisoner that day; I removed my family the next day to the house of one named Guertin, about three miles off; two or three days after the battle of St. Denis I met the prisoner at a bridge, at about three-fourths of a mile from St. Denis; I asked him where he was coming from, he replied he was coming from assembling or collecting men to go to St. Denis; I told him it was no use, as Dr. Nelson had gone away, deserted the village; he said he was very glad, because he was afraid Dr. Nelson would kill him, for having killed the officer; this was on a bridge—Pont Arnot; he remarked afterwards that he did not kill him alone, but Dr. Nelson blamed him most from his being captain; he then said that he had always been a brave man, and if they had killed them all they would have been better off; this was all that took place; the officer referred to I think must be Mr. Weir; I did not see the body of Mr. Weir until it was taken out of the river. Several days elapsed between the day I saw prisoner at Dr. Nelson's and the taking of the body out of the river; the first day of the troops' second arrival at St. Denis we made a general search for the body but could not find it; Colonel Gore was with the troops at St. Denis at that time; it was on the return of the troops under Colonel Gore to St. Denis that the body was found; the second coming might have been six or seven days after the first; on the first day we searched everywhere for the body but could not find it, searched cellars and houses for it; I was going out of the village in the evening, when I met a boy, I do not know his name, with a letter; I asked him where he was going; he said he got the letter at the third range of concession (*5me rang*) for somebody in the village; I took him to Mr. Morse's house, where I knew Colonel Gore lived, and returned to the village; after the delivery of this letter to Colonel Gore the body was found; hearing that the body was found, I went to the place, and saw it there, at the back of the house of one Ayotte; Dr. McGregor and Major Reid were present, and, I think, Mr. Griffin; I think he was the one who told me to take care of the body; there were a good many people present, but I was getting water and fire to thaw the body, so that I had not much time to look about me; I am certain that it was the body of the officer who was at Dr. Nelson's door in the waggon; I was not at the river when it was taken out, the clothes were frozen quite stiff; after taking off the clothes, I removed the body into a sheet; I knew him by the clothes; I would not have known him by his features. The wounds which I dis-

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covered, or saw, on him were—first, a small part of the ear, right ear I think, cut off; a wound on the right side of the body, three or four severe wounds on the side of the neck, a ball wound which entered the left groin and crossed the body, a ball on the left shoulder, which, as I held up the body, Dr. M'Gregor picked out with his penknife, the middle finger of the left hand slit up the middle, which must have been done with a sharp instrument, right hand cut down the wrist to the points of the fingers; I could not tell how it was done; he had several other wounds on the small of the back, and wounds on the head, which must have been very heavy; prisoner, on every occasion when I have seen him, appeared to be sober and in his senses; the prisoner's sword was a heavy sword, like the artillery sword; it appeared to me to be a heavy old French sword; the prisoner came to the distillery to grind this sword.

Cross-examined by Prisoner's Counsel.—I have been taken before a magistrate this spring to make an affidavit of the facts, but never before. I was requested to speak as to what I knew by Mr. M'Cord. The first time I saw him was in the Montreal Gaol, where I was confined as a criminal; I was arrested in March last at St. Lau, north of this; I do not know who arrested me; I never was arrested on a charge of high treason. It was Major M'Cord who came to me; he asked me if I knew anything of the murder of Lieutenant Weir; I told him I wanted nothing to do with the case—there should be enough of themselves to convict Jalbert. I was in the employ of Dr. Nelson when the troops came on; the village of St. Denis was in arms; I cannot say that the whole country, but a good many people were at the camp of St. Denis; I understood that Dr. Nelson was commander; he exercised command. I heard some time before that prisoner had cut down his pole as captain of militia, and took a commission as captain of the rebels under Dr. Nelson; I heard so only. The rebels marched up and down the village with Dr. Nelson and prisoner at their head. I do not know who told me that an officer had been taken prisoner, but they knew he was a military man; he was taken on his route from Sorel to St. Denis. Prisoner appeared to be respected by every body there. I do not know whether Dr. Nelson gave him an important post in the rebel army that morning or not. It was said that the troops were advancing before I went to the door; I heard the same report every morning. Armed bodies went from St. Denis in direction of Sorel, and did so several mornings previous. The prisoner was not in the habit of appearing on horseback, with a sword at his side; I have seen him parade his company a number of times; he always appeared on foot. I did not hear that prisoner had an appointment of Major that morning. I did not run after the people, I had my work to attend to. I think it was about ten o'clock when I heard the noise of battle. There were a good many persons present when the waggon started. Prisoner was the only man on horseback in that crowd; it was him who said "Drive on." I remained a minute or so at the door of Dr. Nelson's house, until it stopped at Gerout's house, about 50 or 60 yards distant, and another person got in; I saw the waggon go on after that; and when the waggon went off I turned away, and held no conversation with any one. I recognised one Paul Fanasse at the door of Dr. Nelson's; I recollect Fanasse being about 40 or 50 yards behind the waggons. I supposed that the officer was placed in charge of prisoner Jalbert, and that he was on horseback to accompany him to St. Charles. I do not remember seeing him flourishing his sword at the head of his company. When prisoner appeared to be returning from St. Charles, he passed and went to Madame St. Germain's house, where a great many people had assembled in the stone house; I was in the gate of the distillery; Madame St. Germain's house is immediately next the distillery. A number of persons must have heard the prisoner; Dr. Nelson is the only person I saw advance to the prisoner at that time; prisoner turned his horse, passed through the gate, attached his horse to a post, and entered the mill. Dr. Nelson remained at St. Denis two days after the battle. I saw the prisoner two or three days after; I do not know whether prisoner left St. Denis before or after Dr. Nelson. It was prisoner and Dr. Nelson's son who came to the distillery to grind their swords; the prisoner ground the sword which he had in his hand on the 23d November. In the Montreal gaol I was confined with the prisoner, in the same cell, for 10 days; I never had any dispute or quarrel with him. One evening there was some noise in the gaol, which the prisoner accused me of making, to the sheriff and gaoler; he, the prisoner, complained of losing his rest; I said, if he thought as much of losing his rest when he murdered Mr. Weir he would not be where he was. I frequently expressed myself in French; I never said in French, "If I do not hang him (meaning prisoner), or cause him to be hung, it shall not be my fault;" I never said such a thing. I was arrested at St. Lau, and put into gaol at Montreal; St. Lau is about 45 miles from Montreal; I resided 10 months at St. Lau before I was arrested; I returned with the troops in the steam-boat from Sorel. I have revisited St. Denis since then.

Were you ever charged with any criminal offence?—Yes.

What was that offence?—I was arrested for stealing a horse, which I took of Mr. Deschambault (I was then, or had been, in his employ), to bring the body of Mr. Weir up to where we could lay him out, which horse I returned to the government; all this I proved to the satisfaction of the magistrate; if I had kept the horse I should not have missed it, as the firm of Deschambault and Nelson owed me above £50.

Were you ever charged with high treason?—No, I should think not, as I carried the wounded soulders on my back, and gave the shirt off my back to them. [The Attorney-General here stated that the witness had not been brought before the court for any criminal offence, to his knowledge.] I was arrested on a charge of stealing two sheep, which I proved I had bought of a *habitant* on the market, and I was admitted to bail. Mr. Weir's body was found four or five acres from where the murder was committed; where it was committed, the mud in a hole that was in the road was full of blood. A short time after Lieutenant

Weir went away. I heard firing, not while the prisoner was absent. The people were armed with guns, scythes, &c.

ANN MITCHELL.—I am the wife of John Mason, the last witness; I have not been in court during the trial; I reside in the *Quebec Suburbs*; I resided at St. Denis in November, 1837; was there on the 23d. of that month; I remember the time Dr. Nelson and others took possession of the house of Madame St. Germain, to oppose the troops; I was in my own house; my husband, John Mason, was standing in the gate of the distillery, and as I was going out to milk he cried out to me to take in the children; I asked him what I should do with them; at that moment prisoner advanced on horseback, with his sword drawn; I don't understand French, but I heard him say the words "*officier, officier*," and he flourished his sword; I was near enough to my husband to hear him say to get out of the way for fear of the balls; I am certain that it was the prisoner I saw; I saw no more.

Cross-examined.—The first time I saw prisoner opposite Dr. Nelson's was about six or seven o'clock, on horseback; when the prisoner returned it was a short time before the firing commenced; I was very much alarmed; I do not know where the prisoner went to.

PIERRE GUERTIN.—I arrived at St. Denis on 23d. November, 1837; on that morning, about five or six o'clock, the prisoner commanded me to guard the officer, Lieutenant Weir, at Dr. Nelson's; I was commanded by Dr. Nelson and the prisoner to guard him; in consequence I remained there till about eight o'clock, Lieutenant Weir being in my charge. I did not see the prisoner from five or six o'clock until the time I received orders from Dr. Nelson to take Lieutenant Weir to St. Charles. The prisoner was armed with a sword or bayonet. I left Dr. Nelson's about eight or half-past eight o'clock; there were a great many persons there; I do not know, or can't say, whether prisoner was there or not; Maillet was there. Lieutenant Weir was clothed with a fear-nought dress or coat. We got into the waggon, Jean Bte. Maillet, François Migneault, and myself, with the officer. On leaving Dr. Nelson's I was not present when the orders were given; but we were going to St. Charles. Lieutenant Weir had a strap round his body, and Maillet held the end of it, and he (Maillet) had a sword in his hand. Migneault was driving. I was armed with a gun. I went on with them as far as Mr. Morse's. When we got there, Migneault and Maillet told me to go out, as they were able to conduct him. They might have gone half an acre or so from me, when I heard some one crying out, and I heard swearing. I turned round and I saw Maillet with his sword raised; the officer was down among the wheels (*parmi les roues*). I do not know whether Maillet had struck him when I turned round, or not. I do not know what Dr. Nelson's orders were in the house, as I was among a number of persons. I heard somebody cry out—it might be the officer; the others were cursing. The cries appeared to be from a person very much in pain. I do not know the colour of the officer's hair; cloth of his coat was shaggy. After this I ran away; I was then ordered to go into the large house.

Cross-examined.—Dr. Nelson gave Lieut. Weir into my custody; I was ordered to go to Dr. Nelson's by command, and I went with my gun. Another person had, with myself, orders to take Lieut. Weir in charge. Lieut. Weir was shown into the front room of Dr. Nelson's house. I saw Migneault, when he came with the waggon, in the same room with Mr. Weir. I do not recollect who sent for Migneault. I saw him arrive; we soon afterwards started. I did not see Dr. Nelson at that time. It might have been eight, or after, when we went into the waggon. Mr. Weir's hands were first tied; they were then untied, and the strap put round his body, and Maillet held the end of the strap. A little after we left Dr. Nelson's, and before we arrived at Morse's, his hands were untied; I do not remember who untied them. The strap was about a foot and a half long, or so. Migneault was in front, Mr. Weir was beside him, and I was behind. I do not recollect that Migneault lent his gloves to Mr. Weir; I did not see any on his hands. In going from Dr. Nelson's to Morse's, I did not hear any body tell him, that anything was to be done to him; no reproach or insult was offered by any of us to him. When Mr. Weir got into the waggon, I did not observe any one on horseback; but there might have been, as, to tell the truth, I did not pay much attention at that moment. I did not see any body on horseback that morning. From the time I received orders, at six o'clock in the morning, I did not see the prisoner, till I arrived at Morse's, or near there. After I got out of the waggon, I went, as I was told to do, into the large house. The roads were very bad; I was obliged to get out on that account. I did not see the prisoner going to the large house of Madame St. Germain; I took some time to go there—as any body else would. It might have been between nine and ten o'clock when the firing commenced. I did not see the prisoner at the large house of Madame St. Germain; I went in by the front door, and remained there till the action commenced. I had heard that there were guards on the road, in the direction of St. Ours, but I know nothing of it. After leaving the waggon, I was not far from Maillet, when he lifted his sword. During that time, I saw a number of persons going to Madame St. Germain's house. I did not hear the fire bell; I do not know that prisoner was made major that morning, or hear of it. I heard of none of the appointments.

ELMIRE PLANTE.—I live at St. Denis, and was there on the morning of the engagement; I saw the officer in the waggon with Jean Baptiste Maillet; François Migneault, the post-master, was also in it; I saw the waggon near the house where I lived, in the direction of St. Ours; the officer was not bound; had a strap round his body, I can't say who held the strap, but Migneault was beside him; the waggon was close to the house which I have already mentioned—the house of Mr. Bourdages; I saw the officer jump out of the waggon; Maillet struck at, whether the waggon or officer, I do not know, but the sword broke; the officer was on the ground, I do not know for how long after. I observed that the officer had his hand on his head—his hair was full of blood. I know the prisoner since my infancy; I saw the prisoner that day, after the officer was dead; he had a sword in his hand, drawn over his right

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shoulder; he came to the house to ask if a pistol had not been left there; there was blood on the sword—it was covered; I do not know whether it was fresh or dry; it was at ten the officer had been killed—a short time after, the prisoner came to the steps of the house, but did not get off his horse; the house belonged to Joseph Pratt, my stepfather, to whom the question was put, he replied, he had no knowledge of it, and upon that he took the direction of Dr. Nelson's. This was before any firing took place; my stepfather went into the house immediately after; it was not long after Maillet broke his sword that the prisoner came to the house, and after the officer was dead; I had taken out my beads and said my prayers. After Maillet broke his sword, I did not look again till I had done saying my prayers; I then looked, and the officer was dying; I did not see what took place from the time when Maillet broke his sword, until the time I saw the officer dying—some considerable time had elapsed between these times; I was very much alarmed; I cannot say what time elapsed; I staid in the kitchen in the back of the house.

Cross-examined.—I am sixteen years of age; what I have related is as near as I can recollect; I was upon a gallery, and the waggon was in the middle of the road, which is wide; when I saw the prisoner the officer was dead—when I saw him, he had the sword in his right hand; the house is on the right; I did not see the officer while he was dying—I saw him after he was dead; when the prisoner came to the house, I can say that it was blood was on the sword, not mud nor rust; I did not drink rum, brandy, or any other liquor, that day; I have told some persons who were ridiculing me, that I had done so, to drive away fear; I was not drunk on that day; I told some persons that I was drunk on that day, but I never said that I did not recollect anything that happened; I was not in liquor.

JEAN BAPTISTE GUERTIN.—I resided at St. Denis, in November, 1837; I passed near Mr. Bourdage's house, on the 23d of that month, at about eight o'clock, A. M.; I saw a waggon stopped there, François Toussaint Migneault, postmaster, was in the waggon; Jean Baptiste Maillet was not in the waggon; I saw a person whom I understood to be Lieutenant Weir—he was on his knees, near the wheels, in the road; I saw one Joseph Pratt strike him; I was about 40 or 50 feet from them; Migneault was about four or five paces distant from Mr. Weir when I saw Pratt strike him; before he struck him, Migneault begged him not to strike; I heard Migneault say, "This man is under my charge, I am accountable for him, and no injury must be done to him." From the time of the persons getting out of the waggon, and Pratt striking him, it was two or three minutes, and it was during that time Migneault spoke; Mr. Weir had received injuries before I came up; immediately after the prisoner arrived on horseback; I don't know whether his sword was drawn or at his side, I think it was at his side; I cannot say whether he had a scabbard or not; he came from the direction of Dr. Nelson's, and was going towards St. Charles. I did not see anything after that, as I hurried to get away; I did not see prisoner offer or present a pistol at any one, nor did I hear prisoner order any body to fire a pistol; I saw nobody present a pistol at Mr. Weir; I was told so, but do not know; I never declared so before Messrs. Crebassa and Jones; I did not see any body strike Mr. Weir with a sword, with the force of which blow Mr. Weir fell to the ground; I did not see the prisoner strike Mr. Weir with a sword, nor stab him; I saw the prisoner had a sabre, not a sword; Mr. Crebassa took my affidavit at Sorel.

Cross-examined.—I am not certain whether his sword was in his scabbard or not; his hands were on his bridle; he had a belt round his body; I do not know whether it is the custom to carry the sword in the scabbard or not; Pratt was striking when prisoner came up; I have a personal knowledge that while prisoner was coming up Lieutenant Weir received two blows; but had received blows before, as I saw blood on his hands and head; blood was running from his head before he got the blows from Pratt; the blows given by Pratt were very severe; I cannot say whether Mr. Weir got up or not, as I went away, but after Pratt struck, Mr. Weir fell his length on the ground; I cannot say whether the prisoner struck or not; I did not see the prisoner present a pistol at, or hear him order a pistol to be fired at Mr. Weir.

[The Attorney-General moved that this witness, Jean Baptiste Guertin, be committed to gaol, to answer a charge of perjury, producing at the same time an affidavit taken before Messrs. Crebassa and Jones, and the signature annexed thereto, which the witness acknowledged to be his own. Motion granted.]

FRANCIS WILLIAM GRIFFIN, Esq.—I am a lieutenant in the 32d regiment; I was stationed in Montreal, in the winter of 1837; I know that in November of that year, Lieutenant George Weir, of the 32d regiment, was sent with despatches to St. Denis; before I arrived there it was commonly reported that Mr. Weir had been murdered,—he was missing; I endeavoured, and considered it as a duty, to find his remains; on arriving, the *habitans* were engaged, and told it was their duty to find out where the body was, but the search was in vain;—we could not find it; on the morning of the 4th December I met Major Reid, who told me that he had received a letter addressed to Mr. Duchesnay, signed by a Mr. Hubert, and as he did not understand French, wished me to read it, as he thought it referred to where the body was to be found. The writer said that he viewed it as his duty to give all the information respecting the body in his power,—he had understood that it was buried in a Madame Ayotte's yard, and he had afterwards understood that it had been thrown into the river. By this time some few of the inhabitants had come back to the village,—they went with us to the yard of Madame Ayotte; I directed some of them to get pickaxes and shovels, the yard appeared to be rough in some places, where we commenced digging; we could make little progress, as the ground was frozen very hard. In the mean time some of those who had no tools went to the water-side, and one of them came running to me, saying that he discovered something black in the water; I went down and discovered something waving in the water.

I directed them to remove some large stones, on doing which the body rose to the surface. I examined the body, it was that of the late Lieutenant Weir; he had on a lion skin coat which I had frequently seen before. There were a good many of the *habitans* about, and I desired them to go away, as I was afraid of some of the soldiers coming down and seeing the body. Dr. McGregor took charge of the body, and I went away as I was much affected. I did not see his watch at that time, but I was told that it was found on his body. Madame Ayotte's yard, which appears to be a tanyard, extends to the brink of the river. It was by mere chance that we found the body, as there had been a coat of ice on the river for four days before.

MARIE LOUISE L'HUSSEIER, wife of Alexis Ayotte.—I lived at St. Denis, in November, 1837; I left my house about nine o'clock on the 23d November, and went into the concessions; my house is directly in front of Mr. Bourdage's; from my house, through the yard, which is a tanyard, it is about 40 or 50 feet to the river side; I heard a noise in front of the house about half-past eight in the morning, and my daughter and myself went to the door—I cannot say which of us opened the door, I there saw the waggon in front of the house, I saw nobody in the waggon—saw something among the wheels [*parmi les roues*].—I saw a person rise up,—a stranger; the prisoner was there; Maillet and Pratt were there—I saw those three; I was very much frightened; I did not see any wounds; he appeared to be a person in trouble; the prisoner was on horseback; I do not know whether he had anything in his hand; I did not hear the report of a gun while I was there; I saw one of the three strike, I do not know what, or with what; after Pratt struck the officer got up, he did not fall on the first blow given by Pratt, for he was entangled in the wheels; the officer spoke English, I do not know whether supplicating or not; I immediately left the house. When I left the house I think the officer was not dead; I do not know whether the prisoner had anything in his hand or not; I did not remark the hair or dress of the officer; I did not come back to my house until after the body was found; when I saw Pratt strike, I can positively say that the prisoner was present; I never saw the body.

Cross-examined.—I am 59 years of age; I was very much frightened; I cannot say how long I remained there; I did not see the prisoner strike; I left the house from fear; I cannot say that there were many people in the street; I was so alarmed that I could not see all that took place; I say what I saw; I cannot say how many blows Pratt gave; I did not see Migneault; I saw Maillet.

LOUISE AYOTTE.—Lived at St. Denis in November, 1837, with my mother, the last witness. The morning of the troubles of St. Denis I did not go out of the house, which is near Mr. Bourdage's, until I went away with my mother; it is not a great distance from our house to the river side; about eight o'clock I saw a waggon with the officer in it, a good way off—two or three acres distant; I do not know the persons who were present; I have made a declaration before Messrs Jones and Crebassa; I saw Jean Baptiste Maillet; I do not recollect seeing Francois Migneault; I heard that it was an officer that was in the waggon; I saw the prisoner arrive; he came up on horseback; I cannot say what he had in his hands; my sight is as good as my mother's; I saw Joseph Pratt, the baker, there; I saw the officer the prisoner, Joseph Pratt, and Jean Baptiste Maillet; I did not see the officer come out of the waggon; I did not hear the report of a gun; I did not see the officer on the ground; I did not see the waggon arrive; saw the officer in the waggon at a distance of three acres; saw Pratt, Maillet, and the prisoner with it; waggon came from the direction of Dr. Nelson's, going in the direction of St. Charles; I did not see that his hands were tied; I never had any conversation relative to the evidence to be given by me in this cause; having examined the declaration now shown to me, taken before Mr. Crebassa, I declare that the signature thereto annexed is my signature.

Cross-examined.—Mother and myself went off immediately after; the waggon stopped about half an acre from our house; Mr. Bourdage's and Mr. Morse's houses are about three acres apart; when I saw the waggon coming up, it was about two or three acres distant from me; my mother was with me; we went away from the door together; my mother was frightened as much as I was, it may be more so, being older; fear was the cause of our going away; we went up the road that leads towards the concessions as fast as we could, which road is distant from our house about an acre; it was reported, and we heard that morning, that an officer of Her Majesty's troops had been taken prisoner, on his way to Chambly with despatches, and that the troops were coming to St. Denis; all the village was alarmed; a good while after I heard firing; I heard no firing when the waggon stopped; it was because we heard the troops were coming that we were frightened.

The Court adjourned until Wednesday, the 4th instant, the jury being in charge of the sheriff.

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TRIAL CONTINUED.

FRANCOIS MARCELLEAU-DIT LAJOIE.—I have always lived at St. Denis; in November, 1837, on the day when the troops arrived there the first time, I saw an officer in a waggon, opposite the door of Dr. Nelson's house; at the foot of the gallery; I was on the gallery at the time I heard the account of the officer being killed; I may not have heard the whole, but I heard that he was killed near Bourdage's house; opposite the door of Cadieux; I did not go, in consequence, to the place; I went past there the same day, and saw blood on the ground; it might have been eight or half-past eight o'clock when I saw the waggon at Dr. Nelson's house; it might have been nine or half-past nine when I saw the blood on the ground; there was a track on the ground, as though a body had been trailed there; the track appeared to go towards the river; the track led to the rear part of Ayotte's house; Cadieux

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and Ayotte's houses are opposite each other; it appeared as if the man had been killed opposite Cadieux, and dragged behind Ayotte's; I know the prisoner; I saw him the same morning that I saw the waggon, in the village, opposite Dr. Nelson's, on horseback, with his sword drawn in his hand; it appeared to be stained with something, which appeared to me to be blood, but I am not sure, as he passed quick on his horse; he was trotting as he passed by, and was going to the other end of the village; he went in the direction of Madame St. Germain's house; I knew at that time that the officer had been killed; it was I who informed Mr. Hubert, who is present, where the body was; it was a short time after I heard the officer was killed that I saw prisoner pass, and it was after that I passed the place; the prisoner came from the direction of Ayotte's house; it might have been half or three quarters of an hour after the officer started when the prisoner passed; he held his sword over his shoulder.

Cross-examined.—At the time the prisoner passed Dr. Nelson's house, the battle was about commencing; I cannot say if prisoner had any post or not; when prisoner passed with his sword in his hand, he looked like a man going to the fight; if so, it was nothing extraordinary that he should have his sword in his hand; he was going in the direction of the battle; I was on the gallery at Dr. Nelson's when prisoner passed on a trot; it might have been half-past eight or nine o'clock; there were a good many people in St. Denis; there was a great alarm in the village; they were assembled at Madame St. Germain's house; that which occupied my attention was the expected arrival and attack of the troops; I did not see the troops at this time; I knew that they were not far off; the prisoner had a sabre (*moyen sabre*); I did not see the scabbard; I do not know whether it was blood or rust on the sword; I never saw it before; when I saw the prisoner at the door, he had nothing in his hands; I did not see his sword; there were several persons on horseback; I have mentioned Ayotte's and Cadieux's houses, but I do not know whether he was killed there or not; the troops arrived about one hour, or one hour and a-half, after the prisoner passed, to go down towards Madame St. Germain's; I never saw the prisoner's sword before that morning; I was present when the officer in the waggon started from Dr. Nelson's; Migneault, Maillet, and another person, started with him; I did not see the prisoner there at that time; if he had been there I think I should have seen him; I saw the prisoner pass, at eight or half-past eight o'clock, in the direction of Madame St. Germain's; I did not see him return; don't know that he stopped; I did not see him after; I went up the village after the prisoner passed; on my return met Migneault, who told me that a man had been killed, an officer; I met him at the upper end of the village; upon this occasion I saw the blood.

TOUSSAINT FRANCOIS MIGNEAULT.—I live at St. Denis, and am a native of that place; I have been deputy postmaster there during the last 15 years, and have kept a public-house during that period; I have known the prisoner a long time; I know that an officer of the line arrived at St. Denis on the night preceding the 23d November, 1837; I was going out of my house in the morning, about eight o'clock, when I met Sergeant Maillet, and four privates of the militia; Maillet said he came to me, in the name of Dr. Nelson, to ask me to go to his (Dr. Nelson's) house, for the purpose of taking a prisoner to St. Charles; as I wished to keep neutral, I told them I had no waggon; he said they had already provided one; I then went with them, and found the waggon at the door of Dr. Nelson's house; I did not see the officer then, but I saw Dr. Nelson, who, after the usual compliments of the day, said that I was most fit to convey the officer to St. Charles; we entered the room; there were a number of persons in the room; I asked Dr. Nelson if the prisoner was armed, as I had not even a penknife about me; I did not notice the size of Mr. Weir; I think his hair was fair, rather reddish; I think he had a blue coat or jacket on at first, but when we were going away I assisted him to put on a great coat of flushing, or something like it; I remained about ten minutes at Dr. Nelson's; I had no direct orders with regard to the officer; probably the sergeant had, but I know nothing about it; I got into the waggon to drive it to St. Charles; I was on the right, the officer on the left, beside me; and the sergeant (Maillet) and Guertin, with a gun, behind; we had gone but a short distance when, as the roads were bad, we told Guertin to get out, which he did; the officer had given what I understand to be his parole of honour not to escape; we then continued on our route; perceiving that the officer's hands appeared to be blue, I untied the strap which bound them, and gave him my mittens, at the same time assuring him; that he was under my protection, and that no harm should be done him; I spoke to him in French, and a few words in English, but got no answer; after loosening the strap off his hands, the sergeant had fastened it round his (Mr. Weir's) body, and wound the end round his own arm; when we got about a quarter of an acre beyond the church, the waggon going slowly, Mr. Weir sprung out, and fell on the wheels of the waggon, in consequence of Maillet having hold of the strap; Maillet, who had an old French sword-blade, which was about a foot and a-half or two feet long, struck two or three blows, whether with the side or not I do not know; with the side I think; might have struck the wheels of the waggon, and the sword broke; I saw no wound on the officer; I think he cut the collar of his coat; I don't think he inflicted any serious wound; he might have struck him three or four times when he got up; I was rather excited at the moment, and the waggon still went on; and I might have got 40 or 50 paces from the officer, as he had advanced a little towards the troops. (When we started, the troops—the cavalry—were within 12 or 15 acres of the village; when Mr. Weir got into the waggon, he said to Maillet, "Let me see the troops;" Maillet refused.) Maillet cried out for assistance; after I stopped the horse, I got out, and returned to where the officer was; I saw Joseph Pratt striking him with one of those swords called cavalry swords; I think he must have given him 10 or 12 stabs, as he was very much cut; I pushed Pratt back; the officer was then on his hands; I raised him up; three of his fingers were cut off one hand, and his head was cut; I saw Pratt strike him while I was coming up; he received several blows, I cannot say how many; he was gashed terribly, and



surrounded with people; I did not see any blows inflicted by Maillet, while I was in the waggon; the crowd was too large to see through; I got through, and then saw that it was Pratt striking; the prisoner had not arrived when I saw the officer on his hands; I spoke to him in broken English, "What you do, what you do? I promise give you my protection; I can't help it; I believe somebody shot you in a minute;" meaning, "What would you do? I promised you my protection; I can't help you; I think somebody will shoot you immediately;" when I pushed Pratt away, and finished speaking, several persons said, "Finish him, finish him," "*il faut rachever*," the man was dying, and it was with a view of finishing him; when the prisoner arrived he had a sword at his side, and a pistol on the side of his saddle; it is probable that he came there to finish him; the prisoner was one of those who cried out, "Finish him, finish him;" he might have been 10 or 12 feet from the officer; he was on horseback, and could not come into the crowd; I did not hear prisoner say, "*Tirez-le, tirez-le*;" the prisoner said, "Finish him, finish him;" I think—I have no doubt—he said so; on the crying out, Louis L'Hussier came up with a gun; levelled it at the officer; the gun snapped three times; L'Hussier went into his house, exclaiming that there was something the matter with his gun; somebody came up with a pistol; I think it was the same man, L'Hussier; the people there insisted upon my finishing him; I said that I was his guardian, and had promised him my protection, and had sworn not to imbrue my hands in the blood of a fellow-creature; they said, "If he won't do it, let us do as much to him;" I then went away to my house; upon my return I thought the man dead, and that I would take the body out of the road; I was very much confounded, but not so much so but that I can say what I saw; I did not hear the pistol; on my return to take the body I saw Pratt was striking the officer; blood gushed out of his neck; I then remarked, "As you have been so barbarous as to kill the man, you should have charity enough to remove the body out of the road, and to assist me to do so." I took hold of the body under the arms, Maillet took hold by the feet, and we dragged him between the houses of Ayotte and another person; the prisoner's sword was not drawn when I arrived; I did not notice him after he said, "Finish him;" I was in the crowd; I wished to put the officer in the waggon, and I would take charge of him; I endeavoured to do so; what I have said you will learn from other witnesses; my back was turned on the prisoner, as my attention was fixed on the officer; it was on being threatened I went away; I cannot say what the prisoner did after I went away, or what took place; I know Lajoie of St. Denis; had no conversation with him.

Cross-examined.—It might have been eight, or half-past eight, when I saw the officer in Dr. Nelson's; I saw him in the dining-room on the left; I recollect what Dr. Nelson said—he said I was the most proper man to conduct him to St. Charles; Dr. Nelson told every body in the house to treat him like a gentleman, which was done; I asked Dr. Nelson what rank he held in the army; he told me that he was Lieutenant Weir; my asking him what rank he held was so as to know how to treat him; I think he said he was of the 24th Regiment, and told me to treat him like a gentleman; he was treated with respect; Dr. Nelson left the house, still the same respect was paid to him; I asked Dr. Kimber to speak to him in English, to prevent his being lonesome; the table was laid before I arrived; Mr. Weir breakfasted there with Dr. Nelson and another person, I think; I do not know what rank the prisoner held; he was a commander; I did not see him at Dr. Nelson's that morning; if he had been there I should have seen him; Dr. Nelson's house is not very long, 40 feet or so; there was no person beside the waggon when it started; I heard the report of firing 15 or 20 acres down; I know that the prisoner was to have some command, from what had been reported of the battle going to take place; when we left Dr. Nelson's, the officer had his hands tied; I perceived his hands were colouring with the cold; they might have been tied tighter in a warm room than in a colder place; seeing this, I untied them, and gave him my gloves, and assisted him to put them on; Maillet said, "I think you are too soft a hand to conduct this man," and tied the strap round the officer's body; I think he must have observed the strap round him in front, but might not behind; Maillet held the strap in his hand behind; not a word of insult was offered to him; I spoke to him in French and English, but got no answer; I intended to tell him I would take him to St. Charles safe; I said, "Me give you my protection;" I think he might have understood me; Maillet did not oppose this; he must have understood me; as soon as we came out of the house we heard firing; the officer might have heard it as well as us, and I supposed from what he said that he heard it, as he said he wished to see the soldiers; Maillet replied, "No, you have time enough;" we had just passed Mr. Bourdage's when the officer sprung like lightning from beside me; he had given his parole, as I understood it, to remain quiet; I am not sure that he did so; I think he said, "Not go," or something of that sort; when he jumped out Maillet held the strap; the waggon was a common waggon, about three feet and a half high; the end of the strap might have been about three feet long; Maillet holding on, the officer came on his knees; I think he had not perceived that Maillet held the end of the strap; Maillet jumped out, and I staid in the waggon; I turned round my head; the officer was running away; the officer and waggon were at a distance of from 30 to 40 feet; Maillet commenced striking before he got out, and struck after he was out; when I came up to the crowd Pratt was striking; the prisoner was not there when Maillet and Pratt struck; when I came up he might have received 15 or 20 blows; his head was cut in streaks, and three fingers cut off; at this time he was on his knees and hands, and the blood was gushing from his head in streams; he was bathed with blood; I think he could not recover; the people were outrageous, agitated, and frightened; there was a report in the upper end of the village that the troops had arrived in the lower end; when I first came up the crowd was not very large; on the officer jumping out the crowd gathered; there was a great crowd between the prisoner and officer; I think he was almost dead; he appeared to suffer a great deal; I think he

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must have been nearly finished when I left; it is possible that a person might have finished him from motives of compassion, but I would not; the tumult was unceasing when the prisoner came up; the people were furious; in my opinion, when I came up, immediate death was desirable; from the conduct of the officer at that time it was impossible to prevent it; I tried, but could not succeed; the prisoner survived but a short time; I heard no pistol fired; it might have been fired when I stopped my waggon; I have known the prisoner from 30 to 40 years; he has always borne a good character, and that of an honest man; has been many years a captain of militia; has been a churchwarden and syndic, who are elected by a majority of voices; in the late war of 1813, I was on the frontier; I recollect the prisoner there, and always knew him for a brave man; brave men are generally humane; the excitement was so great at the time of the murder, that I think if I had interposed my authority and used my greatest endeavours it would have been fatal to myself; I did not hear the words, "*tirez-le tirez-le.*"

Cross-examined by the Court.—On the 23d of November the prisoner was not in Her Majesty's service; the officer's hands were not tied when Dr. Nelson left his house; I do not know by whose orders they were tied; when I left Dr. Nelson's I heard the report of some guns at a distance of 15 or 20 acres; the fire-bell rung; it was my impression that it was the advanced guard which was firing.

Re-appeared ELMIRE PLANTE.—I did not see the pistol fired; I saw the gun fired; Louis l'Hussier fired at the officer, and hit him; the officer was on the ground just dying; I think he must have finished him, as he fired for that purpose; I cannot say how long the officer was on the ground when l'Hussier fired; a short time before l'Hussier fired the officer moved; I cannot say how long I was in the window; not very long; after I said my prayers I had returned to the window; when l'Hussier fired there was nobody present but himself; some persons at a distance; I did not see the prisoner there; the window where I looked out was a garret window in front of the road.

JEAN-BAPTISTE CADIEUX, of St. Denis.—I have lived at St. Denis 76 years, although I am not a native of that place; I was a captain of militia; I have no house of my own there; I remember that in November, 1837, the troops came to St. Denis; although old, and my memory might fail me, I remember that; I remember the first time the troops came there; an officer arrived the night before; and the misfortune occurred the next day; he was named to me as Lieutenant Weir; the first time I saw him he was under the waggon and they were dragging him in the mud; I think it was about eight o'clock in the morning; the officer had a strap or cord round his body; I cannot say which; his hands were not tied; when I saw him it appeared as though they had dragged him about 60 feet with the waggon; I remarked, "there is a poor man who has fallen out of the waggon, and they are dragging him;" but I was mistaken, he had jumped out; Migneault held the cord, and Francois Maillet was in the waggon; I knew Pratt, as we were living in the same house; when they stopped, a good many persons gathered around the officer; Maillet was the first who struck him, with a sword or hunting-knife, and he broke it; they called Pratt, who was an old man, on his gallery, who went up and gave him several blows; I saw the prisoner come, upon horseback, towards where the officer was, he had a sword at his side, he arrived, drew his sword, and, in my presence, cut him over the head; it appeared to be a heavy blow, and struck with all his force; the deceased fell under the blow, it appeared to strike his head, I think the officer raised his hand to guard off the blow; I then went and shut the shutters and door; I heard, afterwards, that he was not immediately killed, and that they had removed the body between two houses; the prisoner came from below; I shut the shutters and door, because I was too affected; upon shutting the door, I heard somebody say, we will put him between two horses; I did not take time to see if the prisoner's sword was bloody; I heard two shots after that, they appeared to be that of a gun and of a pistol; I did not go and see the body; I heard that the body was taken away in the night, and buried in the yard of Madame Cavalier, near the water. I feel myself in duty called on to state, that the prisoner is subject to absence of mind; what I mean by absence of mind is wanderings of mind; he was a man of example in the parish; he is a father of a family; I do not know whether he was a captain of militia or not, at that time; he is sometimes troubled with these absences of mind for one, two, and three months at a time, and is incapable at those times of attending to his business,—sometimes he shuts himself up in his room; I saw him at St. Denis 15 days before the occurrence alluded to; he did not appear to be labouring under the absence of mind.

Cross-examined.—I have been at the prisoner's house when he was in that state of mind; I perceived plainly when he was in that state; not done on purpose; if you doubt it, there is plenty of evidence at St. Denis; to my knowledge he is sometimes subject to these wanderings for a month; when he is troubled, and something affects him, he is subject to these absences of mind; when he is so, he imagines himself sick, and that's all. Maillet struck first and Pratt struck afterwards; Pratt gave him at last five or six blows; the blows given by Pratt were with all his force, his sword was all notched and bloody; I believed he was in a worse state than he really was, as after he was struck by Pratt, with an effort he rose up; some of the people were frightened, some excited, but more grieved; I think the prisoner's scabbard was of white leather, what is generally used; I think his sword was in it; I am 84 years of age; some people say I am a fool, if I am, I was born so; the prisoner was a man in whom a great deal of confidence was placed; his father was a captain of militia, the prisoner succeeded him; the prisoner was a captain of militia when on the frontier; I was on the frontier at the same time with my company; he was always a brave man,—brave men are generally humane; the prisoner passed for a humane man, but we are all liable to misfortunes in our life; the confusion existing might have caused an absence of mind in him, and was fit to put

him *hors de lui-même*; almost immediately after the prisoner inflicted the blow, as I was going into my house, I heard them say, let us put him between the two houses; I heard reports of a gun and pistol subsequent to hearing them say this, and he had already been dragged, I understood, between the houses; I heard that one of the shots was in the head, and the other in the groin; I think that the prisoner was in front of the officer when he struck him, and on horseback; the officer was *de bout* close behind the waggon; he lifted his hand to parry the blow.

DR. ALEXANDER M'GREGOR, assistant-surgeon of the 32d regiment.—I remember that, in November, 1837, a detachment of Her Majesty's troops were sent to Sorel; on that occasion I heard the sad news of the death of Lieutenant George Weir; I knew him well, he was 25 years of age and short of stature. Some days before the body was discovered, Mr. Griffin started for St. Denis; I had made searches for the body with a captain, before Mr. Griffin received the letter; Mr. Griffin read the letter to me, and asked me to go with him to find the body at Madame Ayotte's; we made search with pick-axes and shovels; some of the Canadians went to the water's edge, they came up, and said there was something black in the water; I went down, there was a large pile of stones at the foot of the yard, at the end of which pile of stones we saw a black mass. On taking off some large stones the body floated; the body came up first, the head was under on one side; on removing a large stone placed between the shoulders his head and hair became visible, and his feet without shoes or stockings on. John Mason, a witness in this cause, was there, and helped me to take the body out; the Canadians helped me to get it out; he was frozen so stiff that he would stand on end. There was a strap round the body, which embraced the arms at the elbows, I unbuttoned the coat, took out his watch from his pocket, and knew it to be his. I think we took him to Madame Ayotte's house to undress him; the body was frozen so hard that we had to get hot water to thaw it; Mason helped to lay him out; I had a coffin made, into which he was put, with a shroud; he was removed to the officers' quarters, and remained there until we brought him up to Montreal; on our arrival in Montreal the body was examined in the same state as when taken from the water. On the right side of the neck, below the ear, there was a large sabre wound about five or six inches in length, and one inch in depth, which laid open several arteries of the neck; this blow was sufficient to cause death, it cut all the vessels of the neck as far as the bones; below this, and at an angle with it, there was another wound, of the same length and depth, which met it at a right angle; the wound laid open all the neck, and exposed the wind-pipe and bones of the shoulder; in front on the skull there was another wound, dividing the scalp, and cutting deep into the bone; this appeared to be done with a very sharp instrument. I did not hear Cadieux's evidence, with regard to the blow given by the prisoner; the skull, and brains and bones on the back of the head were a complete pulp; when the head rose above the water, I perceived pieces of bone and brain. On the left shoulder-blade there was a gun-shot wound, and several stabs or wounds; there was also a gun-shot wound in the left groin; I took the ball out of the shoulder, but as I did not judge it necessary to make an internal examination of the body the ball remained in the groin. The wound on the skull was cut into the bone, I could lay my finger in; it appeared to have been given by some person higher than he was; I think he must have been standing when it was given. The wound on the left groin was of a nature to cause death. His left hand had three fingers cut off, the fingers were hatched; none of the pieces of the fingers dropped off when the body was taken out of the water. On the other hand, one of the fingers was cut up the middle, it must have been with a sharp instrument. I think it must have been two separate shots which lodged the balls, one in the shoulder, and the other in the groin. A body after having been in the water some time, on being exposed to the air, generally turns blue; this body appeared white, I supposed from loss of blood. There was another wound on the left ear, which divided it. There were several other wounds on the skull. I do not think the wound on the skull reached the brain. I have known a concussion on the head with a sharp instrument produce death. There were two or three sabre-wounds on the head. I do not know how many wounds were on the body, there were other wounds on the body likely to cause death. From the appearance of the body he might have bled to death, or he might have bled after death; profuse bleeding from various wounds might have caused death without reference to any particular wound. Some of the wounds on the body were sabre-wounds. I saw Mr. Weir dead, and saw him buried.

DR. F. ARNOLDI, Jr. of Montreal, physician and surgeon.—I have heard Captain Cadieux's and Dr. M'Gregor's testimony; I heard Dr. M'Gregor's description of the wound on the top of the skull, and I heard what Cadieux said regarding the blow given by the prisoner to Mr. Weir on the head with his sword, by the force of which he fell to the ground. The wound under the ear described was sufficient to cause death, if the large arteries were severed; as also the gun-shot wound in the groin, if no medical attendance was had; the chances of death were against the person, without reference to good or ill treatment. There must have been two distinct shots; one in the shoulder, and the other in the groin.

[The case for the Crown is closed.]

#### EVIDENCE FOR THE DEFENCE.

Thursday, 5th September.

The prisoner's counsel having addressed the jury at great length, the following witnesses were called on the part of the prisoner.

1st witness, JEAN BAPTISTE GODBEUX.—I was fireman in Dr. Nelson's distillery in November, 1837; I had been 10 months in Dr. Nelson's employ. The battle took place on the 23d

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November. Mason, a former witness, was engineer; the machinery during all the night preceding the battle was in motion; about seven or half-past seven o'clock, a. m., I was ordered by Mason to desist putting on more fire; I could see the machinery from where I was stationed as fireman, and I saw Mason up above, when he was about the engine; the reason he gave me for putting out the fires was because the troops were coming. Mason took his gun in his hand, left the distillery, and went into a ditch; he went downward; I did not see him join any one; he returned in about a quarter of an hour. Nelson's house is an arpent, or one and a-half from the distillery, and on the opposite side of the road. I heard firing during the quarter of the hour that Mason was absent, in the direction he went; when he returned he said he had learned a piece of news; he said they had just returned from killing a damned dog of a spy. This was between eight and nine o'clock, and the firing had commenced below the village; Mason went up stairs to where the engine was, and, like the others, began firing on the troops.

[The Attorney-General objects to the proving specific facts against Mason, and is sustained by the majority of the court.]

I cannot say how long Mason remained up stairs; I did not see him come down; he did not say where he was during the quarter of the hour that he was absent; he made no boasts of having been elsewhere than at Dr. Nelson's; he told me he had been below firing in the direction of St. Ours. I have known Jalbert 40 years to be a good, respectable, mild man.

Cross-examined. I cannot say precisely the day of the month or week, or the hour, but I recollect the facts. Mason's place at the mill was where the machinery was, and mine was at the fire; there was a partition. I was below and Mason above. From the upper part a person could go out without coming through the part where I was; I do not think that Mason could have gone to Dr. Nelson's without my knowledge. I left for some moments, but the time was so short that I do not know if Mason could have gone to Dr. Nelson's; I had not my eye all the time over the distillery, for my place was down stairs; Mason had charge of the machinery and pumps, and when any thing, such as oil or tallow, was required, it used to be got at Dr. Nelson's. I have no knowledge that Mason left; there were others in the mill; Mason said nothing to me as to where he had been during the quarter of the hour; I judged of the hour by the height of the sun; the weather was very gloomy and bad, and the sun was not brilliant, we generally judge by the sun; it might have been about eight or nine o'clock; I did not stir out of the distillery till the afternoon, Mason went out by the side door; on his return he told me that the officer was killed; immediately after he told me to extinguish the fires Mason went out; he first went up stairs; it was about half-past seven o'clock when he went below, and half-past eight or nine when I saw the troops; I cannot say if any tallow was required that morning.

2nd witness, DAVID GUERTIN.—I live at St. Denis, and recollect the day of the battle there with the troops in November, 1837; I left to go towards St. Ours, whence the troops were coming; Mason, a former witness, was there with a gun between seven and eight o'clock a. m. I found Mason there when I arrived, we were distant about four or five acres from the distillery; Mason remained about half an hour, he was standing up. He afterwards came into Madame St. Germain's, and they were saying that the officer had been killed. It appeared that the report had transpired; I have known Mason since he came to St. Denis; his character is that of a thief; I would not believe him under oath.

Cross-examined.—Since I have known Mason he has always passed for a thief; I know Dr. Nelson to be a brave, honest, and good man. I cannot say if he would have kept a thief in his employ; I once called Mason a thief; he once took some cows which were his own, but the bailiff was afraid to arrest him; he came at night and took them away. Mason had taken a horse from Mr. Deschambault; Mr. Deschambault is connected some way with Dr. Nelson in business; I am cousin to the man who was sent to gaol the other day; Mason stole two hogs, and I ordered my brother to take them away; a man who takes his own cows in the dead of the night is a thief; Mason had promised to pay for keeping them, but he came and took them away; I saw Mason steal the pigs, I don't like Mason too much.

3d witness, PIERRE GUERTIN.—I knew Mason whom I now recognise; he passes for a man who does injuries. Mason took another man's pigs. I would not believe him on his oath.

Cross-examined.—Mason did that after the officer was killed; before that period, I believe him to have been an honest man. He took a horse; two cows of Mason's were at my father's, and he (Mason) had promised to pay for their keeping, but he come and stole them.

4th witness, PATRICK BRENNAN.—Is withdrawn, having been in court during trial.

5th witness, FRANCIS DUCLOS.—Is also withdrawn for the same reason.

6th witness, TIM THE KIMBER.—I am a doctor at Chambly; I was at St. Denis on the day of the battle; and I am aware that a post was assigned to Jalbert that day; he was third in command. I have no knowledge that he had any charge of Lieut. Weir; the night preceding the battle, I was at Dr. Wolfred Nelson's in St. Denis, who commanded.—Mr. Weir came there about 11 or 12 at night, and he was very cold and wet; it was a boisterous night; they got supper expressly for Mr. Weir; he said he was a gentleman who was travelling for pleasure; they asked him if he had anything to prove that, but did not search his person; he showed a pocket-book, and on a paper were written some unintelligible characters; he denied being a military man, but afterwards avowed it, telling his name and regiment; everything was done to make him comfortable. In the morning we were told that the troops were coming; Mr. Weir was offered breakfast or any other refreshment he wished; Dr. Nelson left to go down below, and ordered every attention to be paid to the officer; I do not know that Jalbert was there: Nelson anticipated a battle, and said to Mr. Weir, that if they were victorious, he might rely on being well treated, and that if the troops were victorious, he might join his



friends; the action began at Madame St. Germain's at 9 o'clock, and I saw Jalbert arrive there when the firing began; I suppose he came to take his post; he had a sword in his hand which was very rusty, the scabbard was of brass, and of the colour of the snuff-box now shown to me. Every one was asking questions at Jalbert about Lieutenant Weir, as it had just become known that he was killed; I saw Jalbert's sword and drew it on the 25th November; I observed that it was quite rusty, and he said "yes, it has been so since 1813." The rust was very old; Jalbert served in 1813. When he came up to Madame St. Germain's, he flourished his sword, for the sake of raising the people; I suppose Doctor Nelson was saying to them that they were in an exposed situation, for the action was commencing; the sabre appeared to be stained, but it might have been with rust or blood: it was very rusty; when I examined it on the 25th what before appeared to me to be blood, seemed rust. I know Mason. When Captain Markham was wounded, I heard reports proceeding from the distillery, so loud that I conceived they came from a rifle or a musket. That evening Mason boasted of having fired several shots, and said he was in the distillery during the battle: after the battle I saw Jalbert at St. Denis for several days; up to the 26th November, I think; Doctor Nelson and Jalbert were on good terms after the battle, and it appeared to me that he placed as much confidence in him after the battle as before.

Cross-examined.—I arrived at St. Denis on the evening of the 20th, and lodged at Doctor Nelson's; I went there to see him; there were many persons at his house: some remarkable men: M. Papineau, Doctor O'Callaghan, and some other gentlemen were there. I was called to attend the wounded; I was not attached to any regiment; I passed the 23d November in Madame St. Germain's house; there were a great number of persons there; I cannot say if they asked her leave to remain or not; I smelt burnt powder there; I was there all day, sometimes below, and sometimes above; I did not see what occurred outside; the troops arrived about nine or half past nine o'clock; it was about that time that Jalbert arrived at the house; I left St. Denis on the 27th.

7th witness, LEON GENDRON.—I know old Mr. Cadieux, a former witness; he is very old; I have heard him say that he did not see very clear; he has said so for two or three years; it was when playing draughts that he said so, and he used to lose because he could not see very clear.

Cross-examined.—I met Jalbert after Mr. Weir's death; he did not tell me that he had killed Mr. Weir; I know Mr. Comeau (witness recognises him) and I told him, that I had been told that Jalbert had killed Mr. Weir; I did not say that he *did* kill him, but that I was told so; I saw Jalbert's sword afterwards; I was in Madame St. Germain's house in St. Denis, on the 23rd.

8th witness, JEAN BTE. L'AFRICAIN.—I know Mason whom I now recognise, and I worked with him about a year at St. Denis; his general character is bad, and he passes for a bad man; he is an ill natured man, and does not bear the character of an honest man.

Cross-examined.—I say so from various circumstances. I was told that he was a thief. I found a water barrel with him after the troubles. There was a great confusion with fires and one thing or other, and property was tossing about at that time.

9th witness, LUDGER PLANTE.—I have not been in court during the trial. I am 16 years of age, and brother to Emilie Plante, a witness on the part of the Crown. I recollect of the fight with the troops, and the killing of the officer. My sister was very much frightened; I recollect she took something to give her courage; she took whiskey. I do not know how much she took; it had a little effect on her. She was very much intoxicated. My sister came down stairs, and she said there was a man who had just been killed outside. I went out, and in going, I heard the report of a gun or pistol. My sister said that, before this, Louis l'Hussier fired the pistol. The officer was on the ground. After this I saw Jalbert come up on horseback; I am very certain of this. He was holding the bridle with his hands.

[The Attorney General is here informed that the witness was seen in court yesterday.]

Mrs. Mitchell being then called and sworn, declares that she saw him several times pass up and down.

[By order of the Court, further proof of this is deferred. The witness continues.]

I am sure the officer was dead before Jalbert came up; I cannot say what he said. I was about as far from him as I am now (about 20 feet). Jalbert said that they should not have done that, for that, old as he was, he himself might have taken the officer up in his arms. By this I understood that he could have protected him. He appeared much displeased, and only remained for a few moments. He dismounted, but when he used the reproach he was on horseback. I swear that Jalbert never drew his sword. I know Cadieux, and saw him play at cards and draughts that fall. When he lost the game he said it was because he could not see very well. The candle was on the table. There was, on the day of the battle, a great tumult in the village, especially in the upper part. It was said that the troops were advancing in every direction.

Cross-examined.—I am upwards of sixteen years of age. I have had no conversation with any one respecting my evidence since 1837. My father bought the whiskey that morning, before the battle, and about a couple of hours before the officer was killed. I did not taste it. They told me at least that it was whiskey. The jar was put under the bed. My father is in the States and has been so since the troubles; I do not live with my sister; we have been good and bad friends since then. I spoke to Mr. Lambert about the evidence I was to give. After the officer was dead, no one came to inquire for a pistol. The officer was killed about 9 or half past 9 o'clock. We breakfasted about 7 o'clock, and we knew at breakfast that the troops were coming. I went like many others to Dr. Nelson's to see the officer. Two hours might have elapsed before the officer came up after I left Dr. Nelson's. I was a little afraid. Had Jalbert come up during the time I was in the house, I would not have seen him.

No. 20.  
Sir John Colborne  
to the Marquis of  
Normanby.  
Sept. 14, 1839.  
Enclosure No. 3.



No. 20.  
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When I went out he was coming from below. There are about 10 acres between the place where I saw Jalbert and Nelson's house. I cannot say if Jalbert could have gone and returned that distance in the half-hour. My sister was intoxicated. I believed what she then said. My sister might sometimes tell a falsehood on oath. She often asks me for money, and I will not give her any. I receive one dollar per month. This is the only difference I have had with my sister. It was the pistol shot that finished Weir. I can say on my oath that he hit him, but he was close to him. I came out just as L'Hussier finished him.

10th witness, LOUIS DU DEVOIR.—I recollect about the officer being killed, and of the battle at St. Denis in November 1837. I was about 45 feet distant when I heard the report of a fire-arm. Previous to this, I did not see Pratt strike the officer, but I saw swords descending on him. I heard two or three times the words "My God, my God, my God" as if proceeding from a person in great agony; I did not approach near the body; after the report of the pistol, I saw Jalbert come from the direction of Madame St. Germain's on horseback. Had Jalbert been there on horseback before, I must have seen him; he was about 20 feet from the body; he said "Stop, stop, my friends don't hurt that man." He might have spoken afterwards, but I did not hear; I did not see him strike the unfortunate person; I do not think that Jalbert went nearer than 20 feet. Some persons arrived and said that the troops were coming up. I knew Mr. Cadieux who is my uncle, and I see him very often; he told me this summer that he could see but very little.

Cross-examined.—My uncle is a very active man, and his memory is good. During a part of the day of the action I was in my own house, and I went also to another concession. Though I heard the officer cry out "My God," I did not stir to assist the unfortunate. It was not safe to go forward, and it was none of my business; I was afraid. Until five or six months ago, I told nothing of what had occurred to any one, but from motives of christian charity I then revealed it; it was not my business to go and save the officer. It was about 7 o'clock and I had not breakfasted. I had arrived two or three minutes before I heard the report of the fire-arms. I cannot say what took place before I arrived. When the officer passed I was in my son-in-law's house. It was three or four minutes from the time that the officer jumped out of the waggon till I heard the shot. I might have done the same, as the others if I had not had a young child to take care of.

11th witness, NARCISSE DU DEVOIR.—I recollect the day on which the officer was killed. I was in the street about 15 feet from the officer. The first thing I saw was Pratt striking him with a sword. The officer was on the ground when I came up, and he appeared very weak. I was near the same place and saw L'Hussier fire on him. There was great excitement I heard. I have not been in court during this trial.

[The Attorney-General declares that he is ready to prove that the witness has been in court, notwithstanding his denial on oath of having been so.]

Aaron P. Hart, advocate, is sworn and declares that he saw the witness in court both yesterday and to day.

Mr. Worth, of the police, also swears to having seen him.

[The prisoner's counsel bring the following testimony to prove that he could not have been.]

Marguerite O'Brien was in the witness chamber, and saw the boys there. I was three quarters of an hour at dinner, but I returned before one o'clock. The boy could not have come up at the time stated by Worth.

[The court prohibits the entering into this evidence as being irregular. The witness N. Devoir is re-called.]

I saw Pratt strike two or three blows; also I saw the pistol fired. The officer was dead after the pistol shot. I then saw Jalbert at a little distance on horseback coming from the direction of Dr. Nelson's. The horse appeared to be galloping and Jalbert held the bridle with both his hands; I am perfectly certain he had no sword in his hand. I cannot say how far Jalbert was from the officer, perhaps 12 feet. There might have been a dozen persons around the body. Jalbert dismounted and appeared to reproach the crowd; I did not hear the words, but he appeared very dissatisfied. I cannot say why Jalbert got off. He left almost immediately after remounting, and went galloping towards St. Germain's house. I know Captain Cadieux and have seen him play at draughts last year. I have heard him complain of shortness of sight.

Cross-examined.—I had not seen the officer when the shots were fired. About 12 persons were around; I was near to him, about three feet distant. I know that the officer was on the ground, for I could see between the legs of the bystanders; I was on one side, to the right. I am 18 years of age; I cannot say if I have grown any for two years. The officer had on a black coat. I did not see Cadieux that day. I did not look behind me. Jalbert could not have arrived before without my seeing him. My attention was engrossed with the officer. Jalbert held his horse by the bridle and he had nothing in the other hand. Though two years have elapsed, I can tell that Jalbert held the bridle with both his hands. I did not hear him say anything; I was about 12 feet distant from him all the time. I did not go up to the body. The instant the gun was discharged I went away.

12th witness, MARGUERITE O'BRIEN.—I lived at St. Denis on the 23d November, 1837. On that day the officer was killed. I saw him pass by in the waggon with three others. The officer had not his hands tied; I left to go to the Presbytery, and when I went there, the officer was on the ground. A man raised his gun at him, but it missed fire. He primed again and fired, and the officer was dead. I was about half an acre distant. Jalbert was on horseback about 40 feet distant. He had his sabre by his side. He made no sign, nor did he give any command. I would have heard or seen him had he done so. About 20 minutes after this the battle began.

Cross-examined.—I was about half an acre from where the officer was. There might have

been 10 or 12 persons there, but they did not exactly surround him. The officer never moved, and from that I know that he received the ball. I was half an acre distant. He received the wound in his left side. The gun once missed fire. There was no waggon there. Although I saw the gun at the person's shoulder I cannot say who fired it. There was no one between me and L'Hussier. I saw the officer very plainly. I think he was dead, but I do not know if he was so. I do not know if the gun was loaded. I was not much afraid.

13th witness, CHRISTOPHE LAPRE.—I lived at St. Denis in November, 1837, and I met a waggon on that day in which were Mignou and Maillot. I had heard before that, that an officer was arrested. He was in the waggon. I did not see that his hands were tied. I did not see the waggon stop; I heard the report of a pistol, and I turned round to see what it was. The officer was on the ground. I think the officer was dead, but I was about an acre distant. I then proceeded on, and at the distance of another acre I met Jalbert on horseback going in the direction of the officer. He must have been two acres distant from the officer. I continued on, and Jalbert overtook and again passed me at the gallop. Twelve minutes might have elapsed from the time that I first saw Jalbert until he again passed me. I found Jalbert at the camp. The battle then commenced. If Jalbert had had a sword in his hand, I think I would have seen it. I have been here since Tuesday, and have remained in the witness room. I know the two boys, and as far as I know they remained down stairs all day. The room is not very large, and we were all together.

Cross-examined.—The boys did not leave to my knowledge. I do not know if they could have left without my knowledge. I went out for a little time. They might have come up. I never approached nearer than an acre to the officer. He was about two feet from the waggon. I only heard one report. He did not appear entangled in the wheels. Jalbert did not speak to me. I was going towards Madame Saint Germain's house, which is eight or nine acres distant from where I was. A person might have gone to Madame Saint Germain's in about two minutes.

14th witness, SOPHIE GORROUT.—I am 18 years of age, and lived at St. Denis in November, 1837. I was there on the day of the fire. I know the place where the officer was killed. The house was six or seven arpents distant. We left our house in a cart, to avoid the troops. On turning the corner I saw the waggon, and the officer was on the ground on his knees. I was opposite to the gate of the convent yard. There were three or four persons round the officer. I saw one blow struck with a sword. I did not know any of the people, nor did I see Jalbert. The officer was on his knees lamenting. Had Jalbert passed I would have known him. I was dreading the approach of the troops, and had Jalbert been coming up, I would have seen him. Since Tuesday last I have been from morning till evening in the witness room below. The two boys did not leave at all. Marguerite O'Brien was gone only half an hour. I then went out with the boys. When Marguerite O'Brien was absent the boys were always with me.

Cross-examined.—The two boys did not leave when Marguerite O'Brien was absent. We went to a place near Mr. Pigeon's to get a drink of water, and remained 10 minutes. The convent at St. Denis is near the church. I do not know where Cadieux's house is. I have always lived at St. Denis. I entered the yard for an instant. I went in immediately after the blow was given to the officer. I saw no one after this, nor anything which occurred.

Six o'clock.—The court is adjourned until to-morrow morning, at 10 o'clock.

#### FRIDAY, 6th September.

15th witness, PIERRE BOURGEOIS.—Having been in court, is withdrawn.

16th witness, JEAN BAPTISTE BLANCHETTE.—I live at St. Charles. I have known Capt. Cadieux for 35 years. He is a very obstinate man. He is a headstrong man—very obstinate. I have known him to be most unreasonable; he has no property. In November, 1837, the country around the Richelieu was in a state of great agitation. The magistrates could not enforce obedience, and many people were obliged to fly.

Cross-examined.—I was at St. Denis on November 23d. I do not think it is easy to put things into Cadieux's head. All that I can say is, that he is an obstinate man. He is an honest man.

17th witness, LOUIS EDOUARD HEBERT.—I lived at St. Denis in November, 1837. I remember the engagement there. My house is next to Dr. Nelson's. It is on the opposite side of the road, about 84 feet distant. I recollect seeing a waggon pass my door, in which were Maillet and Mignou, besides a stranger, who, I understood, was the officer. There was no person on horseback near the waggon. I did not see Jalbert there that day. They could not have taken more than two minutes to come from Dr. Nelson's. Jalbert was a captain of militia, a churchwarden, and a school trustee. He is generally respected, and bears a good character. I know Capt. Cadieux; he is a very old man.

Cross-examined.—I have known Capt. Cadieux for 40 years. He is a perfectly honest man. I never made a declaration to any one to the effect that I did not know who passed in the waggon. I only remained at my door whilst the vehicle passed. I was not at the door when the vehicle came up, but merely saw it passing. A man might have passed on horseback an instant before or after the waggon. I only looked in the direction of St. Charles. A person might have been coming from the direction of Dr. Nelson's without my seeing him.

17th witness, ELEANOR FORTIER.—I know that the two boys recently examined here remained down stairs yesterday. Marguerite O'Brien went away to dinner about two o'clock. She went about the middle of the day and was absent about half an hour. The boys were in the room during her absence. I went out with them when Miss O'Brien went out. I was with them all afternoon, when we returned.

No. 20.  
Sir John Colborne  
to the Marquis of  
Normanby.  
Sept. 14, 1839.

Enclosure No. 4.

Cross-examined.—I have only been here for two days. By the middle of the day I mean half-past one or two o'clock.

The defence is here closed, and the Attorney-General addresses the jury. The judge then delivers the charge, and the jury retired at half-past four o'clock.

(No. 113.)

No. 21.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE,  
G.C.B., to the Marquis of NORMANBY.

MY LORD, Government House, Montreal, 16 September, 1839.

No. 21.  
Sir John Colborne  
to the Marquis of  
Normanby.

Sept. 16, 1839.

I HAVE the honour to acquaint your Lordship, that, it having been reported some months since, that many of the habitans of the Seigniories in this district were continually passing the frontiers, and that an unusual emigration from the province was taking place, I requested the Catholic Bishop of Montreal to desire the curé of each parish to send in returns of the exact number of persons who had quitted their respective parishes.

From the annexed letter from the bishop, your Lordship will be glad to be informed that the greater part of the habitans who are absent from the Seigniories, have left their parishes in search of work, and that their numbers do not exceed those of preceding years; at the season in which the habitans generally resort to the United States to obtain the higher wages which are given to labourers.

I have, &c.

(Signed)

J. COLBORNE.

The Marquis of Normanby,

&c. &c. &c.

Enclosure.

MONSIEUR,

Montréal, 10 Septembre, 1839.

Enclosure.

D'après ce qui avoit été convenu, il y a quelque temps, entre votre Excellence et moi, j'ai écrit aux curés des paroisses situées au sud du Fleuve St. Laurent, sur l'état de l'émigration de leurs paroissiens dans les États-Unis; et j'ai appris d'eux, avec plaisir, que cette émigration n'a surpassé dans l'année présente aucune de celles qui avoient lieu les années précédentes, même en temps de paix: que cette émigration étoit généralement tres-peu de chose; et qu'elle se composoit principalement d'hommes qui, partant au printemps pour chercher de l'ouvrage chez nos voisins, ont coûtume de revenir l'automne dans leur pays.

J'ai l'honneur d'être très-respectueusement, Monsieur, de votre Excellence,

Le très-humble et obéissant serviteur,

Son Excellence le Gouverneur en Chef.

J. J. Ev. Cath. de Montréal.

(No. 114.)

No. 22.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE,  
G.C.B., to the Marquis of NORMANBY.

No. 22.  
Sir John Colborne  
to the Marquis of  
Normanby.  
Sept. 17, 1839.

MY LORD, Government House, Montreal, 17th September, 1839.

For Lord Glenelg's  
despatch, No. 45,  
of 25th Jan., vide  
Correspondence re-  
lative to British  
North America,  
ordered to be print-  
ed, February, 1839,  
p. 98.

HAVING in compliance with the instructions conveyed in Lord Glenelg's despatch, No. 45, of the 25th January, 1839, caused inquiry to be made in respect of the sale of clergy reserved lands in Lower Canada, with reference to the provisions of the Imperial Act, 7th and 8th Geo. 4, cap. 62, I have now the honour to transmit for the information of Her Majesty's Government returns furnished by the Crown Lands Department, containing the statements required on the subject, together with a report from the Commissioners of Crown Lands thereon, and the opinion of the Attorney-General on the legal questions raised by Lord Glenelg.

I have, &c.

(Signed)

J. COLBORNE.

The Marquis of Normanby,

&c. &c. &c.

Enclosure I in No. 22.

LOWER CANADA.—Return showing the whole Amount of Acres of Clergy Reserves included in Letters Patent on the 1st of July, 1829, and the Number of Acres appropriated to the Clergy by Patent in each subsequent year to 31st December, 1838.

Year.	No. of Acres Reserved prior to 1st July 1829.			No. of Acres Reserved subsequent to 1st July, 1829.	Total No. of Acres Reserved.			Year.	No. of Acres Reserved prior to 1st July, 1829.			No. of Acres Reserved subsequent to 1st July 1829.	Total No. of Acres Reserved.			
	A.	R.	P.		A.	R.	P.		A.	R.	P.		A.	R.	P.	
1796	8,179	0	0	..	8,179	0	0	1818	3,158	0	0	..	3,158	0	0	
1797	22,075	2	33	..	22,075	2	33	1819	2,217	0	0	..	2,217	0	0	
1798	12,743	0	0	..	12,743	0	0	1820	252	0	0	..	252	0	0	
1799	19,780	0	0	..	19,780	0	0	1821	450	0	0	..	450	0	0	
1800	48,064	0	0	..	48,064	0	0	1822	14,224	0	0	..	14,224	0	0	
1801	43,000	0	0	..	43,000	0	0	1823	9,157	0	0	..	9,157	0	0	
1802	75,525	0	0	..	75,525	0	0	1824	10,963	0	0	..	10,963	0	0	
1803	64,393	2	0	..	64,393	2	0	1825	397	0	0	..	397	0	0	
1804	32,574	0	0	..	32,574	0	0	1826	720	0	0	..	720	0	0	
1805	22,444	0	0	..	22,444	0	0	1827	7,467	0	0	..	7,467	0	0	
1806	24,347	0	0	..	24,347	0	0	1828	6,233	2	0	..	6,233	2	0	
1807	17,149	0	0	..	17,149	0	0	1829	460	0	0	..	460	0	0	
1808	7,369	0	0	..	7,369	0	0	1829	..	1,068	0	0	..	1,068	0	0
1809	11,107	0	0	..	11,107	0	0	1830	..	5,720	0	0	..	5,720	0	0
1810	12,545	0	0	..	12,545	0	0	1831	..	14,034	1	24	..	14,034	1	24
1811	6,238	0	0	..	6,238	0	0	1832	..	23,437	0	0	..	23,437	0	0
1812	7,825	0	0	..	7,825	0	0	1833	..	11,297	0	0	..	11,297	0	0
1813	Nil.	..	..	..	Nil.	..	..	1834	..	9,189	0	0	..	9,189	0	0
1814	4,124	0	0	..	4,124	0	0	1835	..	23,826	2	0	..	23,826	2	0
1815	8,257	0	0	..	8,257	0	0	1836	..	18,412	3	7	..	18,412	3	7
1816	10,521	0	0	..	10,521	0	0	1837	..	11,077	0	10	..	11,077	0	10
1817	5,520	0	0	..	5,520	0	0	1838	..	10,354	2	31	..	10,354	2	31
463,780 0 33				..	463,780 0 33			From	55,698 2 0	128,416 1 32	184,114 3 32					
				..				Col. 1.	463,780 0 33		463,780 0 33					
				..				Acres	519,478 2 33	128,416 1 32	647,895 0 25					

(Signed) JOHN DAVIDSON,  
T. BOUTHILLIN.

No. 22.  
Sir John Colborne  
to the Marquis of  
Normanby.  
Sept. 17, 1839.

Enclosure 2 in No. 22.

LOWER CANADA

Return showing the Number of Acres of Clergy Reserves sold in each Year, the Price at which they were offered, and that which they obtained, and the extent of the Lots bought by each Purchaser, from 1827 to 1838 inclusive.

Enclosure No. 2.

Year.	Township.	Purchasers.	Upset Price.	Price they sold at.	Number of Acres sold.	Number of Acres sold to each individual in each Year.	Total Number of Acres sold in each Year.
			s. d.	s. d.			
1827	Nil	Nil			Nil	Nil	Nil
1828	"	"	"	"	"	"	"
1829	Inverness	James Anderson	4 0	4 0	100	100	"
	"	William Laing	4 0	4 0	100	100	"
	"	John Webster	4 0	4 0	100	100	"
	"	William Stevens	4 0	4 0	100	100	"
	"	John Little	4 0	4 0	100	100	"
	"	Arnold Aldrick	4 0	4 0	100	100	"
	"	William Bennett	4 0	4 0	100	100	"
	"	George Davidson	4 0	4 0	100	100	"
	"	John Somerset	4 0	4 0	100	100	"
	Hull	Valentine Harbuck	5 0	5 0	200	200	"
1830	Stoneham	John Staples, sen.	4 0	4 0	100	100	1,100
	"	John Staples, jun.	4 0	4 0	100	100	
	"	John Cassin	4 0	4 0	100	100	
	"	Peter Martin	4 0	4 0	100	100	
	"	Martin Hogan	4 0	4 0	100	100	
	"	Martin M'Donald	4 0	4 0	100	100	
	"	John Smith	4 0	4 0	100	100	
	"	Richard Coady	4 0	4 0	100	100	
	"	Christopher Wilson	4 0	4 0	100	100	
	Tewkesbury	William Crawford	4 0	4 0	100	100	
	"	Matthew Moore	4 0	4 0	100	100	
	"	Phillip Quin	4 0	4 0	100	100	
	"	Patrick Murphy	4 0	4 0	100	100	
	"	James Cowan	4 0	4 0	100	100	
	"	John Connell	4 0	4 4	100	100	
	"	John Crawford	4 0	4 6	100	100	
	Inverness	James Henderson	4 0	4 0	100	100	
	"	William Henderson	4 0	4 0	100	100	
	"	Peter M'Killop	4 0	4 0	100	100	
	"	John M'Killop, jun.	4 0	4 6	200	200	
	"	John M'Killop	4 0	4 0	100	100	
	"	Neil M'Killop	4 0	4 0	100	100	
	"	John Cook	4 0	4 0	100	100	
	Hull	Thomas Buck	5 0	5 0	200	200	
	"	James Taylor	5 0	5 0	200	200	
	"	Richard Austin	5 0	5 0	200	200	
	Grantham	Hon. J. Richardson	2 6	2 6	5600	5600	
	Frampton	William Morrow	4 0	4 0	100	100	
	"	David Wilson	4 0	4 0	100	100	
	"	James Butler	4 0	4 0	100	100	
	"	John Duff	4 0	4 0	200	200	
	"	John Ross	2 6	2 6	300	300	
	Wickham	Christopher Menut	2 6	2 6	114	114	
	Nelson	Albert Robinson	4 0	4 0	142	142	
	Ireland	John Keogh	5 0	5 0	100	100	
	Buckingham	Smith Sanborn	7 6	7 6	200	200	
1831	Leeds	James Kennedy	4 0	4 0	200	200	9,956
	"	Zacharias Goff	4 0	4 0	200	200	
	"	George Hume	4 0	4 0	109½	109½	
	"	John Craig	4 0	4 0	109½	109½	
	"	James Sharp	4 0	4 0	100	100	
	"	John Bunting	4 0	4 0	100	100	
	"	Charles Cannon	4 0	4 0	100	100	
	"	Thomas Johnston	4 0	4 0	100	100	
	"	William Morrison	4 0	4 0	100	100	
	"	William Read	4 0	4 0	100	100	
	"	Hugh Maxwell	4 0	4 0	100	100	
	"	Robert M'Kibbon	4 0	4 0	100	100	
	"	Andrew Dunn	4 0	4 0	100	100	
	"	Alexander Dunn	4 0	4 0	100	100	
	"	James Glen	4 0	4 0	100	100	
	"	William Maxwell	4 0	4 0	100	100	
	"	Fraucis Larmouth	4 0	4 0	100	100	
	"	Alexander Larmouth	4 0	4 0	100	100	



Year.	Township.	Purchasers.	Upset Price.	Price they sold at.	Number of Acres sold.	Number of Acres sold to each individual in each Year.	Total Number of Acres sold in each Year.	
1831.	Leeds	William Nichol	4 0	4 0	100	100		
		James Oliver	4 0	4 0	100	100		
		William Oliver	4 0	4 0	100	100		
		Samuel Greene	4 0	4 0	100	100		
		John Greene	4 0	4 0	100	100		
		Robert Phillips	4 0	4 0	100	100		
		Samuel Phillips	4 0	4 0	100	100		
		John Baxter, jun.	4 0	4 0	100	100		
		William Strain	4 0	4 0	100	100		
		James M'Callum	4 0	4 0	100	100		
		John Ewart	4 0	4 0	100	100		
		Robert Layfield	4 0	4 0	80	80		
		Frampton	Patrick Fitzgerald	4 0	4 0	100	100	
			James Falls	4 0	4 0	100	100	
			James Franklin	4 0	4 0	100	100	
			Walter Fitzgerald	4 0	4 0	100	100	
	Thomas Kingston		4 0	4 0	100	100		
	Ferdinand M'Donald		4 0	4 0	100	100		
	Moses Jordan		4 0	4 0	100	100		
	Wickham		Col. F. G. Heriot	2 6	2 6	200	400	
			Ditto	2 6	2 6	200		
	Grantham		Rev. Edward Black	5 0	5 0	200	200	
		Thomas A. Stayner	2 6	2 6	800	800		
	Bristol	Henry M'Dowell	2 6	2 6	200	200		
		Thomas Duncan	2 6	2 6	200	200		
	Chatham	John Meikle	3 0	3 0	100	100		
		Elijah Banning	3 0	3 0	100	100		
	Inverness	Duncan M'Keazie	2 6	2 6	100	100		
		William Young	2 6	2 6	100	100		
		Peter M'Gibbon	2 6	2 6	100	100		
		John M'Callum	2 6	2 6	100	100		
		John Thompson	3 0	3 0	100	100		
		John Thompson, jun.	3 0	3 0	100	100		
		Henry Purse	2 6	2 6	100	100		
		James Gillis	4 0	4 0	100	100		
		John M'Killop	4 0	4 0	100	100		
		James Lemon	4 0	4 0	100	100		
		James Cook	4 0	4 0	100	100		
		Robert Hill	4 0	4 0	100	100		
	David Andrews	4 0	4 0	100	100			
	James Redfern	4 0	4 0	100	100			
	Robert Wilson	4 0	4 0	100	100			
	Price Slatter	4 0	4 0	100	100			
	Jonathan Slatter	4 0	4 0	100	100			
	Alexander Cooke	4 0	4 0	100	100			
	William Hamilton	4 0	4 0	100	100			
	Alexander Stewart	4 0	4 0	100	100			
	Donald Stewart	4 0	4 0	100	100			
	James Steel	4 0	4 0	100	100			
	Daniel Cook	4 0	4 0	100	100			
	Thomas Dempsey	4 0	4 0	100	100			
	John M'Caverty	4 0	4 0	100	100			
Robert M'Clatchy	4 0	4 0	100	100				
Mary Moore	4 0	4 0	100	100				
Alexander M'Kinnon	4 0	4 0	100	100				
Daniel M'Kinnon	4 0	4 0	100	100				
Duncan Sillars	4 0	4 0	100	100				
John Sillars	4 0	4 0	100	100				
James M'Kinnon	4 0	4 0	100	100				
Duncan M'Kelvie	4 0	4 0	100	100				
Peter Hamilton	4 0	4 0	100	100				
John Kelso	4 0	4 0	100	100				
John M'Killop	4 0	4 0	100	100				
John Merham	4 0	4 0	100	100				
Rawdon	Donald Crawford	4 0	4 0	100	100			
	Rev. J. E. Burton	4 0	4 0	200	200			
	Jos. H. Terrill	6 9	6 9	147	147			
	William Hunting	7 6	7 6	100	100			
	Seth Hunting	7 6	7 6	100	100			
Ascot	Phineas Stone	10 0	10 0	50	50			
	William Hunting, jun.	10 0	10 0	150	150			
Hanstead	Ichabod Smith	15 0	15 0	200	200			
	John M'Intyre	4 0	4 0	200	200			

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 Normanby  
 Sept. 17, 1839.  
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Year.	Township.	Purchasers.	Upset Price.	Price they sold at.	Number of Acres sold.	Number of Acres sold to each individual in each Year.	Total Number of Acres sold in each Year.
1831	Nelson	Robert Cox	4 0	4 0	100	100	12,368
	"	Robert Longmore	4 0	4 0	100	100	
	"	Robert Longmore, jun.	4 0	4 0	100	100	
	"	James Johnston	4 0	4 0	100	100	
	"	Mary Welsh	4 0	4 0	100	100	
	Kinsey	Ralph Abercromby	7 6	7 5	36	36	
	"	Francis Blake	7 6	7 6	36	36	
	Hull	Rev. Mr. Annesly	12 6	12 6	200	200	
	Eaton	John M. Babbitt	7 0	7 0	100	100	
	"	Enos Alger	6 0	6 0	50	50	
	Granby	Charles Collins	5 0	5 0	200	200	
	Ireland	Donald M'Lean	5 0	5 0	200	200	
	Templeton	John Cameron	5 0	5 0	200	200	
1832	Frampton	John Rowland	4 0	4 0	200	200	6,973
	Hull	Philemon Wright	5 0	5 0	906	1,190	
	Buckingham	Ditto	5 0	5 0	200		
	Lochaber	Ditto	15 0	15 0	84		
	Hull	George M'Connell	7 6	7 6	200	200	
	Buckingham	Smith Sanborn	7 6	7 6	200	200	
	Tingwick	William Sheppard	5 0	5 0	600	600	
	Dudswell	George H. Ryland	4 0	4 0	200	200	
	Stanstead	Samuel Harvey	9 0	9 0	135	135	
	"	Eliphalet Bodwell	10 6	10 6	140	140	
	"	Nathaniel Bacheller	10 0	10 0	100	100	
	"	Hiram Bishop	10 0	10 0	70	70	
	Barnston	John Doolittle	10 6	10 6	128	128	
	Shipton	John Malvina, et al.	5 3	5 3	208	208	
	Onslow	Andrew Saunstrom	7 6	7 6	200	200	
	Halifax	John Glass	4 6	4 6	200	200	
	"	Charles Campbell	4 6	4 6	200	100	
	"	William Cowan	4 6	4 6	130	130	
	"	Thomas C. Lee	4 6	4 6	200	200	
	Grenville	Hugh M'Neil	1 3	1 3	200	200	
	"	Allan M'Ginnis	2 6	2 6	100	100	
	"	Low and Hamilton	1 6	1 6	100	200	
	"	Ditto	1 3	1 3	100		
	"	Alex. Dwirce	1 3	1 3	200		
	"	Angus Leviston	1 3	1 3	300	300	
	"	John M'Ginnis	2 0	2 0	100	100	
	"	Robert M'Gibbon	2 7	2 7	200	200	
	"	Samuel Steele	1 3	1 3	100	100	
	Grenville Augmen	David Bates	2 6	2 6	100	100	
	"	Duncan M'Callum	2 6	2 6	200	200	
	"	Arch. Campbell	2 6	2 6	100	100	
	"	James Bates	2 6	2 6	100	100	
	"	Robert Bates	2 6	2 6	100	100	
"	John Bates	2 6	2 6	100	100		
"	George Bates	2 6	2 6	100	100		
Chester	Hon. John Stewart	4 6	4 6	172	172		
"	Thomas Douglass	4 6	4 6	200	200		
Nelson	Jane O'Neil	4 6	4 6	100	100		
1833	Frampton	James Murphy	4 0	4 0	100	100	6,973
	"	Mic. O'Brien	4 0	4 0	100	100	
	"	Phillip Martin	4 0	4 0	327	327	
	"	Edward Brennan	4 0	4 0	100	100	
	Barnston	Ebenezer Hackett	10 6	10 6	64	64	
	"	John Marsh	10 6	10 6	64	64	
	"	Ben. Pomroy	7 0	7 0	100	239.3.7	
	Compton	Ditto	15 0	15 0	99.3.7		
	"	Ditto	7 0	7 0	40	20	
	Barnston	Marshall Pope	8 0	8 0	20		
	"	Wright Chamberlin	6 3	6 3	200	300	
	"	Ditto	7 0	7 0	100		
Barnston	David Barns	8 0	8 0	79.1.13	79.1.13		
"	John Walker, jun.	8 0	8 0	79.1.13	79.1.13		
Compton	Samuel Richardson	7 6	7 6	93	93		
Barnston	Daniel Sutt	8 0	8 0	39.2.26	39.2.26		
"	George Thomas	4 9	4 9	100	100		
"	Elisha Thomas	8 9	8 9	135	135		
"	John Jones	7 6	7 6	50	50		
"	A. Workman and J. M'Lean	8 9	8 9	65	65		
"	David Senter	6 6	6 6	100	100		
"	Moses Norris	6 0	6 0	50	50		

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Year.	Township.	Purchasers.	Upset Price.	Price they sold at.	Number of Acres sold.	Number of Acres sold to each individual in each Year.	Total Number of Acres sold in each Year.
1833.	Barnston	Joseph Walker	6 6	6 6	22	22	
	"	Levi Lock	7 0	7 0	50	50	
	"	Marcus Child.	6 3	6 3	150	150	
	Compton	Hollis Smith	15 0	15 0	40.3.27	120.3.27	
	"	Ditto	8 6	8 6	80		
	"	D. C. Richardson	20 0	20 0	7	7	
	"	Reuben Moore	9 0	9 0	50	50	
	"	Levi Wyman	9 0	9 0	50	50	
	"	Ditto	10 6	10 6	15	65	
	"	Stephen Bartlett	11 3	11 3	100	100	
	"	Warren Betts	11 3	11 3	100	100	
	"	Polly Bachelder	8 0	8 0	120	120	
	"	Joseph Longer	8 0	8 0	200	200	
	Durham	Jas. and A. Irwin	5 0	5 0	50	50	
	"	John Irwin	5 0	5 0	50	50	
	"	Webber Reid.	5 9	5 9	196	196	
	"	Thos. Brickley	5 3	5 3	100	100	
	"	Stephen Barnard.	5 6	5 6	107	107	
	"	H. Cummings	6 0	6 0	100	100	
	"	N. Cummings and W. Reed	6 0	6 0	100	100	
	"	Ben. Brickley	4 6	4 6	76	76	
	"	William Gavany.	4 6	4 6	50	50	
	"	Chris. Lister	5 0	5 0	100	100	
	"	William Lister	6 0	6 0	100	100	
	"	P. S. Ramsay.	5 0	5 0	100	100	
	"	John Bothwell	5 0	5 0	100	100	
	"	Alex. Bothwell	4 6	4 6	24	24	
	"	Webber Reid, jun.	5 0	5 0	66.2.263	66.2.263	
	Eaton	John Moore	5 6	5 6	50	50	
	"	David Farnsworth	8 6	8 6	50	50	
	"	Esther Cook	7 0	7 0	100	100	
	"	Horace French	7 6	7 6	100	100	
	"	Rev. Jon. Taylor	15 0	15 0	54.2.28	54.2.28	
	"	B. Hammond	8 0	8 0	50	50	
	"	H. Lothrop	7 6	7 6	200	200	
	"	George Lindsay	7 6	7 6	100	100	
	"	Jones Garnsby	6 3	6 3	100	100	
	"	J. M. Babbitt	7 9	7 0	100	100	
	Hatley	William Hipwell	8 6	8 6	200	200	
	"	Ebenezer Bacon	7 0	7 0	100	100	
	"	Robert Harvey	10 0	10 0	100	100	
	"	Jesse Wadley	10 0	10 0	50	50	
	"	A. B. Abbott.	6 6	6 6	160	160	
	Kingsey	Robert Trenholme	5 0	5 0	100	100	
	"	William Nunns	5 0	5 0	100	100	
"	Richard Beard	4 6	4 6	104½	104½		
"	John Wadleigh	4 6	4 6	104½	104½		
"	William Towne	5 3	5 3	100	100		
Granby	Rev. Thos. Johnston.	13 9	13 9	10			
Hatley	Ditto	11 0	11 0	50			
"	Ditto	10 0	10 0	100	210		
"	Ditto	6 3	6 3	50			
Melbourne	D. H. Stevens	6 3	6 3	50	50		
"	Ira Greenwood	6 3	6 3	50	50		
"	Noah Lawrence	6 3	6 3	50	50		
"	Joseph Gallup	8 0	8 0	200	200		
"	Jonathan Fowler.	10 0	10 0	135	135		
"	Chauncey Clark	6 6	6 6	150	150		
"	Charles Smith	4 0	4 0	50	50		
"	James Brownlow	10 0	10 0	25	25		
"	Shubael Pierce	10 0	10 0	55			
Shipton	Ditto	5 0	5 0	200	255		
"	Robert Barker	5 3	5 3	200	200		
"	Widow Trenholme.	6 3	6 3	99	99		
"	Marsh Martin	5 0	5 0	111	111		
"	Samuel Daniels	5 0	5 0	200	200		
"	Jonathan Perkins	5 0	5 0	200	200		
"	Harry Nutting	5 0	5 0	200	200		
"	Gilbert Healy	6 3	6 3	100	100		
"	C. B. Cleaveland.	8 9	8 9	154.3	154.3		
"	Jabez Merrill.	5 0	5 0	96	96		

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			s.	d.					
1833.	Shipton	Andrew Lovejoy	£19	15	0	4	4		
		for the 4 acres.							
	"	Simeon Flint	5	0	5	0	100	100	
	"	Jesse Baker	5	0	5	0	100	100	
	Stanbridge	"	M. E. Dennison	5	0	5	0	100	100
		"	Robert Jones.	10	6	10	6	100	100
		"	J. Bickford, et al.	12	6	12	6	186.1.20	186.1.20
		"	A. Connell, et al.	30	0	30	0	13.2.26	13.2.26
		"	Joel Rollin	7	6	7	6	75	
		"	Ditto	11	6	11	6	50	175
		"	Ditto	10	0	10	0	50	
		"	John Chandler	7	6	7	6	75	75
		"	Hiram Rogers	7	6	7	6	50	60
		"	Ditto	13	9	13	9	10	
		"	Ebenezer Hart	13	9	13	9	15	15
		"	John Chandler, jun.	13	9	13	9	32.2	32.2
		"	Erastus Stanton	13	9	13	9	42.2	42.2
		"	Elias Jenkins	11	6	11	6	50	50
		"	John Baker. (2)	11	6	11	6	66.2.26 $\frac{1}{2}$	66.2.26 $\frac{1}{2}$
		"	Ben. Baker	11	6	11	6	33.1.13 $\frac{1}{2}$	33.1.13 $\frac{1}{2}$
		"	Clark Corey	12	6	12	6	100	100
		"	Ebenezer Phelps	10	0	10	0	200	200
		"	John Sawyer	8	0	8	0	100	100
		"	Zebulon Cornel	7	6	7	6	100	
		"	Ditto	8	0	8	0	100	200
		"	P. R. Martin, et al.	10	6	10	6	100	100
		"	Solomon Walbridge	£109	4	3		110.2.39	110.2.39
		"	for the lot.						
		"	C. J. Phelps	£50	0	9		16.0.10	16.0.10
		"	for the lot.						
		"	James Botham	9	6	9	6	73.0.31	73.0.31
		"	Caleb Corey, sen.	5	0	5	0	50	50
		"	Ephraim Knight	13	9	13	9	75	75
		"	Wm. Arkenbrack	7	6	7	6	75	75
		"	Peter Bedard	10	6	10	6	100	100
		"	Christian Wehr	£87	10	0		50	50
		"	for the lot.						
		"	Joel Spear	10	6	10	6	75	75
		"	Abner Smith	10	6	10	6	100	100
		"	Tilley Blackley	11	6	11	6	105	105
		"	Zaccheus Blackley	12	6	12	6	105	105
		"	A. R. Harriss	11	6	11	6	37.0.33	37.0.33
"	Hiram Corey	11	6	11	6	27.3.29 $\frac{1}{2}$			
"	Ditto	10	6	10	6	50	77.3.29 $\frac{1}{2}$		
"	C. G. Martindale	11	6	11	6	27.3.29 $\frac{1}{2}$	27.3.29 $\frac{1}{2}$		
"	Simeon Wells, sen.	11	6	11	6	58.1.35	58.1.35		
"	James Blinn	11	6	11	6	15	15		
"	Simeon Whitman	7	6	7	6	100	100		
"	Richard Gage	10	6	10	6	100	100		
"	Thomas Best	8	0	8	0	165	165		
"	Christopher Rowse	8	0	8	0	35	35		
"	Barnabas Hitchcock	12	6	12	6	100	100		
Stanstead	"	H. O. White	10	6	10	6	60	60	
	"	Selah Pomroy	10	6	10	6	140		
	"	Ditto	7	6	7	6	78.2.13	218.2.13	
	"	Jonathan Field	7	6	7	6	121.1.7	121.1.7	
	"	James Peasley	10	0	10	0	100	100	
	"	Hon. James Baxter	10	0	10	0	135		
	"	Ditto	5	6	5	6	50	195	
	"	John Gilman	9	0	9	0	135	135	
	"	Samuel Knight	10	0	10	0	100		
	"	Ditto	10	0	10	0	100	200	
	"	Joshua Copp	5	0	5	0	59	59	
	"	William Bullock	5	6	5	6	115.1.13 $\frac{1}{2}$	115.1.13 $\frac{1}{2}$	
	"	Asa L. Harvey	8	9	8	9	180	180	
	"	Elias Lee	£13	14	0		4	4	
"	for the 4 acres.								
"	Wilder Pierce	6	0	6	0	300	300		
"	Jacob Bachelder	10	0	10	0	9.2.21	9.2.21		
"	Erastus Lee	10	0	10	0	55.1.19	55.1.19		
"	Amos Fox	7	6	7	6	50	50		

Year.	Township.	Purchasers.	Upset Price.		Price they sold at.		Number of Acres sold.	Number of Acres sold to each individual in each Year.	Total Number of Acres sold in each Year.
			s.	d.	s.	d.			
1833	Ascot	Charles Whitcher	12	6	12	6	200	354.3.20	
	Orford	Ditto	10	0	10	0	154.3.20		
	Ascot	Joseph Smith	7	6	7	6	200	200	
	"	Samuel Brooks	9	0	9	0	150	150	
	"	Thomas Burns	7	6	7	6	200	200	
	"	Lyman Alger.	7	0	7	0	66.2.26½	66.2.26½	
	"	Timothy Burns	7	0	7	0	66.2.26½	66.2.26½	
	Maddington.	Joseph Provencher	4	0	4	0	200	200	
	Orford	Wm. R. Willard.	10	0	10	0	22.0.20	22.0.20	
	Wickham	John Ralph	3	9	3	9	200	200	
	Brome	John Loukes.	5	0	5	0	50	50	
	"	E. P. Gilman	10	6	10	6	100	100	
	"	Lucretius Lawrence	5	6	5	6	50	50	
	"	Simon Todd	5	6	5	6	100	100	
	"	Edward Ladd	7	6	7	6	100	100	
	"	John Ladd	7	6	7	6	50	50	
	"	George Payne	7	6	7	6	50	50	
	"	Benj. H. Foss	7	0	7	0	200	200	
	"	John Jackson	9	0	9	0	200	200	
	"	O. and F. Wilson	5	0	5	0	200	200	
	"	Orin Blin	5	0	5	0	100	100	
	"	Richard Dickinson	5	9	5	9	200	200	
	"	P. H. Knowlton	5	0	5	0	100	300	
	"	Ditto	10	0	10	0	200		
	"	Elisha Townsend	5	0	5	0	100	100	
	"	Luke M. Knowlton	8	0	8	0	100	100	
	"	Jacob Cook	7	0	7	0	200	300	
	"	Ditto	6	6	6	6	100		
	Sutton	Elisha Rockwell	5	0	5	0	100	100	
	Brome	Isaac Stone	5	0	5	0	100	100	
	"	J. W. Tibbits	8	0	8	0	100	100	
	"	Benj. Tibbits	8	0	8	0	50	50	
	Dunham	Porter Sawyer	11	6	11	6	100	100	
	"	S. Cummings	12	9	12	9	56.3.20	56.3.20	
	"	Moses Bachelor	7	0	7	0	200	275	
	"	Ditto	12	9	12	9	75		
	"	Jonathan Selby	12	6	12	6	160	160	
	"	John Stickney, jun.	7	6	7	6	110	110	
	"	A. M. Ross	7	6	7	6	40	40	
	"	George Ross, jun.	7	6	7	6	50	50	
	"	William Pell	12	6	12	6	60	60	
	"	Isaac Fruax	13	9	13	9	100	100	
	"	Wflard Barns	13	9	13	9	50	50	
	"	Benj. Sargent	10	6	10	6	50	50	
	"	Josiah W. Hale	10	6	10	6	25	25	
	"	George Richard	13	6	13	6	100	100	
	"	Gilbert Warden	12	6	12	6	100	100	
	"	Leonard Brown	11	6	11	6	50	145	
	"	Ditto	20	0	20	0	45		
	"	Ditto	11	6	11	6	50	70	
"	Thomas Wood	11	6	11	6	70			
"	Cyrus Prime	11	6	11	6	30	30		
"	Amy Pettes	20	0	20	0	50	50		
"	John Bell, jun.	10	6	10	6	25	25		
"	Luther Harvey	11	6	11	6	50	50		
"	Moses L. Dudley	10	6	10	6	50	50		
"	Silas Cleaveland	15	0	15	0	120	120		
"	Rev. C. C. Cotton	15	0	15	0	80	105		
"	Ditto	12	9	12	9	25			
"	Robert Hazard, sen.	7	6	7	6	50	50		
"	Henry Elvidge	7	6	7	6	50	50		
"	William Baker	7	6	7	6	100	100		
"	Samuel Maynard	20	0	20	0	99.2	99.2		
"	Henry Traver	10	6	10	6	50	50		
Farnham	William B. Jones	5	6	5	6	100	100		
"	Aron Bull	5	6	5	6	50	50		
"	Freeman Higgins	10	0	10	0	100	100		
"	Townsend Wells	7	6	7	6	100	100		
"	Thomas Allen	8	0	8	0	100	100		
"	James Allsop	7	6	7	6	800	800		
"	Samuel Gale	7	6	7	6	100	100		
"	Whipple Wells	7	6	7	6	50	50		
"	Alfred Nash	7	6	7	6	50	50		

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1838	Granby	James Semple	5 0	5 0	100	100	
		William Duncan	5 0	5 0	100	100	
		David Webster	5 0	5 0	100	100	
		James Murray	5 0	5 0	100	100	
		S. B. Door	7 6	7 6	100	100	
		Hiram Horner	10 6	10 6	50	50	
		Reswell Verbeck	10 6	10 6	50	50	
		James Neil	5 0	5 0	100	100	
		John Ingram	4 6	4 6	66.0.8	66.0.8	
		William Hooper	6 0	6 0	100	100	
		John W. Clow	6 0	6 0	50	50	
		Elias Clow	6 0	6 0	50	50	
		Harry Parker	5 0	5 0	100	100	
		S. Leslie and J. Scott	5 0	5 0	100	100	
		Henry Trinder	15 0	15 0	190	190	
	Shefford	Benj. F. Harris	6 3	6 3	100	100	
		John R. Todd	5 6	5 6	96.3.25½	96.3.25½	
		Robert Todd	5 6	5 6	96.3.25½	96.3.25½	
		William Aston	6 0	6 0	81.3.39	81.3.39	
		A. H. Savage	£47 10 0		100	100	
		Samuel Geer	7 0	7 0	91.1.30	91.1.30	
		Calvin Richardson	7 6	7 6	50	50	
		Edmund Longly	7 0	7 0	165.2.29	165.2.29	
		Zephaniah Harvey	9 0	9 0	203.1.23	203.1.23	
		Hezekiah Robinson	6 3	6 3	92.1.8½	92.1.8½	
		Elijah Jagwith, et al.	£91 0 4		258.1	258.1	
		D: and M. Wood, et al.	6 0	6 0	66.0.28	66.0.28	
		Hezekiah Lawrence	7 0	7 0	94	94	
		Mark Whitcomb	6 3	6 3	100	100	
		J. Berry and J. Clark	6 6	6 6	106	100	
	Jonathan Allard	6 6	6 6	46.0.22½	46.0.22½		
	Charles Allen	6 6	6 6	46.0.22½	46.0.22½		
	Ditto	5 6	5 6	128.2.30	174.3.12½		
	Edmund Winchester	6 6	6 6	118.1.7½	118.1.7½		
	Joseph Briant	7 0	7 0	68.3.34½	68.3.34½		
	Benj. Martin	5 6	5 6	50	50		
	David C. Emery	7 6	7 6	137.1.0	137.1.0		
	D: and J. Filchet	5 6	5 6	100	100		
	Lendal F. Leach	5 6	5 6	100	100		
	John Savage	5 6	5 6	50	50		
	Joseph Lincoln, jun.	5 0	5 0	100	100		
	Eliza Jackman	5 6	5 6	188.3.34½	426.3.34½		
	Ditto	5 0	5 0	238			
	Stukely	Isaac Lawrence	6 3	6 3	200	200	
		Lyman Knowlton	7 6	7 6	200	200	
Roswell Sargent		6 3	6 3	100	200		
Ditto		5 6	5 6	100			
Clark Harriss		5 6	5 6	57.0.22	57.0.22		
Naham Williams		6 3	6 3	100	100		
Francis Rogers		6 3	6 3	100	100		
Silas Godard		7 6	7 6	200	200		
George Fray		8 6	8 6	200	100		
Daniel Williams		7 6	7 6	242	242		
Sutton	James Henry	2 6	2 6	100	100		
	William Jack	2 6	2 6	100	100		
	John Boswell	2 6	2 6	200	200		
	William Young	2 6	2 6	100	100		
	Duncan M'Phail	2 6	2 6	100	100		
	John M'Farlane	2 6	2 6	100	100		
	Alex. M'Gibbon	2 6	2 6	100	100		
	David Marshall	2 6	2 6	100	100		
	David Boner	2 6	2 6	100	100		
	William J. Linthall	2 6	2 6	200	200		
Broughton	James M'Kenzie	2 6	2 6	100	100		
	John Stewart	2 6	2 6	200	200		
	John Rinchart	4 0	4 0	200	200		
	Thomas G. Aylwin	4 0	4 0	200	200		
	Edward Gillespie	4 0	4 0	100	100		
Ireland	Joseph Fox	5 0	5 0	200	200		
	Henry Cross	4 6	4 6	103.0.5	103.0.5		
	John Dunning	4 6	4 6	100	100		

Year.	Township.	Purchasers.	Upset Price.		Price they sold at.	Number of Acres sold.	Number of Acres sold to each individual in each Year.	Total Number of Acres sold in each Year.	
			s.	d.					
1833	Inverness	Alex. M'Killop	4	0	4	0	100	100	
	Leeds	George Kinghorn	4	0	4	0	100	100	
	"	George Pemberton	4	0	4	0	223	223	
	"	Montague Scott	4	0	4	0	200	200	
	"	John Hutchison	5	0	5	0	100	100	
	Grenville	George Bates	1	3	1	3	100	100	
	"	Michael M'Teagne	1	3	1	3	100	100	
	"	Robert Murphy	1	3	1	3	100	100	
	"	George Valley	1	3	1	3	100	100	
	"	John M'Gillivray	1	3	1	3	200	200	
	"	Mary M'Gillivray	2	1	2	1	100	100	
	"	Ditto	2	0	2	0	100	200	
	"	Mrs. M'Ginnis	1	6	1	6	100	100	
	"	Augment	John Bates	1	6	1	6	100	100
	Halifax	Alexander J. Russell	4	6	4	6	200	200	
	Blandford	Louis Massene	4	0	4	0	1291	1401	
	Bulstrode	Ditto	5	0	5	0	110	110	
	Acton	Joshua Pelton	2	6	2	6	1000	1000	
	Aston	Thomas Douglas	4	0	4	0	400	400	
	"	James Seaton	4	0	4	0	266	266	
	Bolton	David Blant, jun.	4	6	4	6	200	300	
	"	Ditto	4	0	4	0	100	100	
	"	Peter Williams	4	6	4	6	100	100	
	"	John Willey	4	0	4	0	100	100	
	"	Uriah J. Dailey	6	0	6	0	60.1.0	60.1.0	
	Brompton	George F. Goodhue	5	0	5	0	170	170	
	"	Adin Varney	5	0	5	0	58.1.0	58.1.0	
	"	John H. Varney	5	0	5	0	58.1.0	58.1.0	
	Potton	Horace Green	6	0	6	0	200	200	
	"	Lemuel Orcott	7	0	7	0	50	50	
	"	Ditto	5	6	5	6	16.2.262	66.2.262	
Windsor	John Lee	5	6	5	6	197	197		
Lochaber	James Campbell	5	0	5	0	250	250		
"	Donald Campbell	5	0	5	0	234	234		
"	James Thompson	5	0	5	0	100	100		
"	Donald M'Lean	5	0	5	0	100	100		
Rawdon	Robert Craine	5	0	5	0	100	100		
Hull	Dennis Kennedy	5	0	5	0	100	100		
							37,412.3.3		
1834	Lochaber	James Cummings	5	0	5	0	100	100	
	"	John Dole	5	0	5	0	100	100	
	Grenville	Charles Johnson	1	3	1	3	200	200	
	"	Neil M'Pheil	1	4	1	4	200	200	
	"	Andrew M'Wire	1	3	1	3	100	200	
	"	Robert Campbell	1	3	1	3	100	100	
	"	James Powers	1	3	1	3	100	100	
	"	James Kanes	1	3	1	3	100	100	
	Chatham	Thomas A. Stayner	2	6	2	6	200	200	
	"	James Hamilton	2	6	2	6	200	200	
	"	John Gibson	2	6	2	6	100	100	
	"	James Calder	2	6	2	6	200	200	
	"	Guy Richards	2	6	2	6	200	400	
	"	Ditto	2	6	2	6	200	200	
	"	John Miller	2	6	2	6	100	100	
	"	James Dowland	2	6	2	6	100	100	
	Buckingham	Robert Thompson	5	0	5	0	200	200	
	Bolton	Nicholas Austin	6	0	6	0	60	60	
	"	E. A. L. Company	4	0	4	0	1700	1700	
	Hatley	Ditto	5	0	5	0	1131	1131	
	Sheffield	Ditto	5	0	5	0	1400	1400	
Stanstead	Ditto	7	6	7	6	130	130		
Westbury	Ditto	4	0	4	0	925	925		
Ascot	Ditto	5	0	5	0	2000	2000		
Brompton	Ditto	4	0	4	0	1706	1706		
Potton	Ditto	4	0	4	0	800	800		
Wickham	Ditto	2	6	2	6	3209	3209		
Acton	Ditto	5	0	5	0	4447	4447		
Brome	Ditto	4	0	4	0	2400	2400		
Milton	Ditto	5	0	5	0	2074	2074		
Granby	Ditto	5	0	5	0	2290	2290		
Stukely	Ditto	5	0	5	0	200	200		
Ely	Ditto	5	0	5	0	3400	3400		
"	Ditto	10	0	10	0	200	200		

No. 22.  
 Sir John Colborne  
 to the Marquis of  
 Normanby.  
 Sept. 17, 1833.  
 Enclosure No. 2.

No. 23.  
 Sir John Colborne  
 to the Marquis of  
 Normandy.  
 Sept. 17, 1839.  
 Enclosure No. 2.

Year.	Township.	Purchasers.	Upset Price.		Price they sold at.	Number of Acres sold.	Number of Acres sold to each individual in each Year.	Total Number of Acres sold in each Year.
			s.	d.				
1834	Roxton	B. A. L. Company	5	0	5	0	5566 $\frac{1}{2}$	
	Barnston	Ditto	5	0	5	0	1547	
	Newport	Ditto	4	0	4	0	3500	
	Weedon	Ditto	5	2	5	2	3600	
	"	Ditto	4	7	4	7	1000	
	"	Ditto	4	0	4	0	4090	
	Dudswell	Ditto	4	3	4	3	200	
	"	Ditto	4	0	4	0	5865.3	
	Orford	Ditto	4	0	4	0	400	
	Stoke	Ditto	5	0	5	0	141	
Bury	Ditto	4	0	4	0	2000		
Lingwick	Ditto	4	0	4	0	2400		
Melbourne	Ditto	10	0	10	0	60		
							58,501.1.26 $\frac{1}{2}$	
	Bolton	A. H. Brown	4	0	4	0	200	200
	"	Benjamin Currier	4	0	4	0	100	100
	"	John Buzzell	4	0	4	0	100	100
	"	David Whitehead	7	6	7	6	100	100
	"	John N. Woodman	5	6	5	6	25	25
	"	F. P. Bryant	6	0	6	0	50	50
	"	James Taylor, jun.	6	0	6	0	50	50
	"	Goram Page	6	0	6	0	50	50
	"	Abraham Gould	6	0	6	0	50	50
	Hatley	G. and J. Oliver, et al.	5	0	5	0	40.2.31	40.2.31
	"	Betsey Turner	5	0	5	0	70	70
	"	James Brown	5	0	5	0	34	
	"	Ditto	6	0	6	0	68.2.0	102.2
	"	Richard Gunning	9	6	9	6	100	100
	Shefford	Eliza Jackman	5	6	5	6	53.3.34 $\frac{1}{2}$	58.3.34 $\frac{1}{2}$
	"	Isaac Wallace	5	0	5	0	89.1.0	89.1.0
	"	Daniel Mecham	6	3	6	3	93.1.5 $\frac{1}{2}$	93.1.5 $\frac{1}{2}$
	"	Patrick M'Laughlin	7	0	7	0	46.1.6	46.1.6
	"	Joseph Lincoln, sen.	7	0	7	0	67.3.3	67.3.3
	Stanbridge	Manly Blin	11	3	11	3	33.1.32 $\frac{1}{2}$	33.1.32 $\frac{1}{2}$
	Stantsead	Chauncey-Bullock	7	0	7	0	35	135
	"	Ditto	7	6	7	6	109	
	"	Hiel Curtis	10	6	10	6	100	100
	"	Ballard Clarke	10	6	10	6	100	100
	"	Elias Lee	9	0	9	0	50	50
	"	Joshua Day	9	0	9	0	50	50
	"	Elias Lee, et al.	9	0	9	0	100	100
	"	William Ritchie	7	6	7	6	100	
	"	Ditto	7	0	7	0	35	210
	"	Ditto	6	0	6	0	75	
	"	Joshua Copp	5	0	5	0	50	50
	"	Henry S. Camber	7	6	7	6	50	50
	"	Dudley Wagon	7	6	7	6	65.0.36	65.0.36
	"	Colin Munro	7	6	7	6	52	52
	"	Horace Stewart	7	0	7	0	50	174
	"	Ditto	6	6	6	6	124	
	"	Josiah Gustin	6	0	6	0	121	121
	"	Hosea White	6	0	6	0	100	100
	"	John Gilman	7	6	7	6	75	75
	"	Thomas and H. Ruiter	7	4	7	4	179	179
	"	Benjamin M. Rogers	7	4	7	4	21	21
	"	Hezekiah May	10	0	10	0	200	200
	"	Archibald Morrill	6	6	6	6	50	50
	"	John Buchelder	5	6	5	6	100	100
	"	Jacob Taylor, jun.	5	6	5	6	50	50
	"	Ives Wallingford	5	6	5	6	50	50
	"	Elizabeth Prouty	10	0	10	0	35	35
	"	John Clark	10	0	10	0	15	15
	"	Joseph Brown	10	0	10	0	50	50
	"	Moody Fox	10	0	10	0	15	15
	"	Harris Moulton	10	0	10	0	15	15
	Sutton	William Smith	5	0	5	0	66.2.26 $\frac{1}{2}$	66.2.26 $\frac{1}{2}$
	Bristol	Andrew Cowan	5	0	5	0	50	50
	"	Patrick Kehoe	5	0	5	0	77 $\frac{1}{2}$	77 $\frac{1}{2}$
	"	Mary Gibbard	5	0	5	0	64	64
	Eardley	Jonathan Englee	5	1	5	1	100	100
	"	Wyman C. Davis	5	0	5	0	100	100
	Durham	James Dickson	4	0	4	0	100	100
	"	Michel La Bonté	5	0	5	0	100	100

No. 22.  
 Sir John Colborne  
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 Normanby.  
 Sept. 17, 1839.  
 Enclosure No. 2.

Year.	Township.	Purchasers.	Upset Price.	Price they sold at.	Number of Acres sold.	Number of Acres sold to each individual in each Year.	Total Number of Acres sold in each Year.
1834	Durham	Charles Charpentier	5 0	5 0	100	100	
	"	Fidel Doullenbac	5 0	5 0	100	100	
	Westbury	Richard Smith	4 0	4 0	100	100	
	Broughton	David Gilanders	4 0	4 0	100	100	
	"	Francis Austin	4 0	4 0	300	300	
	Ascot	James Jacks	6 6	6 6	200	200	
	"	William Wilson	7 0	7 0	66.2.26 $\frac{1}{2}$	66.2.26 $\frac{1}{2}$	
	"	Gardner Stevens	5 0	5 0	200	200	
	"	Thomas Glendaye	7 6	7 6	100	100	
	Brompton	Edward Hale.	5 0	5 0	116.2	316.2	
	"	Ditto	6 3	6 3	200		
	"	Robert Moore	4 0	4 0	100	100	
	Compton	Hollis Smith.	10 6	10 6	12	50	
	"	Ditto	9 7	9 7	38		
	"	Andrew M'Cleary	7 6	7 6	100	100	
	"	John Jones	10 0	10 0	100	100	
	"	Daniel Wells	8 0	8 0	50	50	
	"	Ebenezer Peck	10 0	10 0	200	400	
	"	Ditto	11 0	11 0	200		
	"	Ben. Pomroy.	10 6	10 6	82		
	"	Ditto	9 6	9 6	26	268	
	"	Ditto	7 0	7 0	60		
	"	Ditto	7 6	7 6	100		
	"	Wright Chamberlin	10 0	10 0	100	100	
	Potton	Henry R. Wood	5 6	5 6	75	75	
	"	Raymon Hale	6 0	6 0	35.2	35.2	
	"	Levi Knowlton	4 0	4 0	200	200	
	"	Ashley Walker	6 0	6 0	50	50	
	"	Robert Mansom	6 0	6 0	54.2	64.2	
	Buckland	Joseph Allaire	10 0	10 0	239	239	
	Inverness	John Meyer	5 0	5 0	100	100	
	Wickham	Lt.-Col. D.M'Dougall	2 6	2 6	339	608	
	Simpson	Ditto	3 0	3 0	269		
	Wickham	Eua Brainard	2 6	2 6	100	100	
	Ireland	Ira Hall	5 0	5 0	100	100	
	"	John Hough	5 0	5 0	100	100	
	Halifax	George Cummings	4 6	4 6	200	200	
	Standon	William Henderson.	3 0	3 0	104	238	
	"	Ditto	2 6	2 6	134		
	Clinton	Charles R. Ogden	3 0	3 0	2000	2000	
	Wentworth	William Kirby	2 6	2 6	200	200	
	Kingsey	John Wadley.	5 0	5 0	200	200	
	"	Moses Painchand	5 0	5 0	100	100	
	"	Ben. Wilcox	5 0	5 0	100	100	
	"	Joseph Chenaye	5 6	5 6	50	50	
Upton	Michel Houle.	5 0	5 0	200	200		
"	Charles W. Grant	5 0	5 0	524	524		
Brome	Hiram Morehouse	4 0	4 0	100	100		
"	Paul H. Knowlton	4 0	4 0	100	100		
"	Vital Lefebvre	5 0	5 0	100	100		
Granby	Robert and T. Wood.	5 3	5 3	200	200		
"	John Bradford	5 0	5 0	100	100		
Stukely	Thomas Osgood.	5 6	5 6	174.1	174.1		
Barnston	Robert Vincent	7 6	7 6	150	150		
"	Alex. Buckland	7 6	7 6	140	140		
"	Erasmus Buckland	7 6	7 6	60	60		
"	Jonas and Squire Howe	5 6	5 6	200	200		
"	Sylvester Wheeler	6 6	6 6	78	78		
"	William Buckland	6 6	6 6	100	100		
"	Francis Judd	5 0	5 0	200	200		
"	F. Judd and J. Copp	7 0	7 0	100	100		
Hereford	Luther Hibbard, Jun.	5 0	5 0	150	150		
Dudswell	Amos Bishop	4 0	4 0	100	100		
"	John Fraser	4 0	4 0	100	100		
"	Stephen Frechette	4 0	4 0	100	100		
Dunham	H. N. Kimball	10 6	10 6	50	50		
"	Stephen C. Torf	12 9	12 9	10	10		
"	Oliver Newell	12 9	12 9	15	15		
Eaton	Luke Chaddock	6 6	6 6	50	50		
Melbourne	James M'Dowall	5 0	5 0	200	200		
"	Thomas Johnson	5 0	5 0	50	50		
"	George S. Aldrich	5 0	5 0	50	50		
"	Laurence Mooney	5 0	5 0	50	50		

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Year.	Township.	Purchasers.	Upset Price.	Price they sold at.	Number of Acres sold.	Number of Acres sold to each individual in each Year.	Total Number of Acres sold in each Year.
1834	Melbourne	Robert Shaw	5 0	5 0	50	50	77,333.128
	"	Edward Lamb	5 6	5 6	62	62	
	"	Frederick G. Heriot	5 0	5 0	100	100	
	Shipton	Martin Matthews	5 0	5 0	100	100	
	Onslow	Levi Moore	5 0	5 0 1/2	100	100	
	"	Henry Merrifield	5 0	5 0 1/2	100	100	
	Templeton	Joseph Alphs	5 0	5 0 1/2	200	200	
	"	Joseph Lacroix	5 0	5 0 1/2	100	100	
	Hull	William Lisey	5 0	5 0 1/2	100	100	
	"	Duncan M'Alister	5 0	5 0 1/2	100	100	
	Barneton	James C. Peasley	6 0	6 0	109.2	109.2	
	"	Hon. James Baxter	8 0	8 0	100	100	
	"	Hon. James Stewart	5 0	5 0	200		
	Compton	Ditto	7 6	7 6	1,154	1,454	
	Hatley	Ditto	5 0	5 0	100		
	Barnston	B. A. L. Company	5 0	5 0	1,709.2		
	Eaton	Ditto	5 0	5 0	4,350		
	Shefford	Ditto	5 0	5 0	600		
	Stukeley	Ditto	5 0	5 0	2,671		
	Potton	Ditto	4 0	4 0	3,600		
	Hatley	Ditto	5 0	5 0	2,542		
	Barford	Ditto	5 0	5 0	4,800	41,760.2	
	Clifton	Ditto	5 0	5 0	8,288		
	Auckland	Ditto	4 0	4 0	3,800		
	Ely	Ditto	5 0	5 0	1,600		
	Milton	Ditto	5 0	5 0	600		
	Roxton	Ditto	5 0	5 0	3,400		
	Stoke	Ditto	5 0	5 0	3,800		
	Bolton	George Giddings	7 6	7 6	100	100	
	"	John Powell	5 6	5 6	50	50	
	"	John Taylor	5 6	5 6	50	50	
	"	Abraham Gould	4 0	4 0	50	50	
	"	Duncan M'Dougall	4 0	4 0	88		
	Hanstead	Ditto	7 6	7 6	157		
	Westbury	Ditto	5 6	5 6	1,048		
	Potton	Ditto	4 0	4 0	250	5,673	
	Upton	Ditto	5 0	5 0	4,005		
	Hartley	Ditto	5 0	5 0	125		
	Dunham	Robert Small	12 6	12 6	150	150	
	"	Alex. Riddler	12 6	12 6	25	25	
	Eaton	Josiah Sawyer, jun.	6 0	6 0	100	100	
	"	Samuel E. Abbott	7 6	7 6	100	100	
	"	Philip Jordan	5 0	5 0	100	100	
	"	Charles R. Ogden	5 0	5 0	400		
	Granby	Ditto	5 0	5 0	400		
Stukeley	Ditto	5 0	5 0	1,600	10,000		
Newport	Ditto	4 0	4 0	4,400			
Thetford	Ditto	3 0	3 0	3,200			
Granby	James Barr	5 0	5 0	50	50		
"	Hezekiah Robinson	5 0	5 0	100	100		
Grantham	John Lockey	2 9	2 9	100	100		
Kinsey	Thomas Johnson	5 0	5 0	50	50		
"	Samuel Elliott	5 0	5 0	50	50		
"	Alphas Wentworth	5 0	5 0	75	75		
"	John Wadleigh	5 0	5 0	100	100		
"	John Lyng	5 0	5 0	50	50		
"	Thomas Ryan	5 0	5 0	1,800	1,800		
Shipton	John Smith	5 0	5 0	100	100		
"	Herman Bangs	5 0	5 0	100	100		
"	Thomas Steel	5 2	5 2	127.2			
1835	"	Ditto	5 0	5 0	200	327.2	
	Shipton	William Lyman	5 0	5 0	75	75	
	"	Joshua Ridley	5 0	5 0	50	50	
	"	Edward Trenholm	5 0	5 0	50	50	
	"	Sidney Shaw	5 0	5 0	50	50	
	Simpson	Nathan Barlow	4 0	4 0	177	177	
	"	Tyler H. Moore	3 0	3 0	7,800		
	Wickham	Ditto	2 6	2 6	3,184.2	17,384.2	
	Wendover	Ditto	2 6	2 6	6,400		
	Hanstead	James Williamson	7 0	7 0	50	50	
	"	Horace Stewart	5 8	5 8	150	150	
	"	Ebenezer Hutchins	6 0	6 0	100	100	



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 Sept. 17, 1839.  
 Enclosure No. 2.

Years.	Township.	Purchasers.	Upset Price.	Price they sold at.	Number of Acres sold.	Number of Acres sold to each individual in each Year.	Total Number of Acres sold in each Year.
1835	Stanstead	Francis Housé, jun.	6 6	6 6	50	50	
	Wickham	Curtis Barlow	7 6	7 6	40		
	"	Ditto	5 0	5 0	7	47	
	"	Patrick Smith	2 6	2 6	100	100	
	"	Matthew M'Adams	2 6	2 6	100	100	
	"	T. Healey & J. Magher	2 6	2 6	8.42	84.2	
	Hull	James M'Connell	7 6	7 6	101	101	
	"	Charles D. Day	7 6	7 6	89	89	
	"	Robert Dayley	5 0	5 0	100	100	
	"	Owen Dailey	5 0	5 0	100	100	
	Onslow	Richard Davis	5 0	5 0	100	100	
	"	Philemon Wright	7 6	7 6	240		
	"	Ditto	7 6	7 6	200	440	
	Litchfield	Baptiste Bernard	6 3	6 3	163	163	
	Grenville Aug	Barney Nolty	1 3	1 3	100	100	
	"	Olivier Moore	1 3	1 3	100	100	
	"	Adam Simmetton	1 3	1 3	100	100	
	Clarendon	James H. Kerr	5 0	5 0	200	200	
	Compton	Alfred C. Parker	8 0	8 0	100	100	
	"	Hollis Smith	7 6	7 6	85	85	
	"	Joseph Bailey	7 6	7 6	100	100	
	"	Benjamin Pomroy	8 6	8 6	100	100	
	"	Louis Bourdon	7 6	7 6	100	100	
	Shefford	David C. Emery	5 0	5 0	50	50	
	"	D. and A. Wood	7 0	7 0	68.3.34	68.3.34	
	"	Nelson Bell	5 0	5 0	40	40	
	"	Pierre Hoskins	5 0	5 0	10.11.10	10.11.10	
	Stukely	Jacob Sheppard	5 0	5 0	100	100	
	Westbury	Joseph Skey	4 9	4 0	200	200	
	Bulstrode	Joseph Pellerin	4 0	4 0	39	39	
	"	Amable Le Blanc	4 0	4 0	27	27	
	"	Alexis Le Blanc	4 0	4 0	44	44	
	"	Charles Houle	4 9	4 0	67	67	
	"	Jean Tourigny	4 0	4 0	47	47	
	"	Laurent Heon	4 0	4 0	3	3	
	Leeds	John Holgate	7 6	7 6	140	140	
	Brome	Henry Mills	5 0	5 0	75	75	
	"	Robert Scymour	5 0	5 0	100	100	
	Farnham	S. W. Keys	7 6	7 6	200	200	
	Potton	Robert Manson	4 0	4 0	100	100	
	Brompton	George J. Goodhue	4 0	4 0	200	200	
	Newton	John M'Donnell	7 6	7 6	136	136	
	Newson	Barber Bailey	5 0	5 0	95	95	
	Upton	Amable Paradix	5 0	5 0	200	200	
	"	J. B. Langlois	5 0	5 0	200	200	
Durham	Alexander Bothwell	5 0	5 0	100	100		
"	Thomas Beakey	5 0	5 0	100	100		
Melbourne	Robert Graham	5 0	5 0	50	50		
"	Michael Aimes	5 0	5 0	100	100		
Chatham	T. A. Stayner	2 6	2 6	400			
Horton	Ditto	4 0	4 0	1,588	7,418		
Blandford	Ditto	4 0	4 0	5,460			
Oxford	Dominick Daly	4 0	4 0	1,400	3,600		
Ditton	Ditto	4 0	4 0	2,200			
Frampton	Joseph Reid	4 0	4 0	100	100		
Lochaber	John Pearson, sen.	5 6	5 6	200	200		
Maddington	Angus M'Donald	4 0	4 0	280			
Stanford	Ditto	4 0	4 0	600	1,080		
Somerset	Ditto	4 0	4 0	200			
Somerset	Ditto	4 1	4 1	200	2,200		
"	Ditto	4 0	4 0	1,200			
"	Christopher Carter	4 0	4 0	200			
Hunterstown	J.H. Kerr & T. Kimpton	3 0	3 0	4,200	4,200		
"	Truman Kimpton	3 0	3 0	102	102		
Carton	Sueton Grant	2 6	2 6	318	318		
"	H. B. Humphries and Webb	2 6	2 6	5,331	5,331		
Ascot	Dr. William Wilson	6 6	6 6	50	50		
Templeton	John M'Millan	5 1	5 1	400	400		
Wentworth	William Turner	2 6	2 6	200	200		
1836	Templeton	Joseph Barber	5 0	5 0	100	100	11,277.3.4

No. 22.  
Sir John Colborne  
to the Marquis of  
Normanby.  
Sept. 27, 1839.  
Enclosure No. 2.

Years.	Township.	Purchasers.	Upset Price.	Price they sold at.	Number of Acres sold.	Number of Acres sold to each individual in each Year.	Total Number of Acres sold in each Year.	
1836	Melbourne	Edward Journeau	10 0	10 0	60		60	
	"	Patrick Carlin	5 0	5 0	150		150	
	"	William Mackee	5 0	5 0	50		50	
	"	Samuel Jameson	5 0	5 0	50		50	
	"	Robert Graham	5 0	5 0	50		50	
	"	James M'ulloch	5 0	5 0	200		200	
	"	B. A. S. Company	5 0	5 0	2,150			
	"	Shipton	Ditto	5 0	5 0	5,250		
	"	Brompton	Ditto	4 0	4 0	1,200		
	"	Orford	Ditto	4 0	4 0	233		
	"	Acton	Ditto	5 0	5 0	200		
	"	Kinsey	Ditto	5 0	5 0	2,000	18,515	
	"	Bolton	Ditto	4 0	4 0	892		
	"	Windsor	Ditto	5 0	5 0	2,000		
	"	Stoke	Ditto	5 0	5 0	4,200		
	"	Roxton	Ditto	5 0	5 0	450		
	"	Onslow	Joseph Rice	7 6	7 6	144		144
	"	"	R. Wright	9 0 <sup>1</sup> / <sub>2</sub>	9 0 <sup>1</sup> / <sub>2</sub>	200		200
	"	"	Thomas Josry	6 0	6 0 <sup>1</sup> / <sub>2</sub>	200		200
	"	"	Samuel Benedict	6 0	6 0 <sup>1</sup> / <sub>2</sub>	200		200
	"	"	Robert Stewart	6 0	6 0 <sup>1</sup> / <sub>2</sub>	200		200
	"	Newton	George S. de Beaujeu	7 6	6	378		378
	"	Brompton	W. Rankin	4 0	4 0	292		292
	"	Orford	C. F. H. Goodhue	4 0	4 0	450		450
	"	Kinsey	Robert Cumming	5 0	5 0	200		200
	"	"	Dennis Brady	5 0	5 0	100		100
	"	"	J. F. Chateauvert	5 0	5 0	50		50
	"	"	J. B. Cloutier	5 0	5 0	50		50
	"	"	P. Amiel	5 0	5 0	50		50
	"	"	Louis Rabida	5 0	5 0	50		50
	"	"	Louis Rabida, jun.	5 0	5 0	50		50
	"	"	Joseph Bowland	5 0	5 0	100		100
	"	Ascot	William B. Felton	7 6	7 6	453		453
	"	"	S. Brooks	7 6	7 6	100		100
	"	"	G. W. Brooks	7 6	7 6	150		150
	"	"	George Dean	8 3	8 3	200		200
	"	Hull	Robert Clock	6 0	6 0 <sup>1</sup> / <sub>2</sub>	200		200
	"	"	Arthur Vickers	6 0	11 1	200		200
	"	"	Patrick Dugan	6 0	6 0 <sup>1</sup> / <sub>2</sub>	200		200
	"	Eardly	Owen Perry	6 7	6 7	200		200
	"	"	David Moor	7 6	7 5	200		200
	"	Shefford	C. Inglis	5 0	5 0	123.3.10 <sup>1</sup> / <sub>2</sub>	123.3.10 <sup>1</sup> / <sub>2</sub>	
	"	Brome	Joseph Sheppard	5 0	5 0	200		200
	"	"	Richard Vincent	5 0	5 0	200		200
	"	"	Jacob Clark	5 0	5 0	100		100
	"	Granby	Elijah Hall	5 0	5 0	100		100
	"	Bolton	D. and A. Wood	4 0	4 0	100		100
	"	Compton	A. W. Kertrick	7 6	7 6	100		100
	"	"	Ben Sleeper	7 6	7 6	100		100
	"	Windsor	J. P. Stevens	5 0	5 0	95		95
"	"	Barker Bailey	5 0	5 0	103.2	103.2		
"	"	Bradley Bailey	5 0	5 0	103.2	103.2		
"	Shipton	James Willey, jun.	5 0	5 0	100		100	
"	"	Stephen Olney	5 0	5 0	100		100	
"	"	S. M. Dennison	5 0	5 0	100		100	
"	Durham	Patrick Murphy	5 0	5 0	100		100	
"	"	Patrick Brady	5 0	5 0	104		100	
"	Upton	O. Arcand	5 0	5 0	300		300	
"	"	L. Pepin & J. B. Lauzon	5 0	5 0	200		200	
"	"	Joyal and Chapdelaine	5 0	5 0	200		200	
"	"	F. Cotterel	5 0	5 0	135		135	
"	Maddington	Angus M'Donald	4 0	4 0	200		200	
"	Stanford	James Prince	4 0	4 0	400		800	
"	"	Ditto	4 6	4 6	400			
"	Hanford	P. Poirier	4 0	4 0	145		145	
"	"	W. M. Harrison	4 0	4 0	200			
"	"	B. Hall	5 8	5 8	200		468	
"	Somerset	Ditto	4 0	4 0	68			
"	Aston	J. M'Leod	4 0	4 0	200		200	
"	"	J. Neilson	4 0	4 0	400		400	
"	"	Matthew Bell	4 0	4 0	666		1,666	
"	Warwick	Ditto	4 0	4 0	1,000			
"	Somerset	Peter Patterson	4 0	4 0	1,800		1,800	

No. 22.  
Sir John Colborne  
to the Marquis of  
Normanby.  
Sept. 17, 1839.

Enclosure No. 2.

Year.	Township.	Purchasers.	Upset Price.	Price they sold at.	Number of Acres sold.	Number of Acres sold to each individual in each Year.	Total Number of Acres sold in each Year.
1836	Wakefield	James Pritchard	s. d.	s. d.			
	Clarendon	C. M'Carthy	5 0	5 0	100	100	
	"	William Egan	6 0	6 0	200	200	
	"	William Quin	6 0	6 0	400	400	
	"	Ditto	6 0	6 0	100	200	
	"	Simon Dun	6 0	6 0	100	100	
	"	John Walsh	6 0	6 0	100	100	
	Bristol	Mary Gibbard	5 3	5 3	179	179	
	Chatham	John Burk	2 6	2 6	100	100	
	Lochaber	James Miller	5 4	5 4	200	200	
	"	Angus M'Gillray	5 4	5 4	100	100	
	Westworth	Walter M'Vicar	2 6	2 6	200	200	
	Grenville	Pat Dunn	2 6	2 6	100	100	
	Harrington	Hamilton and Low	2 6	2 6	200	200	
1837	Bolton	Asa Blunt	6 0	6 0	200	200	34,310.3.10
	Dudswell	Hollis Smith	7 6	7 6	100	100	
	Hatley	Abiel B. Abbott	7 6	7 6	40	40	
	"	Ebenezer Bacon	8 0	8 0	100	100	
	"	Thomas M'Coy	10 6	10 6	100	100	
	Melbourne	Charles Radford	7 6	7 6	200	200	
	"	Thomas Wilson	7 6	7 6	200	200	
	"	John Sloane	7 6	7 6	100	100	
	"	Robert Sloane	7 6	7 6	100	100	
	"	François La Font	7 6	7 6	67	67	
	Orford	Edward Hale	12 6	12 6	200	200	
	Hanstead	Chauncey Bullock	7 6	7 6	1	1	
	"	C. S. Knight	7 6	7 6	100	100	
	"	Arthur Williamson	7 6	7 6	150	150	
	"	Joseph Clay	7 6	7 6	100	100	
	"	Quartus Pomroy	10 6	10 6	60	60	
	"	Abigail Mack	7 6	7 6	100	100	
	"	Daniel Williams	7 6	7 6	200	200	
	"	Daniel Webster	7 6	7 6	56.2	56.2	
	Sutton	Samuel Sheppard, jun.	7 6	7 6	100	100	
	"	William Smith	5 0	5 0	66.2.26	66.2.26	
	Newton	Geo. S. de Beaujeu	11 9	11 9	200	200	
	Clarendon	Allan Raul	6 0	6 0	100	100	
	"	H. Le Mesurier	6 0	6 0	400		
	Warwick	Ditto	5 6	5 6	1,200	3,400	
	"	Ditto	4 0	4 0	1,200		
	Litchfield	Ditto	5 0	5 0	600		
	Clarendon	George Allen	6 0	6 0	100	100	
	Compton	Samuel Carr	15 0	15 0	59.1.6	59.1.6	
	"	A. G. Woodward	10 0	10 0	100	100	
	"	Philip Flanders	10 0	10 0	100	100	
	"	Henry Richardson	10 0	10 0	100	100	
	"	Levi Wyman	9 0	9 0	50	50	
	"	Jos. S. Parsons	9 6	9 6	34	34	
"	Ben. Pomroy	9 0	9 0	50	50		
Durham	Hugh Bogie	7 6	7 6	100	100		
"	James Sutherland	7 6	7 6	50	50		
"	William Sutherland	7 6	7 6	50	50		
"	Andrew Walker	7 6	7 6	50	50		
Grantham	Rev. G. M. L. Ross	3 0	3 0	113.1.14	113.1.14		
Shipton	Robert Lee	7 6	7 6	100	100		
"	Clarissa Allan	7 6	7 6	50	50		
"	Jared Hearn	7 6	7 6	100	100		
"	Edward Cox	7 6	7 6	100	100		
Ixworth	Jean Dery	7 6	7 6	200	200		
Warwick	James H. Kerr	4 0	4 0	2,400	2,400		
Stanfold	Peter Patterson	4 0	4 0	1,400			
Somerset	Ditto	4 0	4 0	800	2,200		
"	Joseph Prince	4 0	4 0	200	200		
1837	Kildara	John Conner	2 6	2 6	166	166	
	Grenville Aug	Barney Nolty	2 6	2 6	50	50	
	Armagh	L. Martineau	5 0	5 0	200	200	
	Granby	Charles M'Carthy	5 6	5 6	100	100	
	"	Salem Town	5 0	5 0	100	100	
	"	Edward Roberts	5 0	5 0	50	50	
	"	John Flaven	5 0	5 0	100	100	
	Durham	Lendal F. Leach	10 0	10 0	130	130	
"	Darius Curtis	10 0	10 0	70	70		

No. 22.  
Sir John Colborne  
to the Marquis of  
Normanby.  
Sept. 17, 1839.  
Enclosure No. 2.

Year.	Township.	Purchasers.	Upset Price.	Price they sold at.	Number of Acres sold.	Number of Acres sold to each indivi- dual in each Year.	Total Number of Acres sold in each Year.
1837	Durham.	William Lavery	s. d.	s. d.			
	"	Thomas Weetover	7 6	7 6	200	200	
	"	Moses Gilman	7 0	7 0	100	100	
	Brome	William Hamilton	10 0	10 0	100	100	
	Farnham	Seneca Paige	7 6	7 6	200	200	
	"	Reuben Godard	8 0	8 0	100	100	
	Shefford	James Armstrong	5 0	5 0	97.0.16	97.0.16	
	"	Enos Parker	5 6	5 6	200	200	
	"	Abraham Katchpan	5 0	5 0	57.2.20	57.2.20	
	"	Thomas Booth	5 0	5 0	98.0.10	98.0.10	
	"	Silas Geer	7 0	7 0	91.2.0	91.2.0	
	"	Richard Booth	5 0	5 0	97.2.20	97.2.20	
	Barnston	Thomas C. Butler	7 6	7 6	50	50	
	"	E. S. Southmayer	8 9	8 9	70	70	
	"	Ebenezer Kilborn	8 9	8 9	30	30	
	"	Thomas Humphreys	8 0	8 0	39.2.20	39.2.20	
	"	Josiah Kilborn	7 6	7 6	100	100	
	Ascot	Samuel Brooks	9 0	9 0	50	50	
	"	Samuel Lee Terrill	7 6	7 6	200	200	
	Broughton	Captain Ed. Webb	4 0	4 0	200	200	
	Eaton	James Barry	8 0	8 0	100	100	
	"	Moses Terry	18 0	8 0	100	100	
	"	Rev. John Taylor	5 0	15 0	143.0.57	143.0.57	
	"	Luke Chaddock	8 0	8 0	100	100	
	Kinsey	William Towne	7 6	7 6	100	100	
	"	Michael Gibney	5 0	5 0	100	100	
	"	John Wadleigh	7 6	7 6	41.2.0	41.2.0	
	"	Louis Prince	7 6	7 6	158.2.0	158.2.0	
	Aston Aug	John M'Leod	4 0	4 0	400	600	
	"	Ditto	5 6	5 6	200		
	"	Hon. Mat. Bell	4 0	4 0	167	167	
	Potton	Moses Elkins	7 6	7 6	150	150	
Windsor	R. M'Manus	5 0	5 0	100	100		
Bristol	John Cowan	5 3	5 3	97.2.0	97.2.0		
"	Dan. Ross, jun.	5 3	5 3	70	70		
Grenville	Jos. M'Teague	2 6	2 6	100	100		
"	John M'Teague	2 6	2 6	100	100		
"	Alexander M'Callum	2 6	2 6	200	200		
"	Alexander M'Tarish	2 6	2 6	100	100		
Hanbridge	P. H. Moore	7 6	7 6	200	200		
"	Elihu Spier	10 0	10 0	50	50		
Hull	Richard Kidder	7 6	7 6	100	100		
Clarendon	John M'Arthur	6 0	6 0	100	100		
"	C. Stone	6 0	6 0	100	100		
"	Robert Barnet	6 0	6 0	50	50		
Buckingham	Margaret Clements	8 9	8 9	100	100		
"	Livinia Dodge	8 9	8 9	100	100		
1838	Nil.	Nil.					18,823.0.91
						Total	309,554.3.16

NUMBER OF ACRES OF CLERGY RESERVES SOLD IN EACH TOWNSHIP.

Township.	Number of Acres.			Township.	Number of Acres.		
	A.	R.	P.		A.	R.	P.
Acton	5,647			Brought forward	152,873	2	2 $\frac{1}{2}$
Armagh	200			Ixworth	200		
Ascot	5,200			Kildare	166		
Aston and Augmentation	2,699			Kinsey	6,206		
Auckland	3,800			Leeds	3,962		
Barford	4,800			Lingwick	2,400		
Burnaton	6,479	3	33 $\frac{1}{2}$	Litchfield	763		
Blandford	6,751			Lochaber	1,468		
Bolton	4,515	1	0	Maddington	680		
Bristol	738			Melbourne	4,914		
Brome	5,825			Milton	2,774		
Brompton	4,301			Nelson	942		
Broughton	900			Newport	8,200		
Buckingham	1,000			Newton	714		
Buckland	239			Onslow	1,884		
Bulstrode	337			Orford	2,860		
Bury	2,000			Potton	5,591	2	26 $\frac{1}{2}$
Caxton	5,644			Rawdon	300		
Chatham	5,400			Roxton	9,416	2	26 $\frac{1}{2}$
Chester	372			Shefford	6,351	0	10 $\frac{1}{2}$
Clarendon	2,050			Shipton	8,825	1	0
Clifton	8,288			Simpson	8,246		
Clinton	2,000			Somerset	4,668		
Compton	4,396			Stanbridge	3,485	0	5 $\frac{1}{2}$
Diton	2,200			Standon	238		
Dudswell	6,665	3	0	Stanfold	4,415		
Dunham	3,021	1	20	Stanstead	6,154	3	29 $\frac{1}{2}$
Durham	2,369	2	26 $\frac{1}{2}$	Stoke	8,141		
Eardley	600			Stoneham	900		
Eaton	6,597	3	25	Stukeley	5,802	1	22
Ely	5,200			Sutton	433	1	13
Farnham	2,050			Templeton	1,242		
Frampton	2,427			Tewkesbury	700		
Granby	3,166	0	8	Thetford	3,200		
Grantham	6,013	1	14	Tingwick	600		
Grenville and Augmentation	4,950			Upton	5,964		
Halifax	1,130			Warwick	5,800		
Harrington	200			Wakefield	100		
Hatley	5,261	0	31	Weedon	8,600		
Hereford	150			Wendover	6,400		
Horton	1,588			Wentworth	600		
Hull	3,496			Westbury	2,273		
Hunterstown	4,302			Wickham	7,677		
Inverness	5,000			Windsor	2,694		
Ireland	903	0	5				
<b>Cartz forward</b>	<b>152,873</b>	<b>2</b>	<b>2<math>\frac{1}{2}</math></b>	<b>Total</b>	<b>309,554</b>	<b>3</b>	<b>16</b>

No. 22.  
 Sir John Colborne  
 to the Marquis of  
 Normanby.  
 Sept. 17, 1839.  
 Enclosure No. 2.

(Signed) JOHN DAVIDSON.  
 T. BOUTHILLIEU.







Number of Acres granted gratuitously under Letters Patent.

Year.	Township.	Number of Acres in each Township.	Number of Acres in each Year.	Year.	Townships.	Number of Acres in each Township.	Number of Acres in each Year.
		A. R. P.	A. R. P.			A. R. P.	A. R. P.
1826	Frampton Inverness Leeds Ascot	2,800 200 200 2,000	4,700	1831	Godmanchester Dudswell Hinchinbrooke Hull Ascot Kildare Templeton Inverness Buckingham Chester Tingwick Rawdon Brandon Hatley Halifax Acton Hemmingford Broughton Onsley Durham Wickham Maddington Upton Stoneham Warwick Newport Granby Kingsey Aston Roxton Eaton Lochaber Grantham	1,530 900 511 2,216 0 22 2,940 1,718 380 290 3,600 1,704 600 2,200 2,000 1,344 2,900 2,000 200 500 252 160 1,666 505 813 600 1,600 200 400 200 1,000 1,600 1,100 775 900	
1827	Brandon Hatley Farnham Stukely Grenville Rawdon Kildare Godmanchester Granby Shefford Compton Barnston Stanstead Shipton Hull Templeton Frampton	9,600 1,518 1,100 1,600 1,000 200 200 550 1,200 1,400 1,006 800 1,200 2,000 12,733 695 100		36,806	1832	Grantham Godmanchester Inverness Leeds Rawdon Buckingham Roxton Hull Hinchinbrooke Ireland Kilkenny Wendover Kildare Wickham Durham Chatham Wentworth Brandon Compton Tewkesbury Broughton Bulstrode Dudswell Dunham Templeton Ely Grenville Farnham Stanbridge Granby Lochaber Chester Kingsey Simpson Upton Hatley Milton Stanfold Hemmingford	2,452 9,427 2 4,620 3,174 4,800 800 900 205 3,258 5,518 8,100 200 2,900 23,554 400 9,400 400 10,204 400 400 1,700 92 900 200 1,995 1,300 7,350 714 400 400 2,059 129 1,600 528 1,100 700 1,100 1,834 1,162
1828	Durham Chester Godmanchester Hinchinbrooke Kildare Rawdon Granby Hatley Milton Dudswell Grantham Frampton Ireland Leeds Inverness Stoneham Grenville Brandon Halifax Upton St. Thomas, Isle in Tingwick Wendover Kingsey	800 800 1,392 1,044 600 300 1,200 400 1,000 860 300 2,200 2,800 1,390 440 200 200 1,700 800 8,341 17 0 32 4,225 300 500	31,749 0 32	1829	Hinchinbrooke Frampton Jersey	200 2,100 5,355	7,656
1830	Hinchinbrooke Godmanchester Inverness Ireland Chester Leeds Hereford Ascot Brompton Roxton Hatley Orford Acton Blandford	3,400 2,319 600 1,200 2,439 260 1,200 7,078 272 1,600 5,571 11,503 3,400 285		1831	Leeds Frampton Shenley Standon Ireland Wolfstown	1,056 6,750 15,956 2 32 2,165 1,100 1,800	39,127

Number of Acres granted gratuitously under Letters Patent.

Year.	Township.	Number of Acres in each Year.			Year.	Township.	Number of Acres in each Year.		
		A.	R.	P.			A.	R.	P.
1832	Wolfstown	200			1835	Roxton	1,215		
	Newport	1,000				Ascot	150		
	Halifax	100				Stanford	200		
	Eaton	800				Durham	100		
	Tingwick	800				Hatley	100		
					Ely	800			
1833	Clarendon	2,142			Chatham	200			
	Hinchinbrooke	3,578			Wolfstown	1,200			
	Ireland	2,000			Bristol	800			
	Stukely	500						42,147	
	Eardley	1,210			Warwick	3,300			
	Hull	130			Kilkenny	2,800			
	Chatham	1,700			Ireland	2,400			
	Brandon	1,604			Frampton	1,300			
	La Valtrie Tract	2,010			Inverness	1,700			
	Kildare	525			Leeds	2,960			
	Leeds	349			Maddington	300			
	Rawdon	2,000			Wolfstown	500			
	Roxton	400			Rawdon	8,600			
	Buckland	3,223			Godmanchester	3,155			
	Wickham	100			Ely	2,600			
	Hatley	900			Durham	500			
	Templeton	300			Bristol	652			
	Cranbourne	2,862			Hinchinbrooke	2,844			
	Kilkenny	1,400			Buckingham	1,926			
	Dudswell	1,200			Lochaber	6,625			
	Grenville	2,550			Tingwick	1,108			
	Wolfstown	2,000			Grantham	900			
	Godmanchester	2,722			Granby	100			
	Durham	600			Halifax	1,100			
	Granby	600			Kinsey	1,100			
	Warwick	200			Hatley	1,600			
	Upton	8,416			Chatham	2,000			
Inverness	500			Roxton	1,600				
Ixworth	200			Ascot	125				
Halifax	600			Dudswell	900				
Grantham	100			Kildare	210				
Eaton	800			Melbourne	700				
Barnston	200			Wendover	526				
Wendover	323			Grenville	3,200				
Kingsey	600			Standon	2,184				
Buckingham	1,200			Clarendon	8,486				
Hemmingford	229			Chester	2,600				
Lochaber	200			Compton	146				
			50,180 3	Templeton	300				
1834	Stukely	130			Stoke	100			
	Grenville	900			Tring	3,000			
	Maddington	2,600			Broughton	400			
	Halifax	1,600			Acton	3,900			
	Inverness	1,800			Wickham	300			
	Dudswell	4,300			Wendover	1,176			
	Rawdon	4,200			Stanford	1,309			
	Leeds	882			Weedon	1,300			
	Kilkenny	1,320			Milton	500			
	Chester	1,100			Ashton	800			
	Buckingham	6,300			Newport	3,175			
	Templeton	600			Eaton	2,200			
	Godmanchester	1,027			Brandon	100			
	Acton	500						89,307	
	Brandon	100			1836	Upton	667		
	Frampton	1,700			Acton	1,482			
	Hinchinbrooke	2,693			Grenville	1,000			
Tring	2,200			Lochaber	1,700				
Ireland	1,700			Dudswell	1,600				
Kildare	24			Roxton	1,400				
Clarendon	870			Rawdon	2,000				
Litchfield	836			Inverness	400				

CORRESPONDENCE RELATIVE TO THE

Number of Acres granted gratuitously under Letters Patent.

Year.	Township.	Number of Acres in each Township.	Number of Acres in each Year.	Year.	Township.	Number of Acres in each Township.	Number of Acres in each Year.
1836	Ireland.	A. R. P. 900	A. R. 35,791 2	1838	Tring	A. R. P. 2,000	A. R. P. 35,550 2 38
	Kennebec Road	270			Stanford	1,400	
	Hull	100			Wentworth	1,500	
	Hinchinbrooke	950			Wolfstown	2,700	
	Buckingham	1,600			Ascot	100	
	Warwick	800			Chester	1,800	
	Chester	1,000			Wendover	3,258	
	Windover	100			Bulstrode	2,570	
	Clarendon	1,266			Farnham	200	
	Chatham	1,665			Acton	4,769	
	Newport	500			Ely	1,000	
	Cranbourne	936			Warwick	500	
	Kildare	200			Cranbourne	200	
	Kilkenny	1,299			Kilkenny	123	
	Wickham	100			Grantham	100	
	Durham	100			Sherrington	525	
	Nelson	100			Granby	100	
	Buckland	947			Broughton	2,800	
	Bristol	1,000					
	Maddington	700					
	Leeds	1,112					
	Tring	1,000					
	Onslow	400					
	Godmanchester	1,216 2 0					
	Aston	1,681					
	Bulstrode	200					
	Jersey	100					
Hatley	900						
Brogthton	100						
Ely	200						
Granby	400						
Weedon	2,500						
Ashford	100						
Stukely	700						
Halifax	100						
1837	Rawdon	1,700			Rawdon	800	
	Godmanchester	498 3 8			Grenville	300	
	Grenville	300			Brandon	1,815	
	Ottawa, Isle in	11			Broughtoo	4,300	
	Buckingham	400			Godmanchester	100 3 17	
	Weedon	700			Kilkenny	1,000	
	Kennebec Road	1,080			Ashford	1,000	
	Clarendon	200			Acton	200	
	Chatham	14,00			Chester	4,500	
	Roxton	600			Leeds	100	
	Inverness	1,400			Hinchenbrooke	208 2 0	
	Ireland	600			Gaspé Bay	68 3 0	
	Hinchinbrooke	640 1 30			Clarendon	400	
	Leeds	475 2 0			Kildare	700	
	Ashford	2,800			Bulstrode	1,282	
Maddington	100			Wolfstown	900		
				Ireland	725		
				Dudswell	500		
				Ely	1,985		
				Halifax	1,000		
				Warwick	500		
				Stanford	1,300		
				Compton	200		
				Inverness	300		
				Tring	1,200		
				Hull	300		
				Cranbourne	726		
				Wentworth	400		
				Chatham	2,600		
				Frampton	500		
				Litchfield	500		
							31,618 0 17

Total number of Acres granted gratuitously

3,091,331 0 10

Number of Acres under Patent to Purchasers of Crown Lands.

1804	Eaton	6,000			Hull	200	
1831	Inverness	100	6,00	1832	Dunham	1,100 0 16	1,800
	Stanstead	400			Nelson	200	
	Eardley	100			Kinsey	119	
	Potton	200			Hull	600	
	Dunham	200			Melbourne	350	
	Frampton	200			Brome	6,640	
Stanbridge	400	Stanstead	950				



Number of Acres under Patent to Purchasers of Crown Lands.

Year.	Township.	Number of Acres in each Township.	Number of Acres in each Year.	Year.	Township.	Number of Acres in each Township.	Number of Acres in each Year.	
1832	Compton	400	A. R. P. 15,565 0 36	1835	Stukely	50	A. R. P. 24,126 0 23	
	Hatley	200			Onslow	329		
	Brompton	274 0 20			Dudswell	200		
	Granby	500		1836	Litchfield	664		
	Hanbridge	700			Dorset	1,778		
	Frampton	100			Sheffield	100		
	Eardley	200			Dudswell	700		
	Onslow	100			Ware	4,688		
	Stukely	200			Compton	1,260		
	Cranbourne	968			Barnston	5,528		
	Sheffield	100			Stanstead	2,382 9 39		
Barneton	200	Eaton	6,300					
Standon	1,664	Melbourne	3,358					
1833	Hull	270	A. R. P. 5,642 2 25	1837	Tingwick	200	A. R. P. 50,041 0 39	
	Windsor	190			Stoke	100		
	Granby	200			Upton	1,682		
	Ashford	1,000			Kinsey	1,700		
	Leeds	100			Orford	2,231		
	Eardley	890			Hailey	11,357		
	Clarendon	202 2 0			Westbury	408		
	Stoneham	100			Eardley	100		
	Maddington	400			Maddington	466		
	Rawdon	200			Wendover	2,266		
	Stanbridge	125			Granby	100		
	Stanstead	365 0 25			Durham	400		
	Dunham	130			Granham	200		
	Dudswell	100			Onslow	200		
Eaton	100	Hull	100					
Brome	120	Frampton	993					
Potton	200	Inverness	100					
1834	Matane	1,663	A. R. P. 4,041	1838	Eaton	60	A. R. P. 12,143 1 8	
	Cranbourne	1,516			Barnston	175		
	Hull	100			Farnham	150		
	Dunham	100			Stanbridge	90 3 35		
	Hunterstown	462			Wentworth	1,333 1 13		
Newton	200	Stanstead	200					
1835	Ware	6,722	A. R. P. 10,193 3 13	1839	Wickham	1,660	A. R. P. 129,753 1 24	
	Litchfield	1,338			Wendover	200		
	Tingwick	2,100			Wolfstown	200		
	Hanbridge	334 2 19			Bristol	689		
	Sheffield	600			Dorset	1,777		
	Ely	2,271			Standon	1,946		
	Wendover	1,396			Durham	1,450		
	Halifax	2,500			Acton	900		
	Chester	900			Grenville	100		
	Durham	650			Inverness	400		
	Stanstead	312 2 16			Litchfield	612		
	Shipton	352			1839	Eaton		150
	Leeds	200				Durham		305
	Chatham	100				Kingsey		850
	Kinsey	50				Acton		931
	Dunham	460				Blandford		851
	Milton	50				Onslow		25
	Eaton	300				Tring		850
	Hull	200				Grenville		400
	Brome	22 3 23				Templeton		200
	Cranbourne	1,396				Warwick		1,944 1 13
Standon	116	Inverness	100					
Ixworth	400	Farnham	100					
Stoke	298	Clarendon	102 2 0					
Inverness	100	Bristol	900					
Westbury	100	Frampton	1,072					
Compton	128	Melbourne	200					
Barnston	50	Barnston	200					
Melbourne	100	Armagh	1,013					

Total Number of Acres under Patent, to Purchasers of Crown Lands

10,193 3 13  
129,753 1 24

Number of Acres under Patent to Purchasers of Clergy Reserves.								
Year.	Township.	Number of Acres in each Township.	Number of Acres in each Year.	Year.	Township.	Number of Acres in each Township.	Number of Acres in each Year.	
		A. R. P.	A. R. P.			A. R. P.	A. R. P.	
1832	Grantham	5,600	6,766	1836	Farnham	200	6,355 3 6	
	Wickham	114				Stukely		300
	Leeds	200				Brompton		486 2
	Stanstead	200				Kingsey		200
	Hull	200				Brome		370
	Frampton	100				Orford		177
	Buckingham	200			Eaton	54 2 28		
	Chester	172			Frampton	100		
1833	Halifax	130	571 3 27	1837	Brome	550	5,257 3 18	
	Leeds	109				Durham		100
	Templeton	242				Dudswell		400
	Stanbridge	50				Farnham		300
	C mpton	40 3 27			Farnham	50		
1834	Leeds	212	212		Westbury	200		
1835	Grantham	200	5,747 0 34		Stanbridge	335		
	Wickham	200				Shefford		772 2 13
	Chatham	1,100				Shipton		200
	Tingwick	100				Inverness		200
	Leeds	340				Granby		590
	Hull	1,302 1 34				Onslow		144
	Hatley	103 2				Eaton		200
	Stanstead	354 2 21				Stanstead		511 3 5
	Halifax	533				Kingsey		104 2
	Bristol	217				Grenville		200
	Bolton	300				Upton		200
	Granby	100			1838	Hull	200	
	Durham	107				Compton	200	
	Nelson	100				Windsor	187 0 32	
	Shipton	198				Stanbridge	273 3	
	Ascot	47 2 19				Hatley	150	
	Stukely	100			Shipton	600		
	Buckingham	257			Ascot	600		
	Lochaber	87			Dunham	250		
1836	Chatham	300			Stukely	600		
	Dudswell	200			Shefford	471 3 27		
	Melbourne	385			Chatham	700		
	Ascot	400			Newton	136		
	Barnston	183			Inverness	100		
	Westbury	125			Orford	400		
	Stanstead	879			Barnston	335		
	Hull	284			Stanstead	461		
	Buckingham	200			Melbourne	299 2		
	Rawdon	200			Chester	200		
	Grenville	50			Grenville	400		
	Shipton	499			Onslow	200		
	Hatley	200			Buckland	227		
	Compton	239 2 38			Lochaber	100		
	Durham	196			Hull	50		
	Dunham	166 3 20			Clinton	2,000		
					Acton	1,000		
Total Number of Acres under Patent, to Purchasers of Clergy Reserves							9,941 1 19	
							34,852 0 24	

In addition to the above, there are 900 Acres of Clergy Reserves granted gratuitously under Patent, for which an equal number have been appropriated elsewhere.

Enclosure 4 in No. 22.

NUMBER OF ACRES OF LAND granted under Letters Patent in each Township, including Gratuitous Grants, Grants to Purchasers of Crown Lands, and Grants to Purchasers of Clergy Reserves, between the 7th February, 1796, and 1st January, 1839.

Township.	Number of Acres.			Township.	Number of Acres.		
	A.	R.	P.		A.	R.	P.
Acton	42,006			Brought forward	1,726,527	2	13
Argyle Seignior	14,805			Kildare and Augmentation	22,912		
Armagh	3,413			Kilkenny	16,042		
Arthabaska	11,000			Kinsey	35,481		
Ascot	44,714	2	19	La Valtrie Tract	2,010		
Ashford	6,100			Leeds	36,960	2	1
Aston and Augmentation	31,058			Lingwick	12,000		
Aukland	22,000			Litchfield	4,250		
Barford	26,400			Lochaber	26,027		
Barnston	48,617			Maddington	17,009		
Blandford	40,477			Magdalen Islands	48,847		
Bolton	62,921	1	30	Matane and Augmentation	10,583		
Brandon	27,123			Melbourne	34,970	2	0
Bristol	4,458			Milton	27,199		
Brome	49,460	2	28	Nelson	37,360		
Brompton	41,232	2	20	Newport	27,875		
Broughton	33,600			Newton	14,019		
Buckingham	32,976	2	0	Onslow	14,892		
Buckland	16,170			Orford	28,177		
Bulstrode	27,517			Ottawa, Island in	11		
Bury	11,000			Potton	42,452		
Chatham	58,034			Rawdon	33,700		
Chester	42,695			Roxton	33,015		
Clarendon	13,676			Settrington	13,000		
Clifton	42,254			Shefford	37,244	2	1
Clinton	13,000			Sherrington	33,609		
Compton	42,836	2	25	Shenley	27,756	2	32
Cranbourne	8,606			Shipton	62,049		
Ditton	11,000			Simpson	45,131		
Dorset	54,291			Somerset	36,890		
Dudswell	27,012			Stanbridge	42,509	1	14
Dunham	43,741	3	36	Standon	8,075		
Durham	50,509			Stanford	30,963		
Earley	10,474			Stanstead	60,898	1	26
Eaton	48,564	2	23	Stoke	44,098		
Ely	36,956			Stoneham	23,900		
Farnham	41,954			Stukely	41,655		
Frampton	46,447			St. Thomas, Island in	17	0	32
Gaspé Bay	768	3	0	Sutton	42,300		
Godmanchester	63,848	2	25½	Temiscouata Portage	106	2	0
Granby	38,455			Templeton	20,746		
Grantham	79,928			Teukesbury	24,400		
Greenville and Augmentation	28,393			Thetford	22,000		
Halifax	35,763			Tingwick	51,712		
Ham	13,400			Tring	32,150		
Hatley	53,739	3	0	Upton and Augmentation	45,619		
Hemmingford	41,121			Ware	11,390		
Hereford	22,000			Warwick	32,784	1	13½
Hinchinbrook	44,074	3	30	Weedon	17,400		
Hull	39,047	2	16½	Wendover and Augment.	26,275	2	0
Hunterstown	22,062			Wentworth	15,433	1	13½
Inverness	26,250			Westbury	12,531		
Ireland	34,307			Wickham	48,272		
Ixworth	8,133			Windsor	52,692		
Jersey	5,455			Wolfstown	20,987	0	32
Kennebec Road	1,850						
Carry forward	1,726,527	2	13	Total	3,255,936	2	18

(Signed)

JOHN DAVIDSON.  
T. BOUTHILLIEU.

Enclosure 5 in No. 22.

LOWER CANADA.

{ 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—from 1796 to 1838, inclusive.

Year.	Township.	Number of Acres reserved in each Township.	Total Number of Acres reserved in each Year	Year.	Township.	Number of Acres reserved in each Township.	Total Number of Acres reserved in each Year.	
		A. R. P.	A. R. P.			A. R.	A. R. P.	
1796	Dunham	8,179	8,179	1803	Clinton	2,000	64,398 2	
1797	Brome	8,351 1 28		22,075 2 33	1805	Bulstrode		4,597
	Potton	1,200			1805	Kingsey		2,081 2
	Botton	12,524 1 5	12,743	Hemmingford		1,171		
1798	Farnham	4,600		19,780	Kildare	2,400		
	Magdalen Islands	8,143	48,064		Clifton	5,765 2		
1799	Hinchinbrook	1,080		43,000	Potton	5,993 2		
	Hemmingford	4,400	43,000		Newport	2,400		
	Clifton	2,400		43,000	Stanstead	173		
	Armagh	480	43,000		1804	Eaton		1,000
	Rawdon	380		43,000	Tingwick	4,400		
	Chatham	380	43,000		Warwick	4,600		
	Buckingham	400		43,000	Westbury	2,273		
	Dorset	10,200	43,000		Hemmingford	421		
1800	Stoneham	4,800		43,000	Nelson	7,761		
	Grantham	5,251	43,000		Somerset	7,669		
	Hunterstown	4,400		43,000	Windsor	50		
	Upton	4,800	43,000		Tring	4,400		
	Tewkesbury	5,000		43,000	1805	Barnetou	200	
	Stanstead	5,413	43,000		Rawdon	400		
	Broughton	4,400		43,000	Kingsey	2,114		
	Stukely	4,400	43,000		Halley	400		
	Hereford	4,400		43,000	Newton	2,186		
	Eaton	5,200	43,000		Onslow	200		
1801	Shefford	6,800		43,000	Melbourne	4,813		
	Barnston	4,400	43,000		Chester	2,200		
	Orford	2,400		43,000	Dudswell	2,365		
	Newport	24,000	43,000		Wendover	2,166		
	Stanbridge	7,800		43,000	Halifax	2,400		
	Brompton	8,000	43,000		Durham	1,300		
	Shipton	11,600		43,000	Stanstead	600		
1802	Thetford	4,400	43,000		Farnham	800		
	Arthabaska	2,000		43,000	1806	Hull	2,690	
	Barford	5,400	43,000		Aukland	4,400		
	Stoke	8,541		43,000	Aston	5,322		
	Sutton	7,600	43,000		Frampton	2,200		
	Windsor	10,200		43,000	Acton	4,876		
	Chester	2,200	43,000		Granby	200		
	Simpson	8,161		43,000	Milton	113		
	Halifax	2,200	43,000		Simpson	50		
	Inverness	2,200		43,000	Eardley	1,278		
	Wolfstown	2,200	43,000		Buckland	2,418		
	Leeds	2,400		43,000	Chatham	800		
	Ireland	2,200	43,000		1807	Lingwick	3,000	
	Durham	4,106		43,000	Lochaber	3,024		
	Compton	5,000	43,000		Templeton	1,841		
	Wickham	4,817		43,000	Stanfold	4,884		
	Ely	2,200	43,000		Ham	4,400		
	Ixworth	200		43,000	1808	Grenville	200	
1803	Roxton	4,800	43,000		Ham	200		
	Granby	7,597		43,000	Frampton	2,359		
	Ditton	2,200	43,000		Onslow	2,367		
	Buckingham	2,845		43,000	Maddington	1,737		
	Milton	5,993	43,000		Windsor	100		
	Ascot	2,747		43,000	Simpson	300		
	Bury	2,200	43,000		Somerset	56		
	Halley	9,480		43,000	Nelson	50		
			43,000		1809	Framton	1,800	
				43,000			7,369	





Year.	Township.	Number of Acres reserved in each Township.	Total Number of Acres reserved in each Year.	Year.	Township.	Number of Acres reserved in each Township.	Total Number of Acres reserved each Year.
		A. R. P.	A. R. P.			A. R. P.	A. R. P.
1825	Kildare	40	397		Ireland	220	14,034 1 24
	Rawdon	60			Inverness	78	
	Inverness	100			Hull	480	
	Leeds	160			Onslow	40	
	Grantham	37			Wolfstown	360	
1826	Frampton	240	720		Acton	432	
	Inverness	40			Maddington	100	
	Leeds	40			Upton	160	
	Ascot	400			Broughton	190	
1827	Brandon	1,860	7,467		Newport	40	
	Hatley	200			Tingwick	180	
	Farnham	220			Warwick	320	
	Stukely	190			Hatley	270	
	Grenville	200			Leeds	212	
	Rawdon	40			Stoneham	120	
	Kildare	40			Kingsey	40	
	Acton	106			Halifax	580	
	Ham	1,800			Aston	200	
	Templeton	121			Granby	30	
	Hull	2,706			Buckingham	720	
	Frampton	20			Lochaber	155	
1828	Hallifax	160		6,233 2		Eaton	220
	Chester	160			Ascot	468	
	Kildare	120			Brandon	400	
	Rawdon	60			Ham	726	
	Hatley	80			Rawdon	582	
	Dudswell	160			Roxton	320	
	Acton	369			Grantham	180	
	Inverness	90			Wickham	340	
	Stoneham	40			Kildare	338	
	Granby	240			Eardly	20	
	Milton	200			1832	Tewkesbury	80
	Ham	304 2				Bulstrode	18
	Grantham	40				Wentworth	160
	Grenville	40				Hull	160
	Armagh	4				Wendover	40
	Upton	1,550				Acton	80
	Tingwick	850				Dudswell	180
	Brandon	340				Chester	60
	Wendover	60				Buckingham	200
	Ireland	560				Upton	220
	Frampton	440			Lochaber	410	
	Leeds	266			Hatley	180	
	Kingsey	100			Granby	100	
1829	Hinchinbrooke	40	1,528		Milton	200	
	Frampton	420			Kingsey	344	
	Jersey	1,068			Broughton	481	
1830	Ham	1,165	5,720		Cly	260	
	Inverness	120			Roxton	180	
	Ireland	240			Kildare	400	
	Leeds	50			Stanfold	264	
	Hereford	240			Wolfstown	100	
	Hatley	1,150			Kilkenny	1,620	
	Orford	182			Ascot	20	
	Ascot	1,016			Halifax	120	
	Acton	680			Grantham	453	
	Roxton	320			Eaton	160	
	Maddington	57			Rawdon	960	
	Chester	500		Hemmingford	112		
1831	Frampton	1,417	5,720		Inverness	830	
	Shenley	3,148 1 24			Leeds	680	
	Standon	430			Brandon	2,040	
	Dudswell	180			Wickham	552	
	Chester	326			Newport	200	
	Templeton	58		Grenville	1,410		
					Templeton	380	
					Tingwick	160	
					Ham	7,667	
					Ireland	1,140	
					Nelson	40	

Year.	Township.	Number of Acres reserved in each Township.	Total Number of Acres reserved in each Year.	Year.	Township.	Number of Acres reserved in each Township.	Total Number of Acres reserved in each Year.		
1832	Melbourne	70	23,437		Ham	833	9,189		
	Frampton	20			Rawdon	840			
	Eardley	40			Wolfstown	240			
	Onslow	20			Ireland	340			
	Stukely	40			Halifax	320			
	Cranbourne	194			Bristol	203			
	Barnston	40			Cranbourne	300			
	Standon	332			Hull	20			
1833	Stukely	105		11,297	1835	Matane		332	23,826 2.
	Eardley	418				Tingwick		160	
	Hull	80				Granby		20	
	La Valtre Tract	400				Kingsey		230	
	Wickham	20				Standon		459	
	Cranbourne	578				Stoke		80	
	Bucklandt	644				Maddington		60	
	Dudwell	260				Wendover		640	
	Leeds	110				Warwick		640	
	Templeton	108				Grantham		220	
	Granby	120				Lochaber		1,337	
	Warwick	40				Broughton		80	
	Acton	40				Ham		1,045	
	Ixworth	40				Weedon		260	
	Clarendon	470				Buckingham		434	
	Upton	1,644	Kildare			22			
	Halifax	146	Milton			100			
	Inverness	100	Wickham			100			
	Grantham	20	Templeton			60			
	Kilkenny	250	Ely			975			
	Eaton	180	Clarendon			1,696			
	Barnston	40	Aston			160			
	Wendover	64	Standfold			262			
	Roxton	80	Dudswell			220			
	Brandon	320	Newport			635			
	Hatley	150	Eaton			500			
	Wolfstown	400	Frampton			260			
Kingsey	120	Acton	520						
Kildare	105	Grenville	640						
Ham	2,050	Roxton	320						
Rawdon	440	Chester	700						
Grenville	490	Thetford	1,297						
Lochaber	40	Brandon	20						
Buckingham	240	Tring	600						
Ireland	400	Wolfstown	100						
Tingwick	230	Inverness	360						
Ashford	200	Ireland	480						
Stoneham	20	Leeds	665						
Maddington	80	Rawdon	1,720						
1804	Stukely	25	11,297	1836	Halfax	826	23,826 2.		
	Acton	100			Bristol	1,649 3 8			
	Brandon	20			Kilkenny	560			
	Frampton	340			Hatley	340 2 32			
	Dudswell	860			Lichfield	263			
	Templeton	120			Hull	300			
	Maddington	520			Cranbourne	280			
	Kildare	5			Ware	1,344			
	Tring	440			Ixworth	80			
	Chester	220			Barnston	10			
	Lichfield	168			Stukely	30			
	Clarendon	180			Onslow	66			
	Buckingham	1,260			1836	Acton		80	
	Stanford	40				Dudswell		500	
	Thetford	20				Hull		97	
Roxton	243	Warwick	160						
Hatley	20	Chester	200						
Grenville	180	Wendover	472						
Leeds	216	Newport	100						
Ely	160	Wickham	20						
Inverness	360	Cranbourne	180						
Kilkenny	264	Maddington	233						

## CORRESPONDENCE RELATIVE TO THE

Year.	Township.	Number of Acres reserved in each Township.	Number of Acres reserved in each Year.	Year.	Township.	Number of Acres reserved in each Township.	Number of Acres reserved in each Year.
1836		A. R. P.		1837		A. R. P.	
	Roxton	280			Chester	360	
	Buckland	189			Broughton	560	
	Tring	200			Ham	18	
	Clarendon	253			Thetford	2,292.0.16	
	Kilkenny	259.2			Bristol	315.1.29	
	Onslow	120			Rawdon	340	
	Bulstrode	40			Buckingham	1,200.0.39	
	Jersey	20			Dudawell	80	
	Leeds	160			Onslow	28.3.0	
	Broughton	20			Eaton	10	
	Inverness	100			Wickham	332	
	Grenville	210.0.16			Kingsey	20	
	Ireland	180			Standon	389.0.22	
	Thetford	3,056.1.37			Hull	40	
	Ely	40			Litchfield	122.1.24	
	Granby	80					11,077.0.10
	Lochaber	340		1838	Maria	13.3	
	Buckingham	1,847.3.24			Ashford	200	
	Kildare	20			Ham	20	
	Ashford	20			Bristol	21.3.19	
	Ham	140			Dudswell	100	
	Weedon	560			Bulstrode	256.1.24	
	Bristol	2,614.0.31			Warwick	489	
	Rawdon	600			Brandon	365	
	Aston	336			Wolfstown	180	
	Halifax	20			Kilkenny	200	
	Upton	133			Ely	397	
	Litchfield	133			Rawdon	160	
	Ware	934			Wentworth	80	
	Eaton	1,250			Inverness	100	
	Stoke	20			Cranbourne	145.2	
	Kingsey	380			Thetford	1,843.3.10	
	Orford	480.1.28			Broughton	860	
	Eardley	20			Halifax	360	
	Hatley	1,243			Grenville	220	
	Compton	11.0.31			Kildare	140	
	Stukely	60	18,412.3.7		Clarendon	100	
1837	Weedon	140			Ireland	145	
	Clarendon	40			Stanfold	260	
	Grenville	120			Chester	760	
	Roxton	120			Tring	410	
	Maddington	20			Litchfield	160	
	Stanfold	280			Hull	70	
	Chatham	40			Buckingham	1,259.1.18	
	Wentworth	566			Armagh	202	
	Tring	400			Orford	80	
	Wolfstown	580			Kingsey	170	
	Bulstrode	514			Stukely	20	
	Ely	200			Onslow	45	
	Warwick	100			Templeton	220	
	Wendover	685			Buckland	45	
	Cranbourne	40			Lochaber	20	
	Ireland	120			Frampton	215	
	Kilkenny	24					40,354.2.25
	Inverness	400					
	Grantham	20					
	Ashford	560					
					Total		647,895.0.25

NUMBER of ACRES reserved for the Support of a Protestant Clergy in each Township.

Township.	Number of Acres.		Township.	Number of Acres.	
	A.	R. P.		A.	R. P.
Acton	7,277		Brought forward	343,686	2 24
Armagh	686	2 0	Kilkenny	3,207	2 0
Arthabaska	2,000		Kingsey	6,787	2 0
Ascot	7,538		La. Valtrie Tract	400	
Ashford	1,250		Leeds	6,847	
Aston and Augmentation	6,192		Lingwick	3,000	
Auckland	4,400		Litchfield	846	1 24
Barford	5,400		Lochaber	5,715	
Barnston	8,416		Maddington	2,807	
Blandford	7,221		Magdalen Islands	8,143	
Bolton	12,524	1 5	Marin	13	3 0
Brandon	5,365		Matane	1,605	
Bristol	4,804	1 7	Melburne	5,703	
Brome	8,351	2 28	Milton	6,666	
Brompton	8,000		Nelson	7,851	
Broughton	6,861		Newport	5,375	
Buckingham	10,406	2 11	Newton	2,668	
Buckland	3,296		Onslow	2,886	3 0
Bulstrode	5,425	1 24	Orford	3,195	1 28
Bury	2,200		Potton	9,118	2 0
Chatham	6,680		Rawdon	6,842	
Chester	8,270		Roxton	9,791	
Clarendon	2,739	2 0	Settrington	3,159	
Clifton	8,285	2 0	Shefford	12,931	
Clinton	2,000		Shenley	5,275	1 24
Compton	7,701	0 31	Sherrington	6,806	
Cranbourne	1,717	2 0	Shipton	11,625	
Ditton	2,200		Simpson	8,539	
Dorset	10,200		Somerset	7,725	
Dudswell	5,525		Stanbridge	7,800	
Dunham	8,179		Standon	1,610	0 22
Durham	8,413		Stanford	5,990	
Eardley	2,076		Stanstead	10,893	
Eaton	9,485		Stoke	8,641	
Ely	7,372		Stoneham	5,020	
Farnham	7,680		Stukely	7,935	
Frampton	8,751		Sutton	8,500	
Granby	8,477		Templeton	4,068	
Grantham	13,888		Tewksbury	5,080	
Greenville and Augmentation	4,416	0 6	Thetford	12,909	1 23
Halifax	7,312		Tringwick	9,221	
Ham.	20,568	2	Tring	6,450	
Hamilton	3,000		Upton and Augmentation	8,848	
Hatley	14,188	2 32	Ware	2,278	
Hemmingford	7,303		Warwick	6,349	
Hereford	4,640		Weedon	3,560	
Hinchinbrooke	1,120		Wendover & Augmentation	4,781	
Hull	7,973		Wentworth	3,206	
Hunterstown	4,400		Westbury	2,273	
Inverness	5,138		Wickham	9,742	
Ireland	6,903		Windsor	10,350	
Ixworth	1,620		Wolfstown	4,160	
Jersey	1,089				
Kildare and Augmentation	4,712		Total	647,695	0 25
Carry forward	343,686	2 24			

No. 22.  
Sir John Colborne  
to the Marquis of  
Normanby.

Sept. 17, 1839.

Enclosure No. 5.

(Signed) JOHN DAVIDSON,  
T. BOUTHILLIER.

No. 22.  
 Sir John Colborne  
 to the Marquis of  
 Normanby.  
 Sept. 17, 1839.  
 Enclosure No. 6.

Enclosure 6 in No. 22.

	A.	R. P.
It appears by the Returns transmitted herewith that the total number of acres of Crown lands, granted and sold, and under patent to 31st December, 1838, amount to . . . . .	3,221,084	1 34
<hr/>		
Total number of acres of clergy reserves sold, and under patent, to the same date, upon which it is conceived no appropriation for the clergy should have been made . . . . .	34,852	0 24
<hr/>		
Total amount reserved for the clergy in all patents issued up to 31st December, 1838, including reservations on clergy lands sold . . . . .	647,895	0 25
One-seventh on the total amount of grants of Crown lands, as above, would amount to . . . . .	460,154	3 27
<hr/>		
Leaving an excess of . . . . .	187,740	0 38

JOHN DAVIDSON,  
 T. BOUTHILLIN.

Enclosure 7 in No. 22.

SIR,

Office of Crown Lands, Quebec, 13th June, 1839.

Enclosure No. 7.

In obedience to his Excellency's commands conveyed in your letter of the 28th February, and enclosing copy of a despatch from Her Majesty's Secretary of State, No. 45, relative to the clergy property in this province. We have the honour to enclose,

1st. A Return of the whole amount of acres included in the clergy reserves under patent on the 1st of July, 1829, when the sale of the clergy reserves first commenced, and the number of acres appropriated to the clergy by patent, in each subsequent year to 31st December, 1838:

2nd. A Return of the number of acres sold since 1827, showing the price at which they were offered, and that which they obtained so arranged, as to show the extent of the lots bought by each purchaser within the year.

To comply as far as it is in our power with that part of his Excellency's order for any further information or observations on the subject which we may be able to afford in elucidation. We have given the subject the best consideration in our power, and we shall proceed to lay before his Excellency all the information which can be collected from documents in the office, and any other sources within our reach.

We find by a letter from Mr. Secretary Cochran, of 21st July, 1828, written by order of Lord Dalhousie, that the sale of clergy reserves to be made under the authority of an Act of the Imperial Parliament, 7th and 8th Geo. 4, cap. 62, was confided to Mr. Felton, and an extract from a despatch which his Excellency had received from Mr. Huskisson, of 20th November, 1827, was communicated at the same time.

Mr. Felton appears after this to have placed himself in communication with the clergy corporation, but they do not appear to have at all agreed in their views of management or alienation. Sales commenced partially in 1829, and were so continued in 1830; during those years, although there is no record of such being the case, there is sufficient to induce a belief that each application to purchase clergy land was separately laid before the Governor for his approval. On the 28th April, 1831, however, that system, if it did previously obtain, ceased, and the following scheme was adopted by Lord Aylmer on Mr. Fielding's suggestion.

"The sale of clergy reservations to be governed by the general regulations adopted in the sale of Crown lands subject to the preliminary selection of a glebe of 400 acres in each township by the corporation; the price and the detailed statements of the lots to be exposed for sale, being in all cases submitted for his Excellency's approval. Purchasers of a smaller quantity than 100 acres to be allowed to hold the same upon the annual payment of the interest on the capital until the principal is paid, and to be allowed to pay by instalments benefiting by a proportionate reduction of quit rent or interest. Purchasers of a larger quantity than 100 acres to pay one instalment down, and the residue in three annual instalments without interest. Lessees of leased lots to be allowed to purchase the fee simple of the land upon payment of the value of the same as approved by his Lordship, such value not to be less than 20 years' purchase of the rent, and all arrears of rent being paid up to the end of the half-year preceding the sale. In case of large arrears being due, the purchaser may be allowed to add the same to the purchase, and to pay the whole by instalments, or by interest upon the whole until he can pay, as in the case of the purchaser of 100 acres, not more than one-half of the reserves in any township, to be sold without a special authority



from his Lordship, to be applied for by the Commissioner as soon as the first half is disposed of. A communication to be made to the corporation of this determination."

The foregoing arrangement was accordingly communicated to the clergy corporation by Lord Aylmer. They remonstrated, but finally withheld their objections as appears by the following extract of a letter from Archdeacon Mountain, of 18th May, 1831, to Colonel Glegg. "His Excellency, however, having intimated at the same time the decided importance which he attaches to the measure of assimilating in all points the mode of conducting the sale of clergy reserves to that pursued in the disposal of those of the Crown. I should feel myself in a very painful situation if I were to oppose impediments to the views of his Excellency, and nothing could induce me to do so but the apprehension, in my humble judgment of serious effects upon the interest of the church. Actuated by these dispositions, I now beg leave to inform you that it is not my purpose to avail myself of his Excellency's permission, by soliciting the attention of my brethren of the clergy to any question relating to the mode of sale; but I venture to hope that, as it respects the reservation from sale of some particular lots considered to be adapted for glebe, or for the purpose of endowment, his Excellency is not indisposed to accede to the representation made in my letter to yourself of the 13th instant."

No. 22.  
Sir John Colborne  
to the Marquis of  
Normanby.

Sep. 17, 1839.

Enclosure No. 7.

Previous to commencing the detail of instructions to sell clergy lands, it may not be out of place to observe, that from the tenor of Lord Goderich's despatch of 21st November, 1831, which was communicated to both Houses of Provincial Legislature in 1832, there is reasonable ground to assume that the system sanctioned by Lord Aylmer, was not only approved of in England, but that the Government meant by reinvesting the clergy reserves in the Crown to do away with the clergy reservation altogether, and a feeling of such being the disposition of the Secretary of State for the Colonies, may possibly have rendered Mr. Felton less particular in submitting lists of clergy lands for sale, and in disposing of them in larger quantities than he might otherwise have been.

From 1831 to 1836, inclusive lists of the clergy lands recommended by Mr. Felton to be offered at public sale, and the upset prices at which they were to be offered have been submitted by him, and when approved of by the Governor, publicly advertized in the official Gazette and other papers; and lists of lessees and persons claiming preemption under the provisions of Lord Aylmer's instruction of 28th April, 1831, have been from time to time laid before the Governor, and when approved of, acted upon. The first printed list of clergy reserves for public sale is dated 31st July, 1831, upon a schedule which had been submitted by Mr. Felton to Lord Aylmer, and approved of by him on the 26th of July; it authorizes sales for 1831-2.

The second Instruction is of 13th September, 1832; by that Lord Aylmer authorizes Mr. Felton to circulate the usual advertisement, and continue the sale of lots remaining from last year's list.

The third is of the 3d July, 1834, by which Lord Aylmer approves a list dated 26th May, 1834, on prices submitted to him on the preceding 10th of April, and appears in the Official Gazette of 26th May, 1834.

The fourth is of the 1st May, 1835, by which Lord Aylmer approves of a list on prices submitted to him on the 30th of April, which list appears in the Official Gazette of 11th June, 1835.

The fifth and last Instruction is a list of Crown and clergy lands to be offered at public sale for 1836-7, submitted by Mr. Felton to Lord Gosford on the 26th July, 1836, and approved of by his Lordship on the same day, and transmitted by Mr. Felton to the different agencies on the 1st of August following. The foregoing lists appear to be all the Instructions which relate to the disposal of clergy reservations by public sale, and to have been duly published and circulated.

On the 11th of August, 1836, Mr. Davidson received the Earl of Gosford's commands, dated 6th of August, directing him to perform until further orders the several duties attached to Mr. Felton's office, in conformity with the Instructions which had from time to time been given to Mr. Felton, whether the same emanated from the Home or the Local Government, and in the disposal of Crown and clergy lands, he appears to have governed himself during his temporary charge, as directed by these Instructions.

On the 1st of October, 1837, when our appointment of Commissioners of Crown Lands took effect, Lord Gosford's list of 26th July, 1836, then posted in the office as the selling list was adopted as exhibiting a sufficient quantity of Crown and clergy lands undisposed of, to meet any probable demand; and this list was considered by us as the selling list, until all sales were stopped under Lord Durham's proclamation of 18th June, 1838, being the same that was produced to Mr. Hanson during the last summer. No order having since been given to us to commence sales, we have not felt ourselves called upon to prepare a new one, or to ask for authority to continue under that of 26th July, 1836.

It may not be irrelevant here to observe that, although there have been some applications to purchase, no sales have been made since October, 1837, which we conceive to be attributable partly to the change in the mode of payment, from  $\frac{1}{4}$  down to the whole amount, and partly to the disturbed state of the province since that time.

We presume that Mr. Felton must have prepared the lists of Crown and clergy lands, which he recommended to be offered at public sale, from private notes, as we find no trace either through the correspondence or otherwise of the process by which he arrived at the

No. 22.  
 Sir John Colborne  
 to the Marquis of  
 Normanby.  
 Sep. 17, 1839.  
 Enclosure No. 7.

quantity required to meet the current demand, or of the means resorted to for the purpose of estimating the value to be fixed to them respectively for an upset price. In making the present search, we have been led to examine the evidence taken at Toronto during the last summer by the Commissioners of Crown Lands and Emigration, printed at Quebec by the Queen's printer, with a view to learn the manner in which the Act of the Imperial Parliament relating to clergy lands, had been carried out in that province, and so far as it is possible for us to form an opinion from the evidence of Mr. Radenhurst at page 10, (English 100); Mr. Thornhill, at 25, (English 107), and Mr. Sullivan, at 32, 33, (English 110), and from the Return No. 1, in the Appendix, it would appear that in Upper Canada they acted upon an assumption that the clergy reservation, specified and unspecified, would amount to 2,400,000 acres, and did not confine themselves to the land legally set apart for clergy reserves: indeed Mr. Thornhill states that 157,000 acres had not been surveyed. Allowing the same latitude to Mr. Felton in the Lower Province, he may have satisfied himself from calculation, that the clergy reservation to accrue from the grantable part of the province could be estimated at 1,500,000 acres, and in the opinion of the Surveyor-general, such an estimation can be borne out.

By way of elucidation, and in the absence of positive data, we have referred to Returns given by Mr. Felton, which appear in the printed Reports of the Commissioners on grievances complained of in Lower Canada, Lord Gosford being one of the Commissioners, and we have prepared the following summary from those Returns; taking it for granted that Lord Aylmer and Lord Gosford, when requested to authorize the sale of the clergy property, under an Act of Parliament, will have called upon Mr. Felton for the grounds on which he founded his requisitions to them, viz. :—

	Waste.	Clergy.
Clergy lands sold by him between July, 1829, and December, 1835		255,179
Clergy reserves in the surveyed districts, as reported to the Commissioners, 26th December, 1835		568,099
Waste unsurveyed lands, in a Return furnished at the same time	408,916	
An estimate of waste lands in a Return of same date, not including lands in the disputed territory	3,108,000	
	3,516,916	502,416
To be set apart for the sale to the B. A. L. Company		106,800
		432,494
	Acres	

If the foregoing mode of estimation is admitted, the fourth would amount to 358,123 acres, being nearly 49,000 acres more than sufficient to cover 309,554 acres sold.

As respects the purchases of clergy reserves, exceeding 200 acres, they may be divided into the following classes:—

Those who availed themselves of the opportunity afforded to purchase the clergy reserves chequered within the tracts granted to them.

The British American Land Company, and others who, having purchased large tracts from individuals, to whom they had been granted, bought the clergy lands within them to complete their property.

The British American Land Company, and others not so circumstanced, who purchased with a view to sell again as a matter of speculation.

It is believed that the purchases made by the three latter classes are nearly in the state in which they were when sold.

As respects the relative prices obtained for the Crown and clergy lands sold, those of the Crown average 3s. 4 $\frac{1}{2}$ d. per acre: those of the clergy 4s. 8 $\frac{1}{2}$ d. per acre.

The duties which had hitherto been performed by the auditor of land patents between the years 1792 and October 1837 devolved on this office in consequence of regulations established by Lord Gosford for that purpose; and for the future discharge of that branch of the land-granting department, with confidence in its correctness, it became necessary to ascertain the actual state of each township from the mass of documents handed over.

To effect this a set of books was prepared, in which a separate account has been opened for each township, and an entry made for every lot on the official diagram, opposite to which are the grants made.

This long and laborious undertaking being just now brought to a close, under the more immediate superintendence of Mr. Bouthillier, and the whole carefully compared with the original letters patent of record in the office of the provincial secretary and registrar, we have it now in our power to proceed with certainty in the audit of land patents, and correctly to state the amount of acres granted under patent, and the proportion appropriated by patent for the support of a Protestant clergy.

The latter forms a separate return, which accompanies this letter, showing an excess of appropriation, in favour of the clergy, amounting to 187,740 acres over and above the amount required by Act of Parliament; and that, after deducting the number of acres of clergy land sold, and the excess of appropriation, there will remain, as the property of that body, on the 1st of January, 1839, 150,601 acres.

We have had occasion to remark that, recently, in Upper Canada, a Bill has been agreed

to by the two Houses of Provincial Legislature in that province for the repeal of so much of the Act 31 Geo. III., cap. 31, as relates to clergy reserves.

That Bill appears to have been introduced and framed upon a message from his Excellency, when lieutenant-governor of that province, in 1832, which is supposed to have been made under the general terms conveyed in Lord Goderich's despatch of 21st November, 1831, as messages to the same purport were sent by Lord Aylmer on the 26th January and 1st February, 1832, to the two Houses of Provincial Legislature in this province; and a Bill introduced at the time by the Solicitor-General in conformity, and which, having been postponed at the third reading to the ensuing Session, was not afterwards taken up.

By the provisions contained in the Upper Canada Bill, the difficulties alluded to in Lord Glenelg's despatch, No. 45, will be effectually met, for all sales of clergy lands are confirmed, and the management of the whole is proposed to be the same as that adopted for the Crown lands.

We very respectfully beg leave to express our hope that his Excellency will see fit to adopt some similar legislative provision, or cause some measure to be framed which will do away with the necessity of making a specific reservation for the clergy in each patent as it is now required, even in cases of sales of clergy reserves, the practice being attended with great detail, and requiring, as it does in many instances, fractional calculations; tends to multiply the chances of occasional error in the patents.

We have, &c.

(Signed)

JOHN DAVIDSON.  
T. BOUTHILLIER.

No. 22.  
Sir John Colborne  
to the Marquis of  
Normanby.

Sep. 17, 1839.

Enclosure No. 7.

Enclosure 8 in No. 22.

SIR,

Three Rivers, 13th September, 1839.

I HAVE the honour to acknowledge having received your letter of the 17th June last, enclosing the returns furnished by the Commissioners of Crown Lands, in conformity with the despatch from the Secretary of State for the Colonies (No. 45, dated 25th January, 1839), relative to the sale of clergy reserved lands in this province, whereby you request me, at my earliest convenience, to report my opinion on that portion of the despatch which relates to the neglect of the provisions of the Imperial Act, 7th and 8th Geo. 4, cap. 62, in regard to the sale of the clergy reserves. That despatch having set forth that, contrary to the terms of that Act, upwards of 111,000 acres of the clergy reserves in this province had been sold by Mr. Felton in one year, and that, in the whole, more than three-sevenths of the reserves had been sold; requires that information should be furnished as to those on whom is chargeable the neglect of the provisions of the said Act 7th and 8th Geo. 4, cap. 62, and that the opinion of the law officers of the Crown, in this province, should be called for on the questions whether such neglect invalidates the title of the purchasers to any portion of the clergy reserves alleged to have been illegally sold, and whether it is now in the power of the executive government to take any steps for redressing that illegality.

In obedience to the commands of his Excellency the governor-general, by which those questions were referred to me, I have now the honour of reporting for his Excellency's information, that I have duly considered the subject, and I am humbly of opinion that, under the circumstances of the case, it is more than doubtful whether the neglect of the provincial authorities to conform to the provisions of the said Act of Parliament would, in the judgment of a provincial court, constitute a sufficient ground, as against the grantees or purchasers, for a valuable consideration who acquired the lands in good faith, ignorant of the fact of the excess in the quantity of land exposed to sale, and who acted without fraud, deceit, or false suggestion, or as against their heirs or assigns for annulling and setting aside the sales of such an extent of the reserved lands as was alienated against the authority of the Act. I conceive that it is not in the power of the executive government to take any steps for counteracting or removing the effects which have resulted from the excessive alienation of the clergy reserves, so as to recover possession of such excess.

I have, &c.

Major Goldie,  
Secretary, &c., Montreal.

(Signed)

C. R. OGDEN, Attorney-General.

Enclosure No. 8.

No. 23.  
Sir John Colborne  
to the Marquis of  
Normanby.  
Sep. 27, 1839.

(No. 117.)

No. 23.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE, G.C.B.,  
to the Marquis of NORMANBY.

MY LORD,

Government House, Montreal, 27th September, 1839.

I HAVE the honour to transmit to your Lordship the accompanying copy of a letter from Sir George Arthur, and my reply to it, relative to the state of these provinces.

I have authorized the continuance of the services of the detached companies of embodied militia on the St. Lawrence and on the Niagara frontier for six months longer.

You will perceive, however, from my communication, that, although I think it necessary, under existing circumstances, to be vigilant in protecting the frontier from insult, I am persuaded that there is no cause for apprehending that the American brigands are organized in sufficient force to renew their attempts to disturb the province, or that the disaffected are prepared to encourage them.

I receive, however, occasionally, reports from New York and from some of the large towns in Vermont, that the patriots are actively employed in conveying arms towards the frontier, but I have no reason to believe that this information is correct, nor has any fact been stated to corroborate the reports of further movements being intended by the organized patriots.

I have, &amp;c.

The Marquis of Normanby,  
&c. &c. &c.

(Signed) J. COLBORNE.

(Extract.)

Enclosure 1 in No. 23.

Sir,

Government House, Toronto, 21st September, 1839.

Enclosure No. 1.

I DO myself the honour to call your Excellency's attention to the circumstance that, on or about the 31st October next, the period for which the services of the militia and volunteer force named, in the accompanying Return No. 1 were engaged will cease, and that some ACTION becomes necessary to be taken respecting it without delay.

The Return No. 2 exhibits the whole of the militia force embodied in this province.

To determine what force shall be kept up in Upper Canada, it is necessary not only to refer to the state of the American frontier, but, also, to the position of Upper Canada itself.

With respect to Lower Canada, your Excellency has, of course, abundant information of what may be expected there.

The accounts which I receive of the American frontier are very conflicting.

The feeling on the part of the Americans is undoubtedly still one of sympathy towards that class of persons who have represented themselves to be oppressed under British rule.

Numbers have emigrated from this province during the past year; and, whatever their real object may have been in leaving this province, I do not doubt they have accounted for it by dwelling upon the hardship of their case here.

Notwithstanding the amnesty that was proclaimed, many of the absentees have not availed themselves of it, but have remained in the adjacent states.

There has been an expression, and an appearance of more cordial feeling towards Her Majesty's subjects, but I do not think it has been sincere.

The patriot cause, and its offspring, the "Hunter's Lodges," have been, I understand, kept alive throughout the summer; and on any pretext of disturbance in Canada, thousands of the floating population, I have no doubt, would be disposed to cross over and give a helping hand. Most of the public works in the state of Michigan have been stopped, from the want of means, and great numbers of labourers will be out of employment and ready for any mischief.

The money market in the adjacent states is as bad as it can be, and all the banks are in extreme difficulty.

Under the Act of Congress, passed during the last session, a volunteer force has been raised which is represented to be considerable. The companies are armed and clothed, and drilled once every day; but the men receive no pay. The professed object of this force is to preserve peace by enforcing the neutrality laws, but I have no confidence in their professed intentions.

Your Excellency is aware that on the frontier Her Majesty's subjects have been kept in great excitement. The Episcopal Church at Chippewa, on the Niagara, was burnt last week, clearly the act of an incendiary from the United States.

It has just been reported to me, that Colonel Creighton's premises have also been destroyed by an incendiary. These circumstances seem to justify the statements made by "—" of the scheme of villany that was to be acted upon during the winter.

With regard to the American frontier, there is, in fact, just the same foreboding of mischief, which caused so much excitement last year.

Affairs in this province had, I thought, much mended until fresh agitation was produced on the High Commissioner's Report being generally made known. Since that time, those who took the most active part in the winter of 1837, appear to be re-animated upon the question of "Responsible Government," and no person can, I think, now venture to express a positive opinion upon the exact state of public feeling. Influenced by various motives, I have no doubt a change of the institutions of this country is ardently desired by many; and, in discussing "Responsible Government," it seems to me that a very considerable portion of the people regard their allegiance to Great Britain to be "an open question," on which they may give expression to their sentiments without any dangerous impeachment of their loyalty.

I not only hope, but indulge the expectation, that existing excitement and forebodings of worse things may pass away, but these and other considerations lead me to the conclusion that the militia force in Upper Canada should rather be augmented than decreased.

I have, &c.

His Excellency Sir John Colborne, G.C.B.  
&c. &c. &c.

(Signed) G. ARTHUR.

No. 23.  
Sir John Colborne  
to the Marquis of  
Normanby.  
Sept. 27, 1839.

Enclosure No. 1.

(Extract.)

Enclosure 2 in No. 23.

SIR,

Government House, Montreal, September, 1839.

Enclosure No. 2.

I HAVE had the honour to receive your letter of the 21st instant, in which you call my attention to the periods of service of the militia and volunteer force described in the returns forwarded for my speedy decision as to the number of corps which it may be considered necessary to keep embodied, with reference to the state of the American frontier, and also to the position of Upper Canada itself.

I have no hesitation in authorizing you to continue the services, for six months longer, of the whole of the companies of infantry stationed at Coteau du Lac, Prescott, Brockville, Kingston, Belleville, and on the Niagara frontier, named in the return No. 1, and any troops of cavalry whose services you may think are required on the frontier.

With respect to the tranquillity of the Lower Province, and the probability of its being again disturbed during the winter, I am persuaded, from the information which I constantly receive from every part of the province, that no attempt will be made by the Lower Canadians to rebel. The police are vigilant, and the population generally aware that the force in this district is sufficient to repress disturbances in the interior, or hostile movements on the frontier.

I frequently receive reports from New York, and from Burlington, and St. Albans, that an organization is still going on among the patriots, and that arms are passing up the Hudson for their service; but there are no facts mentioned in these reports to induce me to believe that there really are preparations for mischief either on the part of the refugees or of the patriots. I know that the refugees on this frontier are in great distress, and receive but scanty supplies from the Americans who are favourable to their cause. The habitants will not venture to take up arms again, except they see a large American force in Canada on the march to assist them; nor will the American patriots enter this province except they have proof of a successful revolt.

The force in Upper Canada, except in the townships on the St. Clair, is sufficient to deter the marauders from making any serious incursions.

The refugees and brigands will probably endeavour to keep up excitement during the winter by committing outrages and burning detached unprotected houses.

The numbers that are said to have emigrated may be as much exaggerated in Upper Canada as they are proved to have been in the Lower Province. Many families that are suspected of disloyalty, or are known to be traitors, and the rumours of public troubles, are so prevalent, that this state of affairs may account, I think, for the emigration of the past year. Reports of an attack on the frontier, on the 4th of July last, had been industriously circulated in every parish in Lower Canada; and some of the habitants on the Richelieu, who were persuaded that the American patriots were prepared to pass the border with the refugees, went into the state of Vermont to meet them; but the Americans recommended them to return, and assured them that they had neither the means nor the intention of affording them support. Responsible government being the convenient watchword of every rebel, that question has unfortunately already produced the serious evils of disunion among the loyal, and hope of future disturbances among the enemies of our institutions; but I trust that the prospects of the province may improve by the discussion of the question fully before the meeting of the provincial parliament; and that the friends of good order will have an opportunity of defining and explaining the degree of responsibility with which each public office is charged, and how far responsibility can be carried in a colony. If there should be serious disturbances in Upper Canada, all the vagabonds of the adjoining states would flock to the frontier and be ready to



No. 23.  
Sir John Colborne  
to the Marquis of  
Normanby.  
Sept. 27, 1839.  
Enclosure No. 2.

enlist in any mischief; and the government of the United States would be as unable to prevent their incursions as they were last winter.

The regular force in every district appears to me sufficient to repel any American force likely to be assembled, on any attempt of the revolutionary party in Canada. Except, therefore, it is evident that there is an organization going on extensively in Upper Canada, I see no cause for alarm or for apprehension that the brigands and refugees will be able to make preparations on a scale to give effectual support to the disaffected, or induce them to take up arms against the government.

I have, &c.

(Signed) J. COLBORNE.

His Excellency Maj.-Gen. Sir George Arthur, K.C.H.,  
&c. &c. &c.

(No. 118.)

No. 24.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE, G.C.B.,  
to the Marquis of NORMANBY.

MY LORD,

Government House, Montreal, 27th Sept. 1839.

No. 24.  
Sir John Colborne  
to the Marquis of  
Normanby.  
Sept. 27, 1839.

I HAVE the honour to transmit to you the annexed list of prisoners convicted of high treason, under sentence of death, whose punishment has been commuted for transportation to Australia. These offenders left the Port of Montreal yesterday, and will be embarked without delay on board Her Majesty's ship Buffalo, now ready to sail from the port of Quebec. Your Lordship will perceive from the nominal list, that out of the whole number under sentence of death 58 will be transported to Australia on board the Buffalo, and 29 will receive conditional pardons. Dr. Brien, who was one of the prisoners pardoned, gave very important information respecting the persons engaged in the revolt; and Levesque, on account of his youth, will be liberated on condition of their quitting the province for ever; and 27 habitants who surrendered to officers on the promise of pardon being held out to them, or whose cases had been recommended to favourable consideration by the judges advocates, will be liberated on bail, and sent to their respective parishes. The convicts from Kingston, in Upper Canada, arrived early this morning, and have been forwarded to Quebec to be embarked on board the Buffalo.

I have, &c.

(Signed) J. COLBORNE.

The Marquis of Normanby,  
&c. &c.

Enclosure I in No. 24.

LIST of POLITICAL PRISONERS transported from Lower Canada.

September, 1839.

Enclosure No. 1.

	Names of Convicts.	Quality or Station.
1.	Jean Louis Thibert	yeoman.
	Jean Marie Thibert	"
	Léandre Ducharme	clerk.
	Joseph Guimoud	labourer.
	Louis Guerin, dit Dussault, alias Blanc Dussault	baker.
	François Maurice Lepailleure	bailiff.
	Charles Huot	yeoman.
	Achille Morin	gentleman.
	Joseph Jacques Hebert	labourer.
10.	Huber Drossin Leblanc	yeoman.
	David Drossin Leblanc	"
	Pierre-Hector Morin	gentleman.
	Joseph Paré	yeoman.
	Pascal Pinsonneau	"
	Theophile Robert	"
	Jacques Longtin	"
	Ignace Gabriel Chévrefils	"
	Joseph Dumouchelle	"
	Louis Dumouchelle	inn-keeper.

Names of Convicts.	Quality or Station.	No. 24. Sir John Colborne to the Marquis of Normanby, Sept. 27, 1839.
20. Jacques Goyette	yeoman.	Enclosure No. 1.
Toussaint Rochou	bailiff.	
François Xavier Prieur	merchant.	
Jean Laberge	carpenter.	
François Xavier Touchette	blacksmith.	
Pierre Lavoie	yeoman.	
Antoine Coupal, dit Lareine	"	
Théodore Béchard	"	
François Bigonnesse, dit Beaucaire	"	
Joseph Marceau, dit Petit Jacques	"	
30. Louis Tureot	"	
Désiré Bourbonnois	labourer.	
Charles Roy, dit Lapensee, père	yeoman.	
François Xavier Prevost	inn-keeper.	
André Papineau, dit Montigny	blacksmith.	
David Gagnon	yeoman.	
Louis Bourdon	"	
Jean Baptiste Bousquet	millier.	
François Guertin	yeoman.	
Charles Guillaume Bouc	"	
40. Edward Pascal Rochou	carriage-maker.	
Louis Defaillette	yeoman.	
Jacques David Hebert, alias David Jacques Hebert	"	
Hypolite Lanclot	notary.	
Louis Pinsonneault	yeoman.	
Béné Pinsonneault	"	
Etienne Languedoc	labourer.	
Etienne Langlois	joiner.	
Moyse Longtin fils de Jacques	yeoman.	
Michael Allary	joiner.	
50. Joseph Goyette	carpenter.	
Basile Roy	yeoman.	
Joseph Roy, dit Lapensee, fils de Louis.	labourer.	
Constant Beusson	bailiff.	
Charles Bergevin, dit Longevin, père	yeoman.	
Jean Baptiste Trudelle	labourer.	
Samuel Newcombe	doctor.	
Jérémie Rochou	wheelwright.	
58. Benjamin Mott	yeoman.	

Enclosure 2 in No. 24.

LIST of the NAMES of the STATE PRISONERS admitted to Bail.

Enclosure No. 2.

Antoine Côté	Chateauguay.
Moses Dalton	"
François Camyre	St. Constant.
Jean Bte. Henri Brien	St. Martin.
Joseph Roy	Beauharnois.
Joseph Lecuyer	Chateauguay.
François Trepanier	St. Cyprien.
Louis Henault	St. Clément.
Thomas Surprenant	St. Phillippe.
Joseph Wathier, dit Lanoix	Cedres.
Léon Leclair	Terrebonne.
Antoine Roussin	"
François St. Louis	"
Paul Gravelle	Isle Jesus.
François Surprenant	St. Phillippe.
Michel Longtin	Beauharnois.
Charles Rapin	St. Timothé.
François Vallée	St. Martin.
Joseph Cousineau	St. Timothé.
Louis Julien	"
François Dion	"
David Dernas	St. Cyprien.
Edouard Tremblay	Beauharnois.
Antoine Charbonneau	St. Timothé.

No. 24.  
 Sir John Colborne  
 to the Marquis of  
 Normanby.  
 Sept. 27, 1839.  
 Enclosure No. 2.

Clovis Pattenaude  
 Philippe Tremblay  
 Benoni Verdon  
 Guillaume Levesque  
 Charles Mandat

St. Constant  
 Beauharnois.  
 St. Edward.  
 Montreal.  
 St. Philippe.

(No. 123.)

No. 25.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE, G.C.B.,  
 to Lord JOHN RUSSELL.

No. 25.  
 Sir John Colborne  
 to Lord J. Russell.  
 Oct. 15, 1839.

MY LORD,

Government House, Montreal, 15th October, 1839.

IN transmitting to you the accompanying copy of a report of the Executive Council, respecting the number of prisoners convicted before the general court martial, which it might be deemed necessary to transport to Australia, I have the honour to state, that although the Council recommended that 15 only should not undergo the punishment of transportation, I considered it expedient to extend pardon to 29 persons; with reference to some favourable circumstances which appeared in their cases.

I have, &amp;c.

The Right Hon. Lord John Russell,  
 &c. &c. &c.

(Signed) J. COLBORNE.

Enclosure in No. 25.

Enclosure.

To his Excellency Lieutenant-General Sir JOHN COLBORNE, G.C.B., G.C.H., Governor-General, &c. &c. &c.

Report of a Committee of the whole Council:—Present, the Honourable Mr. Stewart in the chair, Mr. Cochran, Mr. Henry, Mr. Mondelet, Mr. Panet, Mr. Sheppard, Mr. Daly, the Commissary-General, Mr. Pothier, Mr. McGill, Mr. De Rocheblaine, and Mr. Moffatt—on your Excellency's reference in Council of 3rd June, 1839, respecting the number of Prisoners convicted before the General Court-martial which it may be necessary to Transport.

May it please your Excellency.

THE committee having taken into consideration your Excellency's reference in council respecting the number of the prisoners convicted before the General Court-martial which it may be necessary to transport, with a view to the public good; and having carefully examined the lists, and deliberated on the information laid before them, they are humbly of opinion, that the following individuals who are all under sentence of death, should be transported to Australia, viz.—

Joseph L'Ecuyer  
 Jean Louis Thibert  
 Jean Marie Thibert  
 Leandre Ducharme  
 Joseph Guimond  
 Louis Guerin, dit Dussault, alias Blanc-  
 Dussault  
 François Maurice Lai Heur  
 Charles Huot  
 Achille Morin  
 Joseph Jacques Hebert  
 Hubert Drossin Leblanc  
 David Drossin Leblanc  
 Pierre Hector Morin  
 Joseph Paré  
 Paschal Pinsonneau  
 Theophile Robert  
 Jacques Longtin  
 Jean Baptiste Henry Brien  
 Ignace Gabriel Chevretils  
 Joseph Dumouchelle  
 Louis Dumouchelle  
 Jacques Govette  
 Toussaint Rochon  
 François Xavier Prieur  
 Joseph Wattier, dit Lanoie  
 Jean Laberge

François Xavier Touchette  
 Pierre Lavoie  
 Antoine Coupal, dit Lareine  
 Theodore Bechard  
 François Camyre  
 François Begonessé, dit Beaucaire  
 Joseph Marceau, dit Petit-Jacques  
 Louis Tourcot  
 Désiré Bourbonnois  
 Charles Roy, dit Lapensée, père  
 François Xavier Prévost  
 André Papineau, dit Montigny  
 David Gagnon  
 Charles Rossin  
 Louis Bourdon  
 Jean Baptiste Bousquet  
 François Guertin  
 Charles Guillaume Bouc  
 Edouard Pascal Rochon  
 Louis Defaillette  
 Jacques David Hebert, alias David  
 Jacques Hebert  
 David Demers  
 Hypolite Lanctot  
 Louis Pinsonneault  
 René Pinsonneault  
 Etienne Languedoc

Etienne Langlois  
 Clovis Patenaude  
 Moyse Longtin, fils de Jacques  
 Michel Allary  
 Joseph Goyette  
 Louis Hainault  
 Bazile Roy  
 Joseph Roy, dit Lapensee, fils de Louis  
 Edouard Tremblay  
 François Vallée

Constant Buisson  
 Charles Bergevin, dit Langevin père  
 Joseph Cousineau  
 François Dion  
 Louis Julien  
 Jean Baptiste Trudelle  
 Samuel Newcombe  
 Jerome Rochon  
 Phillipe Tremblay  
 Benjamin Mott

No. 25.  
 Sir John Colborne  
 to Lord J. Russell.  
 Oct. 15, 1839.  
 Enclosure.

And that the under-mentioned persons, upon whom sentence of death has also been passed, should not undergo the punishment of transportation, viz. —

Antoine Côté  
 Guillaume Levesque  
 François Treannier, fils  
 Michel Longtin dit Jerome, fils.  
 Leon Leclair  
 Paul Gravelle  
 Antoine Roussin, alias Joseph Roussin  
 François St. Louis

Thomas Surprenant, dit Lafontaine  
 François Surprenant, dit Lafontaine  
 Benoni Verdon  
 Charles Mondat  
 Joseph Roy  
 Antoine Charbonneau  
 Moses Dalton

But the committee are of opinion that the persons so exempted from transportation should not be thrown back upon society without some security for their future good conduct, or some penalty to mark their offences.

All which is respectfully submitted to your Excellency's wisdom.

By order,

Council Chambers, 4th June, 1839.

(Signed) J. STEWART, Chairman.

Certified a true copy. G. H. RYLAND.

(No. 126.)

No. 26.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE, G.C.B.,  
 to Lord JOHN RUSSELL.

No. 26.  
 Sir John Colborne  
 to Lord J. Russell.  
 Oct. 18, 1839.

MY LORD, Government House, Montreal, 18th October, 1839.

With reference to Lord Normanby's letter of the 31st August (No. 69), I scarcely need assure your lordship that the representations which have been addressed to Her Majesty's Government, in respect to the treatment experienced by Mr. Viger and others detained in custody at Montreal, are utterly false and unfounded.

Your lordship will perceive, from the accompanying documents, that every possible attention has been paid to the representations of Mr. Viger, which have been conveyed to me, and that he received every indulgence compatible with the public safety.

I have &c.

(Signed) J. COLBORNE.

The Right Hon. Lord John Russell,  
 &c. &c. &c.

Enclosure I in No. 26.

MONSIEUR,

Montreal, 18th Octobre, 1839.

Enclosure No. 1.

J'ai l'honneur d'accuser réception de votre lettre de ce jour, adressée au Sherif de Montréal. Ayant eu, en ma qualité de magistrat, plus souvent que mon collègue Mr. Boston l'occasion de voir et visiter les prisonniers politiques, je crois devoir vous donner privément toutes les informations que vous désirez et qui sont plus particulièrement à ma connaissance. J'ai visité Mr. M'Donnell presque tous les mois avant qu'il ait plu à son Excellence de me nommer au Sherifat de Montréal; et chaque fois je n'ai eu que des réponses satisfaisantes de ce monsieur sur la manière dont il était traité par le geolier, et ses employés.

Depuis ma nomination, j'ai eu occasion de le visiter plus souvent, ses réponses n'ont jamais cessées d'être conformées et toujours faisant le plus grand honneur à l'humanité du geolier.

No. 26.  
Sir John Colborne  
to Lord J. Russell.  
Oct. 18, 1839.

Enclosure No. 1.

Dans une de mes premières visites à la prison en ma qualité de Sheriff, un des employés m'informa que Monsieur Viger avoit quelques plaintes à me faire. Je m'empressai de monter à sa chambre pour en prendre connaissance, et je sus de ce Monsieur que depuis quelques semaines il lui avait été défendu de jouer du flageolet que était, disoit-il, pour lui le seul passetemps agréable qu'il pût avoir dans la soirée; et que depuis le même temps on l'avait privé de la liberté que lui avait fait donner son Excellence de se promener durant le jour dans les cours intérieures de la prison. Il ajouta qu'il savoit que ces ordres ne venaient pas du gouverneur; et qu'il croyait inutile de me nommer celui que les avaient donnés, n'ayant aucun doute que son Excellence en étant informé les contremanderait aussitôt. Je lui promis de voir son Excellence à ce sujet; et je m'enquis si du reste il était satisfait, et bien traité. Voici sa réponse aussi fidèlement rapportée que possible, et que je ne doute pas, ce Monsieur donnerait lui-même par écrit s'il était nécessaire. "A l'exception de ces petites misères, que je dois attribuer à la faiblesse de Monsieur de St. Ours, j'aurais bien tort de me plaindre; Teraud (le geolier) est le meilleur homme du monde, et plein de complaisance pour moi; je suis l'objet des égards et du respect même de ses employés. Si j'ai à me plaindre de l'injustice de mon emprisonnement, dont je ne blâme pourtant pas autant son Excellence que ceux qui l'entourent et qui l'ont conseillé, je serais bien injuste de me plaindre de la manière dont on me traite ici." Je dois ajouter relativement à ce monsieur, qu'il est à ma connaissance personnellement qu'il a été donné la plus grande facilité à toute sa famille et à tous ceux qui ont voulu le visiter. Quant aux autres prisonniers je les ai visités il y a quelques jours avec Monsieur le Surintendant de Police et un monsieur étranger qui désiroit connaître l'intérieur de la prison. A toutes les questions que j'ai fait presque à chacun d'eux en particulier, je n'ai entendu que les réponses les plus satisfaisantes sur la conduite des employés de la prison à leur égard. Je pourrais appuyer ce que j'avance du témoignage de ces messieurs et de quelques autres s'il était nécessaire pour retoucher les alléguées de quelques journaux en Angleterre sur la sévérité exercée envers les prisonniers dans cette prison. Il est peut-être peu de pays où ils soient aussi bien traités qu'ici; et ils ont presque généralement tout autant de liberté qu'il est permis de leur en accorder avec la sûreté de leur garde.

J'ai bien l'honneur d'être, Monsieur,

Votre obéissant serviteur,

(Signed) H. EDMUND BARRON.

Thomas Leigh Goldie, Esq., Civil Secretary,  
&c. &c. &c.

Enclosure 2 in No. 26:

SIR,

Sheriff's Office, Montreal, 18th October, 1839.

Enclosure No. 2.

WE have the honour to acknowledge the receipt of your letter of yesterday's date, enclosing the Despatch No. 69, dated 31st August, 1839, from Her Majesty's Secretary of State for the Colonies, having reference to Mr. Viger and the other political prisoners detained in the common gaol of this district, and requesting us to afford such information and explanation on the subject as may enable his Excellency to furnish the report called for by the Secretary of State.

We have now the honour to report that the representations addressed to Her Majesty's Government to the effect that Mr. Viger and others, at present in custody in Lower Canada, are treated with unnecessary severity and subjected to unusual and needless restraint, are wholly destitute of foundation. Mr. Viger, in compliance with the special instructions of his Excellency, ever since his detention in gaol, had had extended to him an almost unlimited indulgence; he has had the liberty not only of the whole building, with a choice of any apartments therein, but also the full range of the gaol yard, and all persons have had ready access to him at all hours of the day; so that, apart from his detention within the outer walls of the building during the day, and confinement within it at night, Mr. Viger may be said to have experienced no restraint. In regard to the other political prisoners, every possible indulgence has been and continues to be extended towards them consistent with the safe keeping of their persons. Mr. Viger upon more than one occasion has expressed to us his satisfaction with the treatment he has received during his detention.

We have, &c.

(Signed) BARTON and BARRON,  
Joint Sheriff of the District of Montreal.

Thomas Leigh Goldie, Esq., Civil Secretary,  
&c. &c. &c.



No. 27.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE, G.C.B.,  
to Lord JOHN RUSSELL.

No. 27.  
Sir John Colborne  
to Lord John Russell.  
20th Nov. 1839.

MY LORD,

Lineham, Devonshire, 20th November, 1839.

I HAVE the honour to transmit to your Lordship copies of the Addresses which I received at Montreal and Quebec, from the inhabitants of the districts of Upper and Lower Canada, to whom my expected departure had been made known. I adopt this course in conformity with the practice of my predecessors who held the appointments to which the Addresses advert; but I am persuaded that, with reference to the circumstances under which I have been placed, in administering the Government of the Upper and Lower Province, it will afford satisfaction to Her Majesty's Ministers, to be in possession of documents so decidedly expressive of the public opinion, in regard to the administration of Governments from which I have lately been relieved.

I think it right also to state, that I understand that Addresses were about to be forwarded to me from every district in Upper Canada, and that most of the respectable French Canadians in Montreal, wished to sign the Montreal Address, but objected to the subject of the Union of the provinces being introduced in that document.

I have, &amp;c.,

(Signed)

J. COLBORNE.

The Right Hon. Lord John Russell.

&amp;c.

&amp;c.

&amp;c.

SCHEDULE of ADDRESSES presented to His Excellency Lieut.-General Sir JOHN COLBORNE,  
on the occasion of his departure from CANADA.

- No. 1. Address from the Bishop and Clergy of the Diocese of Quebec.
- No. 2. Address from the Magistrates of the City and District of Quebec.
- No. 3. Address from the Members of the St. George's Society of Quebec.
- No. 4. Address from the Inhabitants of the Parish and County of Nicolet, Lower Canada.
- No. 5. Address from the Inhabitants of the County of Sherbrooke in the District of St. Francis.
- No. 6. Address from the Inhabitants of the City of Montreal.
- No. 7. Address from the Inhabitants of Terrebonne, Lower Canada.
- No. 8. Address from the Inhabitants of St. Eustache, Lower Canada.
- No. 9. Address from the Inhabitants of the La Cole, frontier, Lower Canada.
- No. 10. Address from the Inhabitants of the Townships of Hinchinbrooke, Godmanchester, and Dundee.
- No. 11. Address from the loyal Inhabitants on the Rouville frontier.
- No. 12. Address from the Officers of the 1st Battalion of the Montreal Loyal Volunteers.
- No. 13. Address from the 2nd Regiment of Glengarry Militia.
- No. 14. Address from the 3rd Regiment of Glengarry Militia.
- No. 15. Address from the 4th Regiment of Glengarry Militia.
- No. 16. Address from the Mayor, Alderman, and Citizens of the City of Toronto, Upper Canada.
- No. 17. Address from the Grand Jurors of the Home District, Upper Canada.
- No. 18. Address from the Inhabitants of McNab and Horton, Upper Canada.
- No. 19. Address from the Magistrates, Clergy, and Inhabitants of the Eastern District, Upper Canada.
- No. 20. Address from the Inhabitants of the County of Hastings, Upper Canada.
- No. 21. Address from the Magistrates of the Newcastle District, Upper Canada.
- No. 22. Address from the Magistrates and Freeholders of the District of Ottawa, Upper Canada.
- No. 23. Address from the Chairman of the Wesleyan Missionary Societies of Canada, Nova Scotia, and New Brunswick.
- No. 24. Address from the Inhabitants of Napierville and L'Acadie, Lower Canada.
- No. 25. Address from the Inhabitants of the Johnstown District, Upper Canada.
- No. 26. Address from the Members of the Committee of Trade of the City of Quebec.

Enclosures.

No. 27  
 Sir John Colborne  
 to Lord John Russell  
 20th Nov. 1839.

Copy.]

Enclosure 1 in No. 27.

## ADDRESS from the BISHOP and CLERGY of the Diocese of QUEBEC.

Enclosures No. 1.

To His Excellency Lieutenant-General Sir JOHN COLBORNE, G.C.B., and G.C.H., Governor-General in and over Her Majesty's Provinces of British North America, &c. &c. &c.

May it please your Excellency,

We the Bishop and Clergy of the Diocese of Quebec, cannot but feel that, in the person of Your Excellency, we are about to lose a friend to those high and sacred interests over which we are appointed to watch; one who by his official acts has promoted the lasting prosperity of religion, and by his example has maintained its ascendancy. We trust, therefore, that we may be permitted to approach Your Excellency with the expression of our deep regret at your departure; and with the assurance that our affectionate wishes will follow yourself and your excellent lady and family, in whatever quarter of the world you may reside.

Independently of the facts universally known, that the military dispositions made by your Excellency, and your command in the field, have, under God, suppressed the wicked and unnatural rebellion, which evil-minded men had created among a peaceful, happy, and highly-favoured people; and that your civil administration has restored order and tranquility to a distracted land. It has inspired us and our flocks with confidence and comfort, to feel that the reins of government were in hands which were daily lifted in prayer to God, through Jesus Christ; and we have rejoiced to know that, when called upon by the imperative voice of the public good, to shew that (according to your high commission from God and man) you did not bear the sword in vain. You remembered mercy in the execution of wrath—sparing wherever it was possible, in consistency with duty, to do so, and mourning wherever it was not.

While we feel assured that your Excellency will now be honoured by fresh marks of approbation from your Sovereign, and will be greeted by all that is good in England, with the respect and gratitude to which you have earned so just a title, we are well aware that you are actuated by higher incentives than the breath of human praise; and that this tribute from ourselves is no otherwise really valuable to you than as a testimony from those who serve the same great Master with yourself. We hope to be still remembered in those prayers which your Excellency will offer for the colony which you have been the honoured instrument of preserving,—the church which you have fostered, and the institutions for the advancement of education which you have promoted.

Your supplications for yourself, and those belonging to you, shall not be wanting in return.

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Enclosure 2 in No. 27.

## ADDRESS from the MAGISTRATES of the City of QUEBEC.

To His Excellency Sir JOHN COLBORNE, G.C.B., and G.C.H., &c. &c. &c.

May it please your Excellency,

We, Her Majesty's dutiful and loyal subjects, the undersigned Magistrates of the City and District of Quebec, most respectfully approach your Excellency on the eve of your departure from this province, to express the high respect which we entertain for your Excellency's person and character.

Although unfortunate circumstances have deprived us for the greater part of the time that your Excellency has held the chief military and civil command, of the benefit of your residing amongst us, we are not unaware of the salutary influence of your Excellency's private and public virtues, in promoting respect for the laws, and those moral and religious duties, which are essential to the public peace, the general welfare, and the happiness of individuals.

We are convinced that your Excellency must have deplored, equally with ourselves, the extraordinary and painful events, amidst which your Excellency had to exercise the high powers confided to you by our Sovereign; while we acknowledge the success which has attended your Excellency's efforts for maintaining and restoring peace in the disturbed districts, we can duly estimate the sacrifice of feeling to duty, which was required of your Excellency, who had acquired eminent distinction in foreign war, under the greatest captain of the age, when you were compelled to employ military force in civil dissensions.

We acknowledge, that, under the protection of Divine Providence, it is chiefly to your Excellency that we are indebted for the signal defeat of two attempts to withdraw, by actual violence, Her Majesty's subjects, in this province, from their allegiance to the crown, and that our connexion, as we fondly hope, with the other parts of the British empire, has been permanently maintained.

We beg your Excellency to accept the assurances of our lasting gratitude, and our earnest wishes for your safe arrival in your native land, to enjoy the well-merited honours and rewards, of a life devoted to the service of your Sovereign and country.

Magistrates' Room, City of Quebec,  
 Province of Lower Canada, October, 1839.

Enclosure No. 2.

Enclosure 3 in No. 27.

COPY of ADDRESS to his Excellency Sir JOHN COLBORNE from MEMBERS of St. GEORGE'S SOCIETY, Quebec, October 1839.

No. 27,  
Sir John Colborne  
to Lord John Russell  
20th Nov. 1839.

Enclosure No. 3.

May it please your Excellency,

WE, Her Majesty's faithful and loyal subjects, members of the St. George's Society of Quebec (instituted for charitable purposes), on the roll of which we have the honour of bearing, as honorary member, your Excellency's name, desire to approach your Excellency, and to express the high sense we entertain of the great and important services which, under Divine Providence, have been rendered to Her Majesty's loyal subjects, by your Excellency during the trying periods of your administration of the government of this province.

We also desire to convey to your Excellency our deep regret at the loss which the province is about to suffer by your Excellency's retirement from the country.

Our consolation is, that Canada will have near the throne, in the person of your Excellency, one of its firmest friends; and we sincerely hope that your Excellency may receive at the hands of our most gracious Sovereign those honours which belong to the most distinguished of the servants of the crown.

That your Excellency, Lady Colborne, and family, may long enjoy the blessings of health and happiness, and find a prosperous passage to our native land, is the sincere prayer of your Excellency's faithful and devoted servants.

Enclosure 4 in No. 27.

ADDRESS from the INHABITANTS of the Parish and County of NICOLET, L.C.

To his Excellency Lieutenant-General Sir JOHN COLBORNE, G.C.B., Governor-General of British North America, and Commander of the Forces in and over the same, &c. &c. &c.

May it please your Excellency,

WE, the undersigned members of the Clergy, Gentry, Freeholders, and other inhabitants of the parish and County of Nicolet, having learnt with deep regret that your Excellency is about to retire from the government of this country and to return to England, beg permission to approach your Excellency with the expression of our unfeigned respect and gratitude.

In the eventful periods in which your Excellency has been twice called upon both to administer the government of this country and to direct its military resources for the suppression of a wicked and unnatural rebellion, we have seen the wisdom of the statesman and the prudence of the warrior eminently combined in your Excellency's person, and successfully acted upon to recall a distracted country from anarchy and civil war to peaceful pursuits and improved legislation, while justice has been tempered with mercy to an extent exceeding the anticipations of the most humane, owing to the unbounded confidence of the community in your energy, resources, and wisdom.

It is not our intention or our province on this occasion to recount your Excellency's achievements in arms or in the administration of a government arduous beyond a parallel: they form part of the history of our common country, and we trust your Excellency, in leaving us, is but hastening to receive the recompence of a gracious Sovereign and grateful country.

On our own account we deeply regret your Excellency's departure, and we cannot permit your Excellency to leave us without tendering the acknowledgments of our respectful homage, accompanied by our earnest prayers that it may please the Giver of all good to grant you and your Excellency's respected family a safe and prosperous voyage to England, and to prolong your Excellency's days in augmented honours and happiness.

Nicolet, 19th October, 1839.

Enclosure No. 4.

Enclosure 5 in No. 27.

ADDRESS from the Loyal INHABITANTS of the County of SHELBROOKE, in the District of St. FRANCIS, L.C.

To His Excellency Lieutenant-General Sir JOHN COLBORNE, G.C.B., Governor-General of Her Majesty's Possessions on the Continent of North America, and Commander-in-Chief of Her Majesty's Forces in the same, &c. &c. &c.

WE, the members of a public meeting of the inhabitants of the loyal County of Sherbrooke, in the District of St. Francis, have learnt with much disappointment that you are about to resign the administration of the government of this colony, and that we, together with Her Majesty's other loyal subjects, shall be deprived of a ruler whose ability, foresight, industry, and coolness, under a just Providence, have already led us to a successful encounter with rebellion, and would hold out to us a promise of a like issue in a similar time of trial. We cannot allow you to depart from these shores without assuring you that we have relied

Enclosure No. 5.

No. 27.  
 Sir John Colborne to  
 Lord John Russell.  
 20th Nov. 1839.  
 Enclosure No. 5.

upon your experience in these colonies and your knowledge of their inhabitants, and that to them we attribute our present tranquillity and our past success.

We are satisfied that the dangers which have threatened us were removed by the measures which your judgment devised, under circumstances of alarm, and with means but ill adapted to meet them.

We declare that it was unbounded confidence in you, as our ruler, that prompted us, together with the mass of Her Majesty's loyal subjects in this province, of both British and American origin, to take up arms with unanimity; and we cannot doubt that it was to this happy combination and unity of energies, under your guidance and the blessing of the Almighty, that has preserved to our Sovereign this portion of her empire, while we cannot look forward with out some apprehension to the future when deprived of your directing influence.

But independent of services such as we have adverted to, our regret at the prospect of your Excellency's departure is deepened, and our debt of gratitude increased, by the zeal shown by you in pressing upon the attention of Her Majesty's ministers comprehensive plans for the promotion of internal improvements, reform in our system of law both civil and criminal, the establishment of registry offices, and for abolishing or modifying on a just and equitable footing the burdens incident to the feudal system, and making the province in fact, as well as in name, a British colony.

We have been well content with a mild, and paternal, and impartial administration of the government in your veteran hands; we have admired the character of your moral, and religious, and exemplary household, and we could have wished, for our own good, that you were destined to rule over us for years yet to come.

You are now about to return to your native land; and in bidding you farewell we venture respectfully to wish that your Excellency and Lady Colborne and your estimable family may enjoy a speedy and prosperous voyage, that during the remainder of your days you may be blessed with happiness and health, and that you may receive from a discriminating Sovereign those honours and rewards which your zeal and services deserve.

We assure you that you take with you the affections and gratitude of a loyal people, and that your name and deeds and worth will long survive your departure.

Enclosure 6 in No. 27.

Copy.]

ADDRESS FROM THE CITY OF MONTREAL.

To his Excellency Sir JOHN COLBORNE, &c. &c. &c.

May it please your Excellency,

WE, Her Majesty's most dutiful and loyal subjects, inhabitants of the city of Montreal, beg leave to approach your Excellency with sentiments of the highest respect, and to assure you of our unfeigned regret at your approaching retirement from the government of this colony.

We should be wanting in justice and gratitude to your Excellency, were we to forbear to acknowledge, that if we have escaped the calamities that in the late times of trouble and commotion have afflicted the families of many of our less favoured fellow-subjects, we owe it chiefly, under Divine Providence, to your military skill and energy, to your promptitude in disconcerting the machinations of the disaffected, and to your unceasing vigilance and anxious solicitude for the protection of our persons and property.

It has fallen to the lot of your Excellency to preside over this province at a period of unparalleled difficulty, when industry and enterprise languished, and our constitutional rights were suspended: yet, with the limited means placed at your disposal, you have given an impulse to agriculture and commerce; you have caused many useful and salutary laws to be enacted, and encouraged and sanctioned the establishment and support of several humane and benevolent institutions.

Though the intimate connexion that has long subsisted between your Excellency and the provinces of Upper and Lower Canada is about to be severed, yet we feel satisfied that your anxiety for their welfare will remain undiminished.

We, therefore, cherish the hope, that when Her Majesty's government shall submit to the Imperial Parliament the important measure which they have determined on, of the Union of the two Provinces, your Excellency will contribute your valuable advice and recommendation to carry it into effect, and that you will aid in maturing and perfecting such other measures for their future good government, as may seem to you best calculated to ensure their permanent tranquillity, and make them a valuable appendage of the British Empire.

On taking leave of your Excellency, we beg to be permitted to offer our sincere wishes that yourself, Lady Colborne, and your family, may have a propitious voyage to England: that you may there receive the honours and reward due to your long and faithful services to your sovereign and country, and that you may for many years be blessed with uninterrupted health and happiness.

Signed by 3261 persons.

Montreal, 1839.

Certified. (Signed) THO. LEIGH GOLDIE.

## Enclosure 7 in No. 27.

ADDRESS from the VILLAGE of TERREBONNE, Lower Canada.

No. 27.  
Sir John Colborne  
to Lord John Russell.  
20th Nov. 1839.

To his Excellency Lieutenant-General Sir JOHN COLBORNE, G.C.B., Governor-General of all Her Majesty's Provinces on the Continent of North America and the Islands of Prince Edward and Newfoundland, and Captain-General and Governor-in-Chief in and over the Provinces of Lower Canada, Upper Canada, &c. &c. &c.

Enclosure No. 7.

May it please your Excellency,

WE, the loyal inhabitants of the village of Terrebonne, beg leave to approach your Excellency, to express the deep regret we feel at your departure from this province, and to offer you our most sincere thanks and acknowledgments for the immediate relief you have always bestowed on all parts of the country, during the late unfortunate troubles which have been so speedily quelled by your distinguished skill and activity.

We are likewise deeply sensible of the impartial manner with which you have at all times acted in your many important public duties.

We feel confident that Her Majesty's ministers will suitably reward your Excellency, on your arrival in the Mother Country, for the numberless services you have rendered the British Empire, during your long and cautious administration in the Canadas:

Terrebonne, 17th October, 1839.

## Enclosure 8 in No. 27.

Copy.] ADDRESS from the PARISH of ST. EUSTACHE, Lower Canada.

To His Excellency Lieutenant-General Sir JOHN COLBORNE, G.C.B., and G.C.H., Governor-General of British North America, and Commander-in-Chief of all Her Majesty's Forces in the Provinces of Upper and Lower Canada, Vice-Admiral of the same, &c. &c. &c.

May it please your Excellency,

WE, Her Majesty's faithful and loyal subjects, inhabitants of St. Eustache, and its vicinity, beg leave, most respectfully, to address your Excellency, on the occasion of your approaching departure from this colony.

Enclosure No. 8.

Even in this retired portion of Her Majesty's dominions, there are none amongst us, to whom your Excellency's long public services to our common country are unknown; and since your administration of the government of this and the sister province, we have become fully acquainted with the high moral qualities which adorn your character as a christian and a citizen.

Without further allusion to scenes, we trust never to recur in this hitherto favoured province, we may truly add, that the loyal inhabitants of no section of the country, have greater reason than we have to appreciate, and feel grateful, for your Excellency's exertions in protecting the constitutional rights of all who are worthy of the name of British subject; in restoring and maintaining the blessings of internal peace and tranquillity, and in securing the wise and temperate combination of justice and mercy.

Entertaining these sentiments, we desire to express our unfeigned regret, that circumstances withdraw your Excellency from amongst us. We pray that a prosperous voyage may soon restore you, and your family, in good health, to your native land; and that our sovereign may there bestow upon one of her most distinguished servants, the honours and rewards, which, during a long and valuable public life, he has so pre-eminently merited.

Saint Eustache, Lake of Two Mountains,

October 16th, 1839.

## Enclosure 9 in No. 27.

ADDRESS from the INHABITANTS of the LA COLE FRONTIER, Lower Canada.

To His Excellency Lieutenant-General Sir JOHN COLBORNE, G.C.B., &c. &c.

May it please your Excellency,

WE, her Majesty's loyal and devoted subjects, inhabitants of La Cole and its vicinity, beg leave to approach your Excellency with the expression of our sincere regret at the prospect of your departure from this province. In common with every true friend to the British North American colonies, we had cherished the hope that such a calamity was far distant, and that your Excellency who had so successfully stemmed the wild tide of civil discord and rebellion would be permitted to establish upon a sound and permanent basis the tranquillity of this distracted country, and that you who had so lately visited us when our families were driven

Enclosure No. 9.



No. 27.  
 Sir John Colborne  
 to Lord John Russell.  
 20th Nov. 1839.

Enclosure No. 9.

from their homes, and our citizens obliged to change their peaceful avocations for the duty of the soldier, and the quiet of their firesides for the battle field, might once more come among us to be greeted by cheerful faces and happy hearts, made so by your benign but energetic rule. Residing in an exposed and often-assailed position, we have great reason to look forward with fearful forebodings to the future, and to regret the departure of your Excellency, whose prompt and efficient measures have so effectually seconded the resolution of the loyalists on this frontier, in defending our hallowed institutions from the grasp of unprincipled and desperate men; but at the same time we have the consolation to know that your Excellency will not forsake us, nor neglect the true interests of these colonies, and that we shall ever have in you a zealous and competent friend.

With this consoling assurance, we take leave of your Excellency, praying that every blessing may attend yourself, Lady Colborne, and your Excellency's family.

Enclosure 10 in No. 27.

ADDRESS from the INHABITANTS of the Townships of HINCHINBROOKE, GODMANCHESTER, and DUNDEE, Lower Canada.

To His Excellency Lieutenant-General Sir JOHN COLBORNE, G.C.B., Governor-General of British North America, &c. &c.

Enclosure No. 10.

We, the inhabitants of the Townships of Hinchinbrooke, Godmanchester, and Dundee, of Lower Canada, deeply impressed with a sense of the blessings we have enjoyed under your paternal government of this province, during a period of two rebellions, brought about by insidious and desperate men, determined upon wresting from the British Crown this part of her Majesty's dominions, beg leave to express our heartfelt sorrow at the near prospect of losing a governor who, more than any other whom we have had to rule over us for a long period of time, has properly understood and nobly counteracted the designs of implacable enemies. Under your Excellency's wise and judicious administration, the loyalty and attachment of the inhabitants of British blood to our glorious constitution has been kindly fostered and their energies wisely directed in putting down internal rebellion, and preventing foreign and lawless invasion.

Be assured, therefore, that on your Excellency's departure you will carry with you our most earnest wishes for your health and prosperity, and that you may long enjoy in peace and tranquillity the pleasing reflection of having been the chosen instrument in the hands of Providence of saving one of the most valuable appendages of the British Crown from the grasp of its inveterate enemies.

In conclusion, we earnestly pray that your Excellency and your family may be favoured with a speedy and prosperous passage to your native country, and that there you may from our gracious Sovereign receive the reward due for long and meritorious services.

Enclosure 11 in No. 27.

ADDRESS from the INHABITANTS on the ROUVILLE FRONTIER, Lower Canada.

To his Excellency Lieut.-General Sir JOHN COLBORNE, G.C.B., Governor-General of British North America, &c. &c. &c.

May it please your Excellency,

Enclosure No. 11.

We, Her Majesty's dutiful and loyal subjects, residing on the Rouville frontier, beg leave to approach your Excellency, on the eve of your departure from this province, respectfully to express to your Excellency our sincere regret at that event, which has filled the hearts of this whole community with sorrow.

The circumstances of absorbing interest which have marked your Excellency's connexion with the people of this province, the existence of common danger which repeatedly threatened our lives, our families, our liberties, and our connexion with our beloved Britain, and the confidence which we have ever reposed in your Excellency's prudence, experience, and firmness, in meeting that danger and surmounting the complicated difficulties of your responsible station, have knit our hearts to your Excellency by a strong and enduring affection.

We cannot withhold from your Excellency the frank avowal of the deep obligations under which these provinces, and, through them, the whole British Empire, are laid by your Excellency's services; and the expression of our honest conviction that, under Divine Providence, your Excellency's wisdom and promptitude in crushing two rebellions have preserved to the British Crown these fair, extensive, and valuable colonies, and saved their loyal inhabitants from extermination, or other inconceivable miseries, which must have succeeded a successful rebellion; while in the exercise of the high and awful prerogative of justice, your Excellency's benevolent nature has not failed to temper its stern requirements with as great an extension of mercy to the deluded criminals as was compatible with the safety of the State.

So great has been the confidence inspired by your Excellency's presence and example among us, as to confirm the loyalty, strengthen the heart, and unite the efforts of all the colo-

mists of British origin to maintain the integrity of the empire, at whatever hazard or sacrifice on their part, and, although an ill-advised policy in other quarters had thrown these vast and important possessions upon the very verge of severance from the parent state, we still even now cherish the hope that, if England will be true to herself, they may yet remain for many years prosperous, happy, and valuable appendages of the British Crown.

Nor is it only as the efficient Commander of the Forces, the hero of many fields, that important services have been rendered to these colonies. Wisdom in council, and patient industry in legislation, have conferred many and lasting benefits upon the country, which it had long sought for in vain, and which will associate the name of your Excellency with many of our blessings thus secured to us by wholesome laws.

We beg to assure your Excellency that these sentiments of loyalty to our beloved Queen, and of veneration and attachment to your Excellency's person and character, unanimously pervade every loyal heart in this portion of the province; and, in tendering our best wishes and prayers for the health and happiness of your Excellency, Lady Colborne, and every member of your amiable family, and that a safe and short voyage may restore you to your country and friends, where you may long enjoy the honours which have been earned, and the gratitude which has been inspired, by the devoted service to your Sovereign and country of a long, toilsome, and useful life, we offer your Excellency our respectful and affectionate farewell.

Clarenceville, Noyau, 10th October, 1839.

No. 27.  
Sir John Colborne  
to Lord John Russell.  
20th Nov. 1839.  
Enclosure No. 11.

Enclosure 12 in No 27.

Address from the OFFICERS of the 1st Battalion MONTREAL LOYAL VOLUNTEERS.

To His Excellency Lieut.-General Sir John Colborne, G.C.B., G.C.H., Governor-General of all Her Majesty's Provinces on the Continent of North America, and of the Islands of Prince Edward and Newfoundland, and Captain-General and Governor-in-Chief in and over the Provinces of Lower Canada, Upper Canada, &c. &c. &c.

May it please your Excellency,

WE, the officers of the 1st battalion Montreal Loyal Volunteers, for ourselves, and on behalf of the non-commissioned officers and privates under our command, beg leave to approach your Excellency with an expression of our sincere regret at the prospect of your early retirement from the government of these provinces.

Enclosure No. 12.

We cannot allow the present opportunity to pass without offering to your Excellency our grateful acknowledgments for the many valuable services which your Excellency has rendered to these provinces generally, and to this district and city in particular; and we feel much pleasure in stating that it was owing to the energy and promptitude of your Excellency's measures for checking rebellion, which gave so much confidence to the loyal portion of the inhabitants of this city as to induce them to come forward with a tender of their services at a time when our political horizon was darkened with clouds of fearful import. At that time your Excellency stood firm, and fearlessly awaited a crisis, the aspect of which made many a stout heart among us to doubt the result. But your Excellency had no sooner held out to us the hand of support, and the cheering voice of encouragement, than we seized with alacrity the means which your Excellency placed within our reach of rendering ourselves useful in the defence of our country and the maintenance of our dearest rights, which, with the blessing of Divine Providence, and the energy and military skill of your Excellency, happily succeeded in suppressing two successive and extensive rebellions.

We embrace the present opportunity of tendering to your Excellency our sincere thanks for the very kind and candid manner in which you have expressed your approbation of the services of the volunteers, and for the justice you have done them in stating in General Orders, That the forbearance which, under circumstances of unprecedented provocation, has marked the conduct of the volunteers, does them honour as soldiers, and ensures them respect from every civilized nation. Such expression of approbation of their services and conduct, emanating from your Excellency, is the more gratifying, as it so plainly and firmly contradicts assertions made to the contrary, by certain members in their places in the Imperial Parliament, at a time when the volunteers conceived their services entitled them to praise instead of censure.

We regret the more the departure of your Excellency from this province at a time when your Excellency has become acquainted with its capabilities, and what is necessary to make it a thriving and flourishing colony of the empire; yet we cherish with confidence the hope that your Excellency will, after leaving us, impress upon the councils of our Most Gracious Sovereign the true situation and condition of these provinces, and the necessity there exists of encouraging practical loyalists, and of speedily making this province British in fact as well as in name.

In conclusion, we, as a portion of the volunteer force, beg to offer our best thanks to your Excellency for your uniform kindness and urbanity towards us, and for the consideration which you have from time to time given to our suggestions; for your parental care and at-

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 Sir John Colborne  
 to Lord John Russell  
 20th Nov. 1839.  
 Enclosure No. 12.

tention to the wants and comforts of the Montreal Volunteers at all times, but more particularly when embodied for service.

Wishing your Excellency, your amiable lady, and family, a safe and pleasant passage across the Atlantic, and that you may all long enjoy health, happiness, and prosperity; and that your Excellency may receive from our Most Gracious Queen that approbation and reward to which your long, arduous, and faithful services so eminently entitle you.

Enclosure 13 in No. 27.

ADDRESS from the 2nd REGIMENT GLENGARRY MILITIA of Upper Canada.

To his Excellency Lieutenant-General Sir JOHN COLBORNE, G.C.B., Governor-General of the Provinces of Upper and Lower Canada, &c. &c. &c., and Commander of the Forces therein.

Enclosure No. 13.

WE, the officers, non-commissioned officers, and privates of the 2nd Glengarry Regiment, having learned with extreme regret that your Excellency is on the eve of retiring from the administration of the government of these provinces, beg leave most respectfully to convey to your Excellency the expression of our high respect for your Excellency's exalted character, and of our conviction that to the vigilance, energy, and talent displayed by your Excellency in the discharge of the arduous and important civil and military duties which devolved on your Excellency in a time of much difficulty, when surrounded by treason and rebellion, we are at this moment, under Providence, still enjoying the blessings of our constitution and the protection of the mother country.

We shall ever remember with pride the confidence reposed in us, as Highlanders, by your Excellency, when, upon several occasions, your Excellency did us the honour of requiring our services for the suppression of rebellion in the Lower Province; and we beg leave to assure your Excellency of our ardent and unabated attachment and devotion to Her Majesty's person and Government, and our firm determination to hazard our lives, should occasion require it, in defence of this portion of her Majesty's dominions.

We sincerely wish your Excellency, Lady Colborne, and family, a safe passage to your native land, where, we doubt not, your distinguished services will be rewarded by the approbation of your Sovereign.

Glenarry, 2nd October, 1839.

Enclosure 14 in No. 27.

ADDRESS from the 3rd REGIMENT GLENGARRY MILITIA of Upper Canada.

To his Excellency Lieutenant-General Sir JOHN COLBORNE, G.C.B., Governor-General of British North America, and Commander-in-Chief of Her Majesty's Forces therein.

Enclosure No. 14.

MAY it please your Excellency, we, the undersigned officers, non-commissioned officers, and privates of the 3rd Regiment of Glengarry Militia, in now addressing your Excellency, will not indulge in useless and unavailing expressions of selfish regret at your Excellency's approaching departure from the government of these provinces, being fully persuaded that retirement from those arduous duties in which you have been lately engaged, even if it has not been sought by you, must, at all events, be very desirous, after having spent the greater part of a long life so honourably and successfully devoted to the service of your Sovereign and country. We cannot, however, allow this opportunity to pass without again recording our admiration of the transcendent talents and knowledge that adorn your Excellency, as well as our unfeigned gratitude to your Excellency for your prompt and vigorous application of them to the exigencies of the times, and to which, under Providence, we are almost entirely indebted for the speedy and successful suppression of one of the foulest and most unnatural rebellions that ever disgraced the annals of any nation.

We beg to assure your Excellency that the confidence you have always reposed in the Glengarry Militia is to us a source of the greatest satisfaction and gratification; and, conceiving that it is to your Excellency's favourable representations that we are indebted for the personal expressions of Her Majesty's gracious acknowledgments of our humble services, we therefore tender to your Excellency our warmest thanks.

Of our loyalty and patriotism it would ill become us here to speak; but we humbly hope that your Excellency will be pleased to convey to our beloved Sovereign the very high sense of those essential duties which we entertain in common with the rest of Her Majesty's loyal subjects, and which we shall, as far as in us lies, fulfil to the letter.

We must now reluctantly take leave of your Excellency; and that the Divine Disposer of all events may confer every blessing upon your Excellency, Lady Colborne, and family, shall always be the prayer of your Excellency's grateful and warm admirers and Her Majesty's devoted and loyal subjects.

Glenarry, 16th October, 1839.

Enclosure 15 in No. 27.

ADDRESS from the 4th REGIMENT GLENGARRY MILITIA of UPPER CANADA.

No. 27.  
Sir John Colborne  
to Lord John Russell.  
20th Nov. 1839.To his Excellency Lieutenant-General Sir JOHN COLBORNE, G.C.B., Governor-General and  
Commander of the Forces in British North America, &c. &c. &c.

Enclosure No. 15.

WE, the Officers, Non-commissioned Officers, and Privates, of the 4th Glengarry Regiment, having learned with much regret that your Excellency is on the eve of retiring from the administration of the Government of these Provinces, beg leave most respectfully to convey to your Excellency the expression of our high respect for your Excellency's exalted character, and of our conviction that to the vigilance, energy, and talent, displayed by your Excellency in the discharge of the arduous and important civil and military duties which devolved on your Excellency in a time of much difficulty, when surrounded by treason and rebellion, we are at this moment, under Providence, still enjoying the blessings of our happy constitution, and the protection of the mother country. We shall ever remember with pride and satisfaction the confidence reposed in us as Highlanders by your Excellency, when, upon several occasions, your Excellency did us the honour of requiring our service for the suppression of rebellion in the Lower Province, and we beg leave to assure your Excellency of our ardent and unabated attachment and devotion to Her Majesty's person and Government, and our firm determination to hazard our lives, should occasion again require it, in defence of Her Majesty's crown and dignity, in any part of Her Majesty's North American Provinces. On the occasion of your Excellency's approaching departure, we beg leave to tender you the tribute of our unfeigned respect and gratitude, of our sincere wishes for your health, happiness, and prosperity, and a safe passage to your native country, where we doubt not your Excellency will receive from our beloved Sovereign the approbation and reward that your long and faithful services have so well merited at Her hands.

Alexandria, county of Glengarry,  
14th October, 1839.

Enclosure 16 in No. 27.

ADDRESS from the MAYOR, ALDERMEN, and CITIZENS of TORONTO, UPPER CANADA.

To his Excellency SIR JOHN COLBORNE, K.C.B., Governor-General, Vice-Admiral, and  
Captain-General of all Her Majesty's North American Provinces, &c. &c. &c.

May it please your Excellency,

WE, the mayor, aldermen, and citizens of Toronto, have heard with unfeigned regret that your Excellency is to be relieved in the government of the British North American Colonies.

Enclosure No. 16.

A period of eleven years has expired since your Excellency, after having rendered eminent military services, and after having received serious wounds in the service of your Sovereign, was selected to preside over the province of Upper Canada.

During the administration of your Excellency the province rapidly progressed in wealth and population. Education, theretofore too much neglected, received from your Excellency the most fostering encouragement, particularly in the erection and endowment of Upper Canada college, which will long remain a monument of your Excellency's benevolent and paternal regard for the intellectual improvement of the rising generation of this province. The forests disappeared—agriculture flourished—commerce increased—public improvements were commenced and carried on with vigour—our lakes and rivers were covered with steam and other vessels—an emigration from the British Isles added to our population, and there was every inducement to persons possessing capital to settle amongst us, and, with our industry and perseverance, to develop the resources of this province, and render it one of the brightest gems of the British Crown.

Unhappily, the Home Government listened to the representations of those who were then pronounced enemies of the connexion of these colonies with the parent state, and who have since become fugitive traitors to their country—and your Excellency was removed from the civil government of this province: but upon your Excellency's departure from amongst us, feeling that we were separating from the best friend, and one of the most upright governors, that Upper Canada ever had, we rose *en-massé* to express our sorrow at your loss, and to do you honour on your departure.

We conceive that the expression of our opinion, and the knowledge of how firmly your Excellency was fixed in the hearts of all true and loyal subjects, in some degree had an effect upon His late Majesty's Ministers, and caused them to be aware, that in the state in which Lower Canada then was, and that to which it was fast approaching, your Excellency's services could not be dispensed with.

It was most gratifying to the people of Upper Canada to find, that although your Excellency was removed from the government of this province, your services were still to be ensured to your Sovereign in a neighbouring colony, in which colony, from most impolitic conciliations to a rebellious faction, the most serious apprehensions were entertained.

The events of the last two years, and their results, have justified the foresight and discretion of the government in retaining your Excellency's services; and we had reason to hope, from the improved state of things in Lower Canada, brought about mainly by your Excellency's

No. 27.  
 Sir John Colborne  
 to Lord John Russell.  
 20th Nov. 1839.  
 Enclosure No. 16.

judgment, assisted by your Special Council—that no change would have taken place in the government of these provinces, but that your Excellency, from your long residence and experience, would have been permitted to perfect that which is now in progress, and that by a mild administration of the government, with a firm determination of retaining British institutions and British connexion, further claims for your Excellency's services would be made upon your Sovereign; for justice to your Excellency and to the British population of the Canadas.

We feel that the time has arrived, when it is the imperative duty of all loyal subjects to speak boldly as to the manner in which they have been treated; by the discharge of those rebels and traitors, who have been lately set at liberty by the Home Government, and to declare that such lenity is most prejudicial to the welfare of these colonies.

The injury that we have sustained by the late disturbances—the privations to which many of the inhabitants of the province have been obliged to submit—the military duties which they have been called upon to perform—the unswerving loyalty, fidelity and zeal, displayed by them in the defence of these provinces, entitles them to be considered by the Home Government as part and parcel of the dominions of the crown, and as such to protection and support. And we cannot but at this time, and on this occasion, remark to your Excellency, the great mischief that these provinces sustain by the remarks and speeches of certain members of the House of Commons, some of whom formerly (if not now) were in close connexion and correspondence with traitors.

We also take this opportunity of reminding your Excellency of the repeated aggressions of persons from the neighbouring Republic, and the losses which many of the inhabitants of these provinces have sustained from incendiaries, no doubt from that country; and we assure your Excellency that from every information that we have been able to collect, those aggressions, and those acts of murder and arson, have been, to say the least, not discountenanced by the American authorities.

Murderers appear openly in their streets proclaiming their deeds of blood; and, in most cases, persons guilty of infringing their laws by invading this province, are acquitted by their courts, and treated with honours by their citizens.

We pray your Excellency to assure Her Majesty, that her subjects in this country are determined to repel invasion, and to sustain Her authority in this province, with their blood if need be; at the same time they look for a firm stand and determined position by the Home Government in sustaining them in their efforts. Under all the privations which we were suffering, we still look forward to a better state of things, and we anticipated (after the repeated visits of strangers) that your Excellency would have been continued in the government—in this we have been unhappily disappointed, and our only consolation in losing your Excellency as our Governor-in-Chief is, that the remaining period of your Excellency's valuable life may be passed with your family in health, ease, peace, and prosperity; and that upon your return to lay your commission at the foot of the throne, such rewards and such honours will be conferred on your Excellency, as your long and truly valuable services merit.

Towards Lady Colborne we shall feel the most lively respect and esteem, and we beg to assure your Excellency that the knowledge of your future welfare, together with that of your family, will be to us most gratifying.

We beg leave to subscribe ourselves,

Her Majesty's faithful subjects,  
 and your Excellency's most obedient servants.

Enclosure 17 in No. 27.

ADDRESS FROM THE GRAND JURORS OF THE HOME DISTRICT, UPPER CANADA.

WE, the undersigned, the Grand Jurors at the Assizes now holding for the Home District, do highly approve and heartily concur in every sentiment expressed, and every statement contained in the foregoing address from our fellow-subjects, the mayor, corporation, and citizens of Toronto, to your Excellency, and we feel that we should be both unthankful to a benefactor, and wanting in our duty to your Excellency, were we to permit you to leave the country without expressing our gratitude for the deep interest you have evinced for the welfare of Upper Canada; our satisfaction with the exemplary manner in which you have administered the government of this and our sister province, and our unfeigned regret and heartfelt sorrow at your approaching departure.

Your Excellency may rest assured that your valuable services will be duly appreciated, and your name ever remembered with feelings of the highest esteem and respect by the *loyal people* of this portion of Her Majesty's dominions.

W. THOMSON, Foreman,  
 ALEX. DIXON,  
 ELMO STULE,  
 CHAS. STOKESBURY,  
 JOHN THOMSON,  
 J. W. WILSON,  
 GEO. B. SPENCER,  
 JAMES DALLAS,  
 EDWD. LALEY,  
 A. THORNE,

HENRY FRY,  
 JOHN BARWICK,  
 WILL. WAKEFIELD,  
 HENRY ROUSELL,  
 JOHN CAMERON,  
 THOS. KINNIARD,  
 J. W. GAMBLE,  
 R. C. GAPPER,  
 JOHN ARMSTRONG,  
 T. S. JARVIS.

Grand-Jury Room, Home District,  
 17th October, 1839.



Enclosure 18 in No. 27.

ADDRESS from the INHABITANTS of MACNAB and HORTON.

To His Excellency Lieutenant-General Sir JOHN COLBORNE, G.C.B., Governor-General of the Canadas; &c. &c. &c.

No. 27.  
Sir John Colborne  
to Lord John Russell.  
20th Nov. 1839.  
Enclosure No. 18.

May it please your Excellency,

WE, the undersigned inhabitants of Macnab and Horton, her Majesty's dutiful subjects, have been struck with sorrow at a rumour which has just reached us of your Excellency being recalled from the government of these colonies, and from the command of the troops therein. We now come forward to tender our grateful thanks for the wisdom of your administration in this province, for the noble defence (with the assistance of the British troops) of our homes, and property, and our families,—for the suppression of a rebellion which threatened the annihilation of British supremacy; the total subversion of order and concord, and the violation of all laws, sacred, human, and divine,—for the restoration of tranquillity and peace,—for the vigour of your wisdom in the council,—for your gallantry in the field,—for your mercy to the conquered,—for your clemency to the deluded victims of ambition,—for your leniency to rebels whose wish was anarchy, and whose desire was loyal blood.

Impressed with these sentiments, and humble admirers of your Excellency's renown, and of your politic administration, we venture to express to your Excellency our feelings of disapprobation with regard to the conduct of her Majesty's advisers, in removing you from a command which added ever fresh laurels to British fame, and new glory to the British empire; and from your long residence in Canada, we are aware that experience in our colonial affairs, which every well-wisher of this province knows you are possessed of, and which you can so promptly adopt to the slightest vicissitude of the public mind, ever ready to sustain Her Majesty's supremacy and our constitutional rights, with the arms of the regular soldiers and the valour of the citizen volunteers.

We cannot again refrain from expressing our regret at this unexpected summons, but trust that your Excellency's future days may be unchequered by any trouble—that the rest of your life may be passed in ease, tranquillity, and peace; and that when the Almighty thinks fit to call you to himself, you may be received into eternal rest; and that you may obtain everlasting reward from the King of Kings.

Enclosure 19 in No. 27.

ADDRESS from the MAGISTRATES, CLERGY, and INHABITANTS of the EASTERN DISTRICT, UPPER CANADA.

To his Excellency Sir JOHN COLBORNE, Knight, Grand Cross of the most Honourable Military Order of the Bath; Knight Grand Cross of the Hanoverian or Guelphic Order, Governor General and Commander of the Forces in British North America, &c. &c. &c.

Enclosure No. 19.

WE, the undersigned Magistrates, Clergy, and Inhabitants of the Eastern District of Upper Canada, beg leave to assure your Excellency that we cherish with unabated fervour and regard the same sentiments of esteem and confidence, which were expressed towards your Excellency by this province generally, and by this district in particular; on the occasion of your removal from the Government of Upper Canada.

We learnt with the liveliest satisfaction that your Excellency was soon afterwards appointed to the command of the Forces of British North America, as we felt thereby assured of the presence and authority of an officer, on whose character we knew from past experience that we might on any exigency implicitly rely, and whose valuable services the insurrection of 1837 gave us ample reason to appreciate.

We subsequently derived new hope and cheerful anticipations from the appointment of your Excellency to the high and important office of Governor-General of these Colonies, at a period when their affairs presented a most fearful and lowering aspect.

The wise and vigorous administration of public affairs by your Excellency since that period, and your unwearied efforts to suppress disorder and rebellion—to restore tranquillity and to promote the peace and welfare of these portions of Her Majesty's dominions, have still more firmly established your Excellency's character as a soldier, a statesman, and a patriot; and have increased those feelings of veneration and respect which we previously entertained towards your Excellency, and have added to your claims on our deep and lasting gratitude.

We feel the deepest regret, that while these provinces are still in so unsettled a position, and while great changes in the system of their Government are contemplated, they should be deprived of the services of your Excellency, whose presence would have continued to give confidence to the loyal, while it would still have carried dismay to the disaffected; and whose judgment, experience, and extensive knowledge of the country, are so well calculated to give wisdom to our councils and vigour to the administration of our affairs.

But above all we desire to take this opportunity of recording our deep sense of the invaluable, and we hope lasting, benefit we have all enjoyed in the very laudable example which your Excellency has on all occasions shown to the inhabitants of these provinces; by your consistent and uniform course of unaffected piety, and strict regard to those religious duties, without a

No. 27.  
 Sir John Colborne  
 To Lord John Russell.  
 20th Nov. 1839.  
 Enclosure No. 19.

due attention to which we are fully aware that no administration of government can ever prosper; and also of your judicious endeavours to promote at all times the moral and religious education of the rising generation, of which the valuable institution of Upper Canada College is a lasting memorial.

On the occasion of your Excellency's approaching departure we beg leave to tender to you the tribute of our unfeigned respect and gratitude, and of our sincere wishes for your health, happiness, and prosperity, together with that of Lady Colborne, whose kind condescension, affability, unaffected piety and true Christian charity, have justly endeared her to all classes—accompanied with the expression of our most earnest hope, that your Excellency may receive from our beloved Sovereign the approbation and reward that your long and faithful services have so well merited at her hands.

Cornwall, 1st October, 1839.

Enclosure 20 in No. 27.

ADDRESS FROM THE INHABITANTS OF THE COUNTY OF HASTINGS, UPPER CANADA.

To his Excellency Lieutenant-General Sir JOHN COLBORNE, G.C.B., Governor-General of British North America, &c. &c. &c.

Enclosure No. 20.

WE, the undersigned Inhabitants of the county of Hastings, in the province of Upper Canada, beg leave respectfully to express to your Excellency our deep and unqualified regret at the announcement of your Excellency's approaching departure from these Colonies. Though the attention of your Excellency has of late been more immediately confined to the Lower Province, where the utmost vigilance of the Government is at all times necessary to suppress rebellion, and when the suspension of the Constitution has thrown the whole burthen of legislative enactments on the Executive Government of your Excellency, the people of Upper Canada feel great pleasure in acknowledging that all matters connected with their peculiar interests, falling under your control, have met with a kind and ready attention on the part of your Excellency.

We beg leave to assure your Excellency that the acts which rendered your administration of the Government in this Province dear to us, and which, at the time of your recall, elicited such strong marks of approbation of your conduct and sorrow at your departure from the loyal people of this Province, are still fresh in our recollection; and now that we are to be altogether deprived of the valuable services of your Excellency, call for renewed expressions of the high sense we entertain of the lasting benefits conferred by your Excellency on this Province.

But it is not in matters of mere local and peculiar interest that we are chiefly indebted to your Excellency—as an integral part of the British Empire, as subjects of the British Crown, as men who would willingly die for the preservation of our glorious connexion with Great Britain, we feel that your Excellency has rendered services to the people of the Two Canadas, and to the Empire at large, the value of which cannot be estimated, and as such our warmest thanks and approbation are due to your Excellency. Therefore, while we again express our sincere regret at your Excellency's departure, and earnestly hope for the future prosperity and happiness of yourself and family, we assure your Excellency, as an adequate acknowledgment of our many obligations, that your Excellency's Administration will ever be regarded as a bright spot in the dark annals of our Colonial History.

Enclosure 21 in No. 27.

ADDRESS FROM THE MAGISTRATES OF THE NEWCASTLE DISTRICT, UPPER CANADA.

To his Excellency Lieutenant-General Sir JOHN COLBORNE, G.C.B., Governor-General and Commander of the Forces in British North America, &c. &c. &c.

May it please your Excellency:

WE, the Magistrates of the district of Newcastle, in the province of Upper Canada, in Quarter Sessions assembled, beg leave to express to your Excellency our sincere regret at your Excellency's expected departure from the Government and Command intrusted to you by our beloved Sovereign at a period of great difficulty. It is to the wisdom and energy displayed by your Excellency, under Divine Providence, that we attribute the defeat of the disaffected in Lower Canada, who had attempted the overthrow of Her Majesty's power in this part of her dominions, while at the same time we feel assured the people of Upper Canada are fully alive to the interests your Excellency has ever taken in the prosperity and welfare of this province, as well during as since the period when they were happily placed under your Excellency's more immediate Government, and that they will be ever grateful for the services your Excellency has rendered them. We beg to assure your Excellency of our entire approbation of your administration of the Government of this and our sister Province, and of our desire that, on your return to the Mother Country, you may enjoy the confidence and esteem of our beloved Sovereign, and reap the reward which a life so eminently devoted to the service of your country justly entitle you to.

Court House, Cobourg, 9th October, 1839.

Enclosure 22 in No. 27.

ADDRESS from the MAGISTRATES and FREEHOLDERS of the DISTRICT OF OTTAWA, Upper Canada.

No. 27.  
Sir John Colborne,  
To Lord John Russell.  
20th Nov. 1839.

To His Excellency-Lieutenant-General Sir JOHN COLBORNE, G.C.B., Governor-General of the Provinces of British North America; and Commander-in-Chief of her Majesty's Forces therein.

Enclosure No. 22.

May it please your Excellency,

We, the undersigned, magistrates and freeholders of the District of Ottawa, in the Province of Upper Canada, beg leave most respectfully to express our profound regret at the approaching departure of your Excellency from the government of these provinces.

As inhabitants of Upper Canada, we had for several years experienced the wisdom and beneficence of your Excellency as Lieutenant-Governor of this province. During the past two years, however, your Excellency has been called upon by our beloved Sovereign to act in a vastly more exalted capacity as the defender of British sovereignty and British interests in the whole of these western colonies of the empire.

The history of your Excellency's administration of the arduous and important duties of Governor-General and Commander-in-Chief forms a brilliant page in the annals of the empire. It is our ardent wish that your Excellency's successor, in the wisdom and energy of his actions and counsels, may imitate the glorious example which your Excellency has thus placed before him. And in that wish, and in the hope that your Excellency will long live to enjoy the honours and rewards which a grateful nation is waiting to bestow upon you, we find our best solace amid the regret and the apprehensions which oppress us on your retirement.

The passage of your Excellency, Lady Colborne, and family, across the Atlantic will be accompanied by the prayers and kindest wishes of the loyal inhabitants of these provinces, among whom we proudly claim the honour and the right to class ourselves.

Ottawa District, 5th October, 1839.

Enclosure 23 in No. 27.

ADDRESS from the WESLEYAN MISSIONARY of BRITISH NORTH AMERICA.

To His Excellency Sir JOHN COLBORNE, Knight Grand Cross of the Most Honourable Military Order of the Bath, and of the Royal Hanoverian Guelphic Order, Governor-General of British North America, and Commander-in-Chief in and over the same, &amp;c. &amp;c.

We, her Majesty's dutiful and loyal subjects, the Chairmen of the Wesleyan Missionary Districts in Lower Canada, Nova Scotia, and New Brunswick, and the Wesleyan Missionaries stationed in those provinces, avail ourselves of the presence amongst us of the Rev. Robert Alder, D.D., one of the General Secretaries of the Wesleyan Missionary Society, to address your Excellency on an occasion so interesting to us and to the people under our pastoral care, as is the completion of the first centenary of our history.

Enclosure No. 23.

During upwards of half a century, our predecessors and ourselves have been actively employed in endeavouring to diffuse throughout various portions of British North America those principles of evangelical truth which are the only sure and permanent basis of individual and social happiness, as well as to enforce those sentiments of Christian loyalty and attachment to those venerable institutions, which have raised our Mother Country to the highest rank amongst the nations of the earth.

It is to us a cause of devout thanksgiving to Almighty God, by whom kings reign and princes decree justice, that, in the prosecution of their ministerial labours, the Wesleyan Missionaries have been favoured with the countenance and protection of those distinguished individuals who have, from time to time, administered the government of these provinces; and we beg permission to add, that the present representatives of our most gracious Sovereign in these colonies manifest the deepest interest in everything connected with the religious and moral improvement of the people under their care. To your Excellency, the Wesleyan Missionary Society is deeply indebted for the attention which you have bestowed, and the important services which your Excellency has rendered to our Indian missions in Upper Canada—services which will not soon be forgotten, either by us, or by that interesting portion of the human family for whose benefit they are intended, and by whom your Excellency is justly regarded as a father and a friend.

We have witnessed with grief and surprise the repeated and wicked attempts which have been made by lawless and unprincipled men to involve Upper and Lower Canada in the horrors of civil war; and to deprive ourselves and our people, in common with others of her Majesty's faithful and loyal subjects in those provinces, of the advantages which they derive from the mild and paternal government under which it is their honour and happiness to live. In the midst of rebellion, and the evils growing out of it, to which some of us and our families have been exposed, we have constantly inculcated on the congregations under our pastoral care (as a part of the Christian revelation) those lessons of dutiful subjection to our youthful and beloved Sovereign, as supreme, and to governors, as sent by her, which are contained in the sacred volume; and have exhorted them to discharge, with promptitude and fidelity, those

No. 27.  
 Sir John Colborne  
 to Lord John Russell,  
 20th Nov. 1839.  
 Enclosure No. 23.

duties which Christian citizens owe to their rulers and to their country, when wicked men and seducers array themselves against the ordinances of God, and endeavour to destroy the order and peace of society, for the accomplishment of their own selfish and rebellious designs.

Aware, in some measure, of the onerous nature of those duties which your Excellency is called to perform, in the exalted station, in which, by the favour and wisdom of our Sovereign, we rejoice to see your Excellency placed, we shall not sin against God by ceasing to offer our prayers and supplications to the God and Father of our Lord Jesus Christ on your behalf; that your Excellency may continue to be His minister for good to that important portion of the British empire which is intrusted to your care.

May that Great Being, who has hitherto so signally watched over your person, directed your counsels, and crowned your efforts to put down rebellion with such distinguished success, still be your Excellency's defender and keeper, giving you the victory over all the enemies of her Majesty, and of her faithful and loyal people.

By His blessing on your Excellency's endeavours, may lasting peace and happiness, religion and virtue, be established in these provinces; and the ties that connect them with the parent state be so increased and strengthened, that they may long remain and flourish, under her beneficent and imperial sway.

Enclosure 24 in No. 27.

ADDRESS from the INHABITANTS of NAPIERVILLE and L'ACADIE, Lower Canada.

To his Excellency Lieutenant-General Sir JOHN COLBORNE, G.C.B., Governor-General of British North America.

May it please your Excellency,

Enclosure No. 24.

WE, Her Majesty's dutiful and loyal subjects, inhabitants of Napierville, L'Acadie, and adjacent country, beg leave to approach your Excellency with the sentiments of the highest respect, and to express our sincere regret at your Excellency's approaching retirement from the government of this colony.

When we reflect upon the calamitous state to which this portion of the colony was brought by the too successful machinations of designing and traitorous men, we feel that it is chiefly to your energy and military skill that we, in an especial manner, owe the preservation of all that is dear to us, of our wives and children, and our homes.

We feel in common with all our loyal fellow-subjects in this colony, that your absence from us will not diminish your anxiety for our and their welfare, and that you will add to the invaluable benefits which you have already, under Divine Providence, bestowed upon us (the blessings of peace, and protection of person and property), your advice and recommendation to the authorities at home to carry into effect, to mature, and perfect such measures as may seem to you best calculated to maintain the peace, and forward the prosperity of this portion of Her Majesty's dominions.

On thus taking leave of your Excellency, we beg to be permitted to offer our sincere wishes that yourself, Lady Colborne, and your family, may have a safe and propitious voyage to England; that you may there receive those honours and rewards so justly due to your long, faithful, and successful services to your sovereign and country, and that you may for many years be blessed with uninterrupted health and happiness.

Enclosure 25 in No. 27.

Copy.]

ADDRESS from the JOHNSTOWN DISTRICT.

To his Excellency Sir JOHN COLBORNE, &c. &c. &c.

Enclosure No. 25.

WE, the inhabitants of the district of Johnstown, most respectfully beg leave to assure your Excellency, that the confidence we have hitherto reposed in your Excellency's integrity, and ability to discharge the arduous duties imposed on your Excellency in these provinces, continues firm and unabated, and we beg leave to express our most grateful feelings for the paternal care you have always manifested for the prosperity, protection, and happiness of this province.

We regret that the time of your continuance with us has nearly terminated, and we confidently believe your Excellency, on retiring from a duty fraught with such intense anxiety and care, will enjoy the consolation, that you leave behind you lasting impressions of respect and esteem, and that you carry with you the greatest boon the country can bestow—the hearts of the people.

In now taking leave of your Excellency, permit us to wish you, Lady Colborne, and family, a pleasant and safe return to your native land. May the blessings of Divine Providence rest upon you; may your days be many; and may peace, health, and happiness ever attend you.

Brockville, 9th October, 1839.

Enclosure 26 in No. 27.

## ADDRESS from the MEMBERS of the COMMITTEE of TRADE of QUEBEC.

No. 27.  
Sir John Colborne  
to Lord John Russell  
20th Nov. 1839.

Enclosure No. 26.

To his Excellency Lieutenant-General Sir John Colborne, Knight Grand Cross of the Most Honourable Military Order of the Bath, and of the Royal Hanoverian Guelphic Order, Governor-General of all Her Majesty's Provinces in North America, and Captain-General and Governor in Chief in and over the Provinces of Lower Canada, Upper Canada, Nova Scotia, New Brunswick, &c. &c. &c.

WE, the undersigned Members of the Committee of Trade representing the commercial body of this city, approach your Excellency with profound respect to express our sincere regret at your retirement from the administration of the government of these provinces.

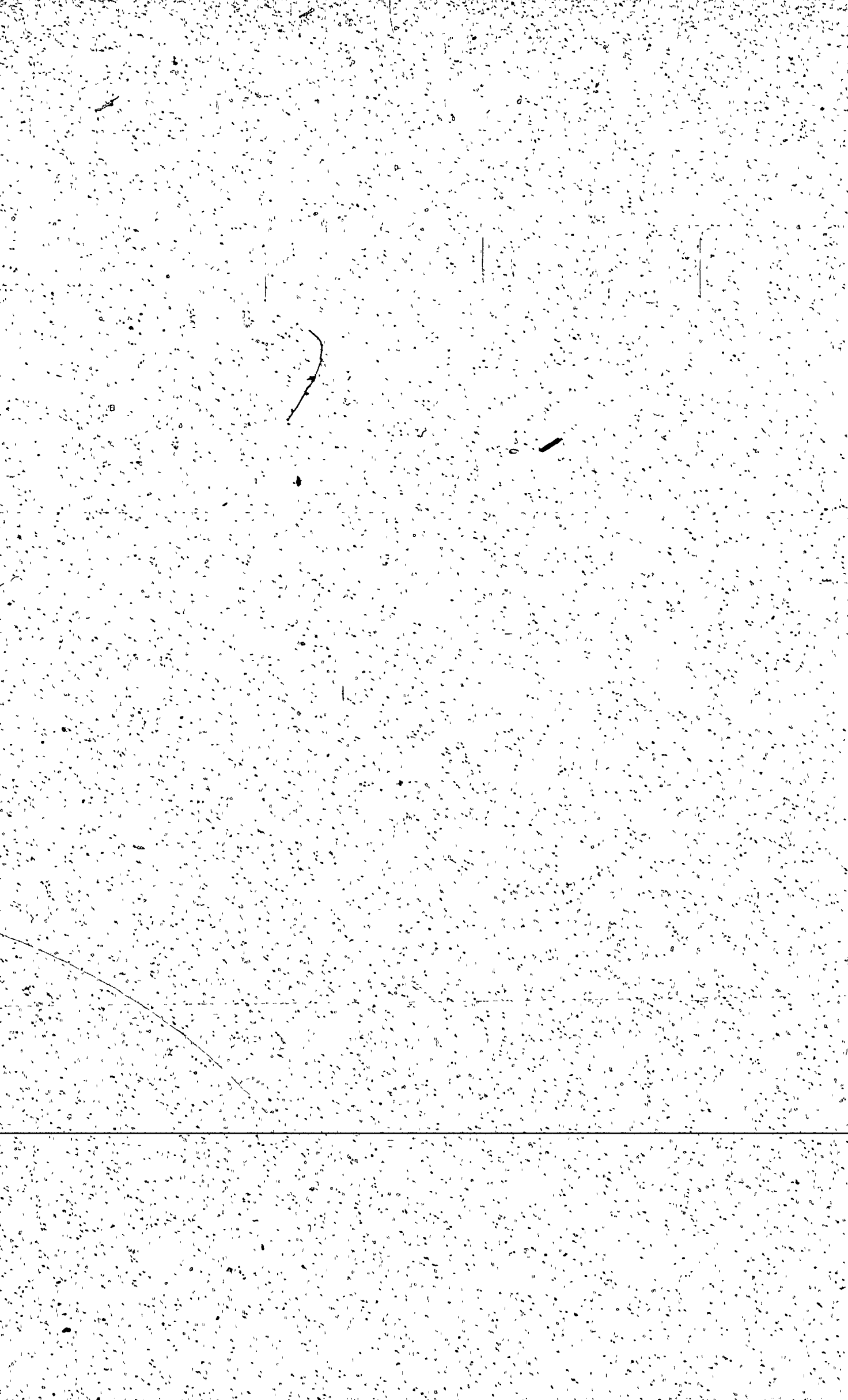
Although your Excellency, in discharge of the arduous duties imposed on you, has been unable to reside amongst us, we beg most gratefully to acknowledge the promptitude with which all our applications have been attended to, and your unceasing exertions to promote the commercial and agricultural interests of these important colonies.

But we owe a still larger debt of gratitude to your Excellency for having, by your energetic measures and military skill, saved the country from all the horrors and calamities of civil war, thereby securing to us an object most dear to us all, the continuance of our connexion with the parent state.

In conclusion, we desire to express to your Excellency our unfeigned admiration of your private virtues not less than your eminent and distinguished public services, and which we feel confident our Gracious Queen and country will justly appreciate and suitably reward. We wish you, Lady Colborne, and family, a safe passage across the Atlantic, and sincerely pray that you may long enjoy the honours which await you in happiness and prosperity.

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From The Right Honourable C. Poulett Thomson.

(No. 1.)

No. 28.

COPY of a DESPATCH from the Right Hon. C. POULETT THOMSON to  
Lord JOHN RUSSELL.

MY LORD,

Quebec, 19th October, 1839.

I HAVE the honour to inform your Lordship that the Pique anchored under the walls of Québec on Thursday, the 17th instant, but, being anxious to wait for the arrival of Sir John Colborne from Montreal, I was not enabled to land until to-day, when I opened the Royal Commissions and took the usual oaths of office.

Immediately after my investiture I issued the Proclamation of which I have the honour to enclose a copy.

I have received an Address from the magistrates of this district, of which, as well as of my answer, I transmit copies.

I have, &amp;c.

(Signed)

C. POULETT THOMSON.

The Right Hon. Lord John Russell,  
&c. &c. &c.

Enclosure 1 in No. 28.

Province of Lower Canada.]

[C. POULETT THOMSON.

Enclosure No. 1.

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

## A Proclamation.

THE Queen having been graciously pleased to appoint me to be Governor-General of British North America, I have this day assumed the administration of that office. In the exercise of this high trust it will be my desire no less than my duty to promote to the utmost of my power the welfare of all classes of Her Majesty's subjects. To reconcile existing differences; to apply a remedy to proved grievances; to extend and protect the trade, and enlarge the resources of the colonies intrusted to my charge; above all, to promote whatever may bind them to the Mother Country by increased ties of interest and affection, will be my first and most anxious endeavour. In the pursuit of these objects I shall ever be ready to listen to the representation of all, whilst I shall unhesitatingly exercise the powers confided to me to repress disorder, to uphold the law, and to maintain tranquillity.

The suspension of the constitution in Lower Canada places in the hands of the Executive Government powers of an extraordinary nature, the necessity for which is deeply to be deplored, and which can be justified only by the circumstances of the province. One principal object of my mission will be to determine in what manner, and at what time, this state of things may most safely be brought to a close, and the full benefits of British institutions be restored to Her Majesty's Lower Canadian subjects.

In Upper Canada the loyalty and courage of the inhabitants have preserved her constitution, and maintained the powers of the law through difficulties of the most trying nature. Their exertions during the last two years have been viewed by Her Majesty with the highest satisfaction; and have commanded the applause and admiration of all classes in the Mother Country. It would appear, however, that in that province causes of embarrassment are not wanting. Her trade is said to be cramped, her finances deranged, and the development of her resources impeded.

To devise measures by which these evils may be removed in a manner satisfactory to the inhabitants, will be one of the objects to engage my earliest attention, and I shall rely upon the patriotism of the people, and the wisdom of the legislature, to aid me in the effort.

Animated by the most anxious desire to promote the welfare of these important provinces, to uphold the rights of the crown, by whose confidence I have been honoured, and to advance the true interest of the people to whom I am sent, I confidently call on all those to whom the prosperity of British North America is dear, to unite with me in the work which I have undertaken, and, laying aside all minor considerations, to afford me that assistance and co-operation which can alone enable me to bring my task to a successful issue.

Given under my hand and seal at arms, at the Castle of Saint Lewis, in the city of Québec, in the said province of Lower Canada, the nineteenth day of October, in the year of our Lord one thousand eight hundred and thirty-nine, and in the third year of Her Majesty's reign.

By his Excellency's command.

(Signed)

T. W. C. MURDOCH,  
Chief Secretary.

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No. 28.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
19th Oct. 1839.

No. 1.

Nos. 2, 3.

No. 28.  
Right Hon.  
G. P. Thomson  
to Lord John Russell.  
19th Oct. 1839.

Enclosure No. 1.

His Excellency the Governor-General has been pleased to make the following appointments:—

To be Secretary to the General Government—T. W. Clinton Murdoch, Esq.;  
To be Military Secretary and Principal Aide-de-Camp—Major George D. Hall.

Enclosure 2 in No. 28.

ADDRESS from the MAGISTRATES of the CITY and DISTRICT of QUEBEC, to the Right Honourable C. POULETT THOMSON.

To His Excellency the Right Honourable C. POULETT THOMSON, &c. &c. &c.  
May it please your Excellency,

Enclosure No. 2.

We, Her Majesty's loyal and dutiful subjects, the undersigned Magistrates of the city and district of Quebec, most respectfully congratulate your Excellency on your arrival in this province.

Assigned, in virtue of the royal authority, to watch over the peace and promote the welfare of our fellow citizens, we have the most perfect confidence that our humble efforts will be countenanced and supported in the discharge of those duties by your Excellency, whom it has pleased Her Majesty to intrust with the exercise of the highest power and prerogatives of the crown, within this province; and it will be a subject of great satisfaction to us, if we should be so fortunate as to merit your Excellency's approbation.

It has been a subject of great regret among our fellow citizens, that they have been deprived, for some time past, of the residence of the Governor-General, which they can only ascribe to the unfortunate state of things which has called for the presence of the Commander of the Forces in the district of Montreal,—the offices of Civil Governor and Military Commander having been held by the same person.

We have no doubt but that your Excellency is fully aware that the city of Quebec, from the earliest periods, has been fixed upon, in consideration of its strength and central position, as the seat of government of all the countries which now form the provinces of British North America. Here have been provided, at great expense, fortifications for the safety of the city and port, appropriate places of deposit for the public archives, collected from all the provinces, and suitable buildings, for the convenience of the public departments, civil and military; and here is the sole uninterrupted channel of communication with the metropolis, in the season of navigation, and the safe resort of her fleets and armies for the Canadas. Should circumstances permit that your Excellency should establish your residence amongst us, we trust that in the magistracy, and among all classes of our fellow citizens, your Excellency will find a ready disposition to promote the beneficent views of Her Majesty's Government; and the peace, welfare, and permanent connexion of this province, with the other dominions of our most gracious Sovereign.

We beg most respectfully to assure your Excellency that nothing could be more gratifying to our feelings and wishes than that the duties of your high station should be discharged happily for the province, and satisfactorily for your Excellency.

Magistrates' Room, City of Quebec,  
Province of Lower Canada, October, 1839.

(Signed) JOHN DAVIDSON,  
NOAH FREER,  
JOHN RACEY,  
EBENEZER BAIRD,  
H. GOWEN,  
C. SMITH,  
WILLIAM PRICE,  
THOS. C. OLIVA,  
HENRY ATKINSON,  
CHRISTIAN HOFFMAN,  
JOHN FRASER,  
J. NEILSON,  
A. ANDERSON,  
W. B. LINDSAY,  
JERI LEAYCRAFT,  
JOHN G. CLAPHAM,  
A. J. WOLFF,  
GEORGE POZER,  
H. N. PATTON,  
JOS. MORRIN,  
T. A. STAYNER,

R. SYMES,  
T. A. YOUNG,  
WM. PHILLIPS,  
JAMES MCKENZIE,  
WILLIAM HARE,  
HENRY PEMBERTON,  
G. H. RYLAND;

And a French Translation,  
(Signed) JACQUES VOYER,  
LOUIS J. DURESNE,  
M. BORNE,  
M. SCOTT,  
A. G. COUILLARD,  
ANT. A. PARENT,  
F. BUTEAU,  
F. X. PARADIS,  
CHARLES DE LONG,  
JOSEPH PARANT,  
JOS. G. JOURANGEAU,  
THOS. WILSON.

Copy.]

Enclosure 3 in No. 28.

ANSWER from the Right Honourable C. POULETT THOMSON to the Address of the Magistrates of the City and District of Quebec.

Gentlemen,

I THANK you for your address of congratulation on my arrival in this province.

The preservation of the public peace, and the pure administration of justice, are the first wants of a state, and the first duty of a Governor. You may rely with confidence upon receiving from me the most entire support in the discharge of your magisterial functions.

I fully appreciate the political and commercial importance of the city of Quebec. It will afford me sincere satisfaction at all times to contribute to its prosperity, and, when circumstances permit, by residing within its walls, to cultivate the good feelings and regard of its inhabitants.

I receive with confidence the assurance of your co-operation, and that of the inhabitants of your city, in aiding me to promote the peace and happiness of Her Majesty's subjects in this province, by cementing its permanent connexion with the other dominions of the Crown. All my efforts will be directed to that end, and it is with that object alone that I have accepted the trust with which our Sovereign has honoured me.

Quebec, 19th October, 1839.

No. 28.  
Right Hon.  
P. C. Thomson  
to Lord John Russell  
19th Oct. 1839.

Enclosure No. 3.

No. 29.

(No. 2.)

COPY of a DESPATCH from the Right Hon. C. POULETT THOMSON to Lord JOHN RUSSELL.

MY LORD,

Quebec, 22nd October, 1839.

No. 29.  
Right Hon.  
C. P. Thomson  
to Lord John Russell  
22nd Oct. 1839.

I HAVE the honour to inform your Lordship that I yesterday held a levee at the Castle of St. Lewis, which was attended by all the principal inhabitants of Quebec and its environs without distinction of parties. I afterwards received from a numerous deputation of the merchants the Address, of which, and of my answer, I herewith transmit copies. I have much satisfaction in reporting these proofs that the efforts made in some quarters to prejudice the minds of the people of Canada, against the selection which Her Majesty was graciously pleased to make of Governor of British North America, have been unsuccessful, at least in Quebec.

I proceed to Montreal this evening, where, in conformity with your Lordship's directions, I shall take an early opportunity of conferring personally with Sir George Arthur on the affairs of the Upper Province.

I have, &amp;c.

(Signed) C. POULETT THOMSON.

The Right Hon. Lord John Russell,  
&c. &c. &c.

Enclosure in No. 29.

COPY of an ADDRESS from the COMMITTEE of TRADE at QUEBEC.

The Right Hon. CHARLES POULETT THOMSON, Governor-General of British North America and Governor-in-Chief in and over the Province of Lower and Upper Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c. &c.

May it please your Excellency.

WE, the undersigned composing the Committee of Trade of Quebec, beg leave respectfully to congratulate your Excellency upon your arrival in this colony.

Merchants ourselves, and representing the mercantile community of this city, it is, we assure your Excellency, with no small degree of pride and satisfaction, that we see the Government of the country entrusted to one who himself has been a merchant, and notwithstanding that the opinions understood to have been entertained by your Excellency in regard to a most important branch of the trade of this country, differ very materially from ours, we have never doubted but that from the moment of your undertaking the Government of these colonies, your strenuous and unbiassed efforts would be directed to the promotion of their interests, commercial as well as political.

We are fully persuaded that the withdrawing of that protection hitherto afforded to the timber trade of the British North-American colonies, would be not only fatal to their prosperity, by destroying their great staple trade, and weakening the bonds that now happily unite them to the mother country, but also highly injurious to the commercial interests of the empire at large. We therefore confidentially hope, that when your Excellency's mind shall

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No. 29.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
22nd Oct. 1839.

Enclosure.

have been more particularly applied to this subject, you will be satisfied that it involves the question of supporting or abandoning those important elements of national strength and greatness, ships, colonies, and commerce.

The undertaking in which your Excellency has engaged, is a great and arduous one. To establish permanent tranquillity, and a just, firm, and steady system of government in the country; to draw forth and develop its great latent resources by promoting the improvement of those extraordinary national facilities for internal communications which it possesses, to revive and encourage its drooping agriculture; to foster and protect its struggling commerce, and to recall to its shores, the tide of emigration, now diverted to other channels; are tasks not to be accomplished without encountering many difficulties.

That these difficulties may be overcome under your Excellency's administration, we most sincerely pray, and to every measure of your Excellency tending to this great end, we beg most respectfully, on behalf of ourselves and those whom we represent, to tender you our unreserved and cordial support and co-operation.

Quebec, 19th October, 1839.

COPY of the ANSWER to an ADDRESS from the COMMITTEE of TRADE at QUEBEC.

I thank you sincerely for your Address.

Bred a British merchant myself, the good opinion of those who follow the same honourable career is to me naturally and justly dear.

You may rely upon my attention to the great interests you represent. Whatever acquaintance into commercial subjects, I may have acquired by my early pursuits, or through my later duties, will be earnestly and zealously devoted to the consideration of all that relates to the trade of these colonies, and with an honest endeavour to promote their prosperity as connected with that of the British empire.

I feel with you that the undertaking before me is most arduous; but the end proposed is a noble one. These provinces possess an almost unrivalled field for commerce and for industry; all the elements of wealth and prosperity. Their advance is checked, and their development impeded by causes which I sincerely believe it is in your power to remove. The Imperial Legislature, and Her Majesty's Government are most anxious to do their part towards this important object, and if you who hold so high a place in this community will cordially co-operate with me, I feel the utmost confidence that our labours will not be vain.

To that end and the advancement of every object that may contribute to the tranquillity and happiness of the possessions of the British Crown, all my efforts will be devoted.

No. 30.

(No. 4.)

COPY of a DESPATCH from the Right Hon. C. POULETT THOMSON to Lord JOHN RUSSELL.

MY LORD, Government House, Montreal, 31st October, 1839.

I HAVE the honour to inform your Lordship that I arrived in this city on the evening of Wednesday the 23rd instant, having embarked at Quebec on the preceding afternoon. In consequence of indisposition I was compelled to land immediately, instead of waiting until the next day, as I had intended to do.

On Saturday I received from a large body of the magistrates of this city, the address, of which, and of my answer, I enclose herewith copies; and I afterwards held a levee, which was very numerously attended. Sir George Arthur, the Lieutenant-Governor of Upper Canada, arrived on Friday evening, in consequence of the instructions which he had received from your Lordship.

I am happy in reporting to your Lordship, that as far as it has hitherto been possible to ascertain, this province is quiet at the present moment. It must not, however, be supposed that the feeling of the French Canadian population is changed, although a sense of their weakness, and of the great power of the Executive Government in Canada, keeps them from any acts of insubordination. They appear now also to despair of obtaining from the United States that assistance on which they formerly calculated as their greatest support, in attempting to overthrow the constitution of the province, especially since the convictions which have been obtained in the United States of some of the brigands—the last that of Van Ransaleer—which have undoubtedly produced a good effect.

It is most important, however, that security should be taken against the efforts of designing men to mislead and delude the peasantry, and I shall not

No. 30.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
31st Oct. 1839.



hesitate to propose to my Special Council the renewal of such of the ordinances having this object in view, as may be near their expiration.

I have had repeated conversations with Sir George Arthur on the state of Upper Canada, and I learn from him that in that province there is no prospect of any serious disturbance. It is my intention to proceed to Toronto about the 18th of next month, and I have directed Sir George Arthur to summon the Legislature of that province to meet me on the 3rd December.

I have, &c.

(Signed) C. POULETT THOMSON.

The Right Hon. Lord John Russell,  
&c. &c. &c.

No. 30.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
31st October, 1839.

Enclosure 1 in No. 30.

COPY of an ADDRESS from the MAGISTRATES of the DISTRICT of MONTREAL,  
Province of Lower Canada, District of Montreal.

Encl. 1 in No. 30.

To His Excellency the Right Hon. CHARLES POULETT THOMSON, Governor-General of  
British North America, &c. &c. &c.

May it please your Excellency,

WE, Her Majesty's Justices of the Peace for the district of Montreal, resident in this city, respectfully approach your Excellency to solicit permission to offer to your Excellency our felicitation on your assumption of the exalted office of Governor-General of British North America, to which you have been advanced by our Gracious Sovereign, and to welcome your Excellency on your arrival in this city, the municipal affairs of which are placed under our direction.

It is highly satisfactory to us to be enabled to assure your Excellency that, as far as our knowledge extends, this district is in a state of undisturbed tranquillity.

Our reliance on your Excellency's wisdom, in the exercise of the high powers with which you have been invested, leads us fondly to anticipate the enjoyment at no distant day of the blessings of peace and prosperity, the fruits of a well-ordered constitutional Government.

We beg humbly to assure your Excellency that we shall always be found ready to lend our firm support to your Excellency in the administration of the Government, by the zealous discharge of the public duties assigned to us by law.

Montreal, 26th October, 1839.

Enclosure 2 in No. 30.

COPY of an ANSWER to the ADDRESS from the MAGISTRATES of MONTREAL.

Enclosure No. 2.

Gentlemen,

I THANK you sincerely for your address.

I received with great satisfaction your assurance of the present undisturbed tranquillity of this district. It is my determination, by a firm and impartial exercise of the powers intrusted to me, to maintain that tranquillity. You may rely with confidence upon receiving my cordial support in the discharge of your duties.

It is the earnest desire of our Gracious Sovereign that those blessings which you truly describe as the fruits of a well-ordered and constitutional Government should be enjoyed by this portion of her dominions.

It is to promote the re-establishment of such institutions, securing alike the rights of the crown and the liberties of the people, that I appear amongst you; and I shall look with confidence for the co-operation of all Her Majesty's loyal subjects to assist me in my endeavours.

No. 31.

COPY of a DESPATCH from the Right Hon. C. POULETT THOMSON to  
Lord JOHN RUSSELL.

MY LORD, Government House, Montreal, 1st Nov., 1839.

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

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

No. 31.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
1st November, 1839.

No. 31.  
Right Hon.  
C. P. Thomson  
to Lord John Russell:  
1st Nov., 1839.

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

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

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

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

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

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

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

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

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

I have, &c.

(Signed) C. POULETT THOMSON.

The Right Hon. Lord John Russell,  
&c. &c. &c.

No. 31.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
1st Nov. 1839.

(No. 8.)

No. 32.

COPY of a DESPATCH from the Right Hon. C. POULETT THOMSON to Lord JOHN RUSSELL.

MY LORD,

Government House, Montreal, 16th Nov. 1839.

I HAVE the honour to inform your Lordship, that I summoned the special council to meet on Monday last, the 11th instant.

For the reasons which I have stated to your Lordship in another despatch, I made no change in the members composing it. The chief justice of the province having, however, attended in his place, I, of course named him to preside in my absence instead of the gentleman who had previously performed that duty, who was selected, I believe, as the senior member of the council.

I expect that great advantage will result from the presence of the chief justice in the council, and from his presiding over its deliberations, which I find are not carried on in the presence of the Governor-general; and I am happy to say, that this opinion is common to all the members of the council.

I renewed the ordinance for the suspension of the Habeas Corpus, which would otherwise have expired on the 1st January next, to the 1st June 1840, and another ordinance for the seizure of arms, and have adjourned the meetings of the council until my return from the Upper Province.

I have, &c.

(Signed) C. POULETT THOMSON.

The Right Hon. Lord John Russell,  
&c. &c. &c.

No. 32.  
The Rt. Hon. C. P.  
Thomson to Ld. John  
Russell.  
16th Nov. 1839.

No. 1.  
No. 2.

P. S.—I enclose, for her Majesty's sanction, authenticated copies of the renewed ordinances above mentioned.

Enclosure 1 in No. 32.

No. 115.

AN ORDINANCE further to continue, for a limited time, a certain Ordinance, relative to persons charged with High Treason, suspicion of High Treason, Misprision of High Treason, and Treasonable Practices.

WHEREAS it is expedient further to continue, for a limited time, the Ordinance herein-after mentioned: 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 the Ordinance made and passed in the Second year of Her Majesty's Reign, chapter four, intituled, "An Ordinance to authorize the apprehension and detention of persons charged with High Treason, Suspicion of High Treason, Misprision of High Treason, and Treasonable Practices, and to suspend for a limited time, as to such persons, a certain Ordinance therein mentioned, and for other purposes," shall remain in force; and the Ordinance thereby suspended, made in the Twenty-fourth year of the Reign of King George the Third, intituled "An

Enclosure, No. 1.

No. 32,  
The Rt. Hon. C. P.  
Thomson to Ld. John  
Russell.  
16th Nov., 1839.

Ordinance for securing the Liberty of the Subject and for the prevention of imprisonment out of this Province," shall further continue to be and remain suspended, until the first day of June, One thousand eight hundred and forty; and no longer.

(Signed) C. POULETT THOMSON.

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 fourteenth day of November, in the Third 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, (Signed) W. B. LINDSAY,  
Clerk Special Council.

I hereby certify the above to be a true copy of an Ordinance passed by 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, on the fourteenth day of November, One thousand eight hundred and thirty-nine, and in the Third year of Her Majesty's Reign.

(Signed) WM. B. LINDSAY,  
Clerk Special Council.

Enclosure 2 in No. 32.

No. 116.

AN ORDINANCE to continue for a limited time, a certain Ordinance, relative to the seizing and retaining for a limited time of Gunpowder, Arms, Weapons, Lead, and Munitions of War.

Encl. 2 in No. 32.

WHEREAS it is expedient to continue for a limited time the Ordinance hereinafter mentioned; 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 the Ordinance made and passed in the Second year of Her Majesty's Reign, chapter two, intituled, "An Ordinance to authorize the seizing and detaining for a limited time, of Gunpowder, Arms, Weapons, Lead, and Munitions of War," and all and every the matters and things therein mentioned and contained, shall further continue to be and remain in force until the first day of June, One thousand eight hundred and forty, and no longer.

(Signed) C. POULETT THOMSON.

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 fourteenth day of November, in the Third 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, (Signed) W. B. LINDSAY,  
Clerk Special Council.

I hereby certify the above to be a true copy of an Ordinance passed by 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, on the fourteenth day of November, One thousand eight hundred and thirty-nine, and in the Third year of Her Majesty's Reign.

(Signed) WM. B. LINDSAY,  
Clerk Special Council.



(No. 12.)

No. 33.

COPY of a DESPATCH from the Right Hon. C. POULETT THOMSON to Lord JOHN RUSSELL.

MY LORD,

Government House, Montreal, 18th November, 1839.

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

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

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

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

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

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

All parties look with extreme dissatisfaction at the present state of government. Those of British origin, attached by feeling and education to a constitutional form of Government, although they acquiesced at the time in the establishment of arbitrary power, as a refuge from a yet worse despotism, submit with impatience to its continuance, and regret the loss, through no fault of their own, of what they consider as their birthright. Those of the French Canadians who remained loyal to their Sovereign and true to British connexion share the same feelings. Whilst among those who are less well-affected or more easily deceived, the suspension of all constitutional rights affords to reckless and unprincipled agitators a constant topic of excitement.

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

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

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

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

The large majority, however, of those whose opinions I have had the opportunity of learning, both of British and French origin, and of those, too, whose character

No. 33.  
The Right Hon. C.  
Poulett Thomson to  
Lord John Russell.  
November 18, 1839.

No. 1.  
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No. 33:  
The Right Hon. C.  
Poulett Thomson to  
Lord John Russell.  
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and station entitle them to the greatest authority, advocate warmly the establishment of the union, and that upon terms of perfect fairness, not merely to the two provinces, but to the two races within this province. Of the extent to which this feeling, with regard to the upper province, is carried, your Lordship will find a most conclusive proof in the resolution of the Special Council respecting the debt of Upper Canada. By this resolution a large sum, owing by that province on account of public works of a general nature, is proposed to be charged on the joint revenues of the United Province. Upon other details of the arrangement the same feeling prevails. It would be, however, useless for me to trouble your Lordship with respect to them, until I have had the opportunity of ascertaining the views and opinions entertained by the people of Upper Canada. If, however, as I trust, the principle of re-union should meet with their assent, I am of opinion that it can only be in consequence of demands of an unwarrantable character upon their part, that difficulty will arise in settling the principal terms.

I have, &c.

(Signed) C. POULETT THOMSON.

The Right Hon. Lord John Russell,  
&c. &c. &c.

Enclosure 1 in No. 33.

Enclosure No. 1.

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

May it please your Excellency,

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

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

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

(Signed)

J. STUART,

Special Council, Montreal, 14th November, 1839:

Chairman.

Special Council, Wednesday, 13th November, 1839:

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

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

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

Resolved—That regard being had to the nature of the public debt of Upper Canada, and

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

No. 33.  
Right Hon.  
C. F. Thomson  
to Lord John Russell,  
November 18, 1839.

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

Enclosure No. 1.

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

(Signed) WILLIAM B. LINDSAY,  
Clerk Special Council.

Enclosure 2 in No. 33.

GENTLEMEN,

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

Enclosure No. 2.

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

My best attention will be directed to the important suggestions contained in your resolutions, and it will be most gratifying to me to promote the accomplishment of your wishes.  
Montreal, 14th November, 1839.

Enclosure 3 in No. 33.

Journals of the Special Council of Lower Canada: Anno Tertio. Victoria Regina.

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

Enclosure No. 3.

MONDAY, 11th November, 1839.

Present:

His Excellency the Right Hon. Charles Poulett Thomson, Governor-General:

Messrs. Cutbert,  
Pothier,  
De Lery,  
Moffatt,  
M'Gill,  
De Rocheblave,

Messrs. Neilson,  
Gerrard,  
Quesnel,  
Christie,  
Walker, and  
Molson.

Prayers.

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

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

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

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

An Ordinance to incorporate the ecclesiastics of the Seminary of Saint Sulpice, of Montreal, to confirm their title to the fief and seigniorie of the island of Montreal, the fief and seigniorie of the Lake of the Two Mountains, and the fief and seigniorie 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.

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

The Governor-General called the attention of the Special Council to Her Majesty's gracious

No. 33.  
Right Hon.  
C. P. Thomson  
to Lord John Russell,  
November 18, 1839.  
Enclosure No. 3.

Message to both Houses of Parliament of the 3d of May last, relative to the legislative re-union of the Provinces of Upper and Lower Canada.

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

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

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

His Excellency then withdrew.

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

On motion of the Honourable Mr. Neilson, seconded by the Honourable Mr. De Léry—  
Ordered,—That an Ordinance to continue for a limited time, a certain Ordinance relative to the seizing and detaining, for a limited time, of gunpowder, arms, weapons, lead, and munitions of war, be read a second time at the next sitting day.

On motion of Mr. Gerrard, seconded by the Honourable Mr. Neilson—  
Ordered,—That an Ordinance further to continue, for a limited time, a certain Ordinance relative to persons charged with high treason, suspicion of high treason, misprision of high treason, and treasonable practices, be read a second time at the next sitting day.

On motion of the Honourable Mr. De Rocheblave, seconded by Mr. Quesnel—  
Ordered,—That an Ordinance to incorporate the ecclesiastics of the seminary of Saint Sulpice, of Montreal, to confirm their title to the fief and seigniorship of the island of Montreal, the fief and seigniorship of the Lake of the Two Mountains, and the fief and seigniorship of Saint Sulpice, to provide for the gradual extinction of seigniorial rights and dues within the seigniorial limits of the said fiefs and seigniorships, and for other purposes, be read a second time at the next sitting day.

On motion of the Honourable Mr. Moffatt, seconded by the Honourable Mr. McGill—  
Resolved—That the communication made this day by his Excellency the Governor-General, and entered on the journals, in reference to the re-union of the provinces of Lower and Upper Canada, be taken into consideration in a committee of the whole Council to-morrow.

Then

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

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

TUESDAY, 12th November, 1839.

Present:

The Honourable the Chief Justice, Presiding Member.

Messrs. Cuthbert.  
Pothier.  
De Léry.  
Moffatt.  
McGill.  
De Rocheblave.  
Neilson.  
Gerrard.

Messrs. Quesnel.  
Christie.  
Walker.  
Molson.  
Harwood.  
Hale of Sherbrooke, and  
Wainwright.

Prayers

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

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

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

Ordered,—That the said Ordinance be fairly transcribed.

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

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

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

Ordered.—That the said Ordinance be fairly transcribed.

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

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

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

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

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

Then, on motion of Mr. Walker, seconded by Mr. Wainwright, The Council adjourned until to-morrow at noon.

WEDNESDAY, 13th November, 1839.

Present:

The Honourable the Chief Justice, Presiding Member.

Messrs. Cuthbert.  
Pothier.  
De Lery.  
Moffatt.  
McGill.  
De Rocheblave.  
Neilson.

Messrs. Gerrard.  
Quesnel.  
Christie.  
Walker.  
Molson.  
Harwood and  
Hale of Sherbrooke.

Prayers.

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

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

1. Resolved—That under existing circumstances, in order to provide adequately for the peace and tranquillity, and the good, constitutional and efficient government of the provinces of Upper and Lower Canada, the reunion of these provinces under one Legislature, in the opinion of this Council, has become of indispensable and urgent necessity.
2. Resolved—That the declared determination of Her Majesty, conveyed in Her gracious Message to Parliament, to reunite the provinces of Upper and Lower Canada, is in accordance with the opinion entertained by this Council, and receives their humble and ready acquiescence.
3. Resolved—That among the principal enactments which, in the opinion of this Council, ought to make part of the Imperial Act for re-uniting the provinces, it is expedient and desirable that a suitable civil list should be provided for securing the independence of the judges, and maintaining the executive government in the exercise of its necessary and indispensable functions.
4. Resolved—That regard being had to the nature of the public debt of Upper Canada, and the objects for which principally it was contracted, namely, the improvement of internal communications alike useful and beneficial for both provinces, it would be just and reasonable, in the opinion of this Council, that such part of said debt as has been contracted for this object, and not for defraying expenses of a local nature, should be chargeable on the revenues of both provinces.
5. Resolved—That the adjustment and settlement of the terms of the re-union of the two provinces may, in the opinion of this Council, with all confidence, be submitted to the wisdom and justice of the Imperial Parliament, under the full assurance that provisions of the nature of those already mentioned, as well as such others as the measure of re-union may require, will receive due consideration.
6. Resolved—That in the opinion of this Council, it is most expedient, with a view to the security of Her Majesty's North American provinces, and the speedy cessation of the enormous expense now incurred by the parent state for the defence of Upper and Lower Canada, that the present temporary legislature of this province should, as soon as practicable, be succeeded by a permanent legislature, in which the people of these two provinces may be adequately represented, and their constitutional rights exercised and maintained.

No. 33.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
November 18, 1839.

Enclosure No. 3.



No. 33.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
November 18, 1839.  
Enclosure No. 3.

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

YEAS.

The Honourable the Chief Justice.  
Messrs. Pothier.  
De Léry.  
Moffatt.  
M'Gill.  
De Rocheblave.

Messrs. Gerrard.  
Christie.  
Walker.  
Molson.  
Harwood.  
Hale of Sherbrooke.

NAYS.

Mr. Cuthbert.

Mr. Quesnel.

Mr. Neilson.

So they were carried in the affirmative.

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

YEAS.

The Honourable the Chief Justice.  
Messrs. Cuthbert.  
Pothier.  
De Léry.  
Moffatt.  
M'Gill.  
De Rocheblave.

Messrs. Gerrard.  
Quesnel.  
Christie.  
Walker.  
Molson.  
Harwood.  
Hale of Sherbrooke.

NAYS.

Mr. Neilson.

So it was carried in the affirmative.

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

YEAS.

The Honourable the Chief Justice.  
Messrs. Pothier.  
De Léry.  
Moffatt.  
M'Gill.  
De Rocheblave.

Messrs. Gerrard.  
Christie.  
Walker.  
Molson.  
Harwood.  
Hale of Sherbrooke.

NAYS.

Mr. Cuthbert.

Mr. Neilson.

Mr. Quesnel.

So they were carried in the affirmative.

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

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

THURSDAY, 14th November, 1839.

Present:

The Honourable the Chief Justice, Presiding Member.

Messrs. Pothier.  
De Léry.  
Moffatt.  
M'Gill.  
De Rocheblave.  
Neilson.  
Gerrard.

Messrs. Quesnel.  
Christie.  
Walker.  
Molson.  
Austen.  
Harwood, and  
Hale of Sherbrooke.

Prayers.

The following draught of an address to his Excellency the Governor-General was submitted  
to the Council by the Hon. Mr. Moffatt.

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



May it please Your Excellency,

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

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

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

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

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

The Council divided on the motion.

YEAS.

The Honourable the Chief Justice.

Messrs. Pothier.  
De Léry.  
Moffatt.  
McGill.  
De Rocheblave.  
Gerrard.

Christie.  
Walker.  
Molson.  
Austin.  
Harwood.  
Hale of Sherbrooke.

NAYS.

Mr. Neilson. Mr. Quesnel.

So it was carried in the affirmative, and Resolved accordingly, on motion of the Honourable Mr. Moffatt, seconded by the Honourable Mr. Neilson.

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

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

The Council was adjourned during pleasure.

After some time the Council was resumed.

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

His Excellency the Governor-General, having entered the council chamber, he took his seat at the head of the table.

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

Ordered,—That an Ordinance to continue for a limited time, a certain Ordinance relative to the seizing and detaining for a limited time of gunpowder, arms, weapons, lead, and munitions of war, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question—"That this Ordinance do now pass,"

It was

Resolved in the affirmative.

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

No. 33.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
November 18, 1839.  
Enclosure No. 3.

No. 33.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
Nov. 18, 1839.

Enclosure No. 3.

On motion of Mr. Gerrard, seconded by Mr. Walker.—  
Ordered,—That an Ordinance further to continue for a limited time, a certain Ordinance relative to persons charged with high treason, suspicion of high treason, misprision of high treason, and treasonable practices, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question—"That this Ordinance do now pass,"

It was

Resolved in the affirmative.

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

His Excellency then withdrew.

The Honourable the Chief Justice resumed the chair.

The Council was adjourned during pleasure to wait on his Excellency the Governor-General with their address.

After some time the Council was resumed.

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

GENTLEMEN

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

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

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

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

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

Montreal, 14th November, 1839.

(Signed) W. B. LINDSAY,  
Clerk Special Council.

No. 34.

(No. 13.)

COPY of a DESPATCH from the Right Hon. C. POULETT THOMSON to Lord JOHN RUSSELL.

MY LORD,

Toronto, 23rd November, 1839.

No. 34.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
November 23, 1839.

Nos. 1 and 2.  
Nos. 3 to 11.

WITH reference to my despatch from Montreal of the 17th instant, I have the honour to inform your Lordship that I reached this city at an early hour on Thursday morning, the 22nd instant. I opened my commission as governor of Upper Canada the following day, and took the usual oaths on the assumption of the government. I afterwards received from the mayor and corporation of Toronto an address, of which, and of my answer, I enclose herewith copies. I also transmit copies of five addresses, presented to me on my way from Montreal to Toronto, and of the answers which I returned to them.

With a view to avoid inconvenience to the Lieutenant-Governor and his family, I directed a house to be engaged for me, where I shall reside as long as my stay in this city may appear to me necessary, in order to follow out your Lordship's instructions.

I have received every assistance from Sir George Arthur, and I feel confident that he will co-operate with me to the utmost of his power, in the measures which may be required for the public good.

I have, &c.

(Signed) C. POULETT THOMSON.

The Right Hon. Lord John Russell,

&c. &c. &c.

[Copy] Enclosure 1 in No. 34.

To his Excellency the Right Honourable CHARLES POULETT THOMSON, one of Her Majesty's Most Honourable Privy Council, Governor-General of all Her Majesty's Possessions in British North America, &c. &c. &c.

May it please your Excellency,

We, Her Majesty's loyal subjects, the mayor, aldermen, and commonalty of the city of Toronto, influenced by the respect due to the representative of our gracious Sovereign, beg leave to congratulate your Excellency on your arrival in this city.

Amidst the doubts and inconstancy which the frequent changes of Governors and Lieutenant-Governors of these provinces, and of the policy of the Imperial Government with regard to them, have created in the minds of the loyal and well-affected inhabitants, we would fain hail the arrival of your Excellency as the advent of a more certain, permanent, and prosperous condition of our commercial, social, and political relations, which will restore prosperity to the commerce and agriculture of the provinces, give a new impulse to internal improvements, and encourage the emigration of our loyal fellow-subjects from the mother country, to this important appendage to the British crown.

Having understood that one of the principal objects of your Excellency's visit to this province, and of your assuming the government thereof, is to ascertain the state of public opinion upon the question of the proposed legislative union of the provinces of Upper and Lower Canada, we beg respectfully to express our conviction, that any legislative union which shall not be predicated upon the ascendancy of the loyal portion of the inhabitants, or which shall give to that portion of the population who, from education, habits and prejudices, are aliens to our nation and our institutions, and to that part of it more particularly which has been engaged in open rebellion or treasonable conspiracy against the government, the same rights and privileges with the loyal British population of the provinces, who have adhered so zealously and faithfully, at the risk of their lives and property, to their Sovereign and constitution, would be fatal to the connexion of these provinces with the parent country.

Faithful in our allegiance to our Sovereign, and calmly but earnestly determined, as far as depends upon us, the highest municipal body in the province, to perpetuate the connexion with the parent state, your Excellency may confidently rely on our cordial support in whatever measure you may think advisable to adopt, tending to maintain that connexion, and to uphold the cherished constitution under which we live, and which we are firmly resolved to the utmost of our power to preserve inviolate and unchanged.

(Signed)

JOHN POWELL, Mayor.

Council-Chamber, November 18th, 1839.

Enclosure 2 in No. 34.

His Excellency's Reply.

GENTLEMEN,

I THANK you for your congratulations on my arrival in this province.

I trust that the information which I shall acquire during my stay here, may enable me to recommend such measures as may promote the agricultural and commercial interests of this important province: among those measures the reunion of Upper and Lower Canada appears to me the most essential, and you have been rightly informed that one principal object of my mission is to determine in what manner it can most safely and most advantageously be carried into effect: that measure is recommended by Her Majesty's government from a deep conviction that it will cement the connexion between the colonies and the parent state, which it is the firm determination of Her Majesty to maintain inviolate; but to be of permanent advantage, it must be founded upon principles of equal justice to all Her Majesty's subjects.

For this, and for all other measures having in view the advantage of these provinces, I shall confidently rely upon the support and co-operation of the people of Upper Canada.

Enclosure 3 in No. 34.

COPY of ADDRESS from GLENGARRY.

To his Excellency the Right Honourable CHARLES POULETT THOMSON, one of Her Majesty's Most Honourable Privy Council, Governor-General of British North America, and Captain-General and Governor in Chief in and over the Provinces of Lower Canada and Upper Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c. &c. &c.

May it please your Excellency,

We, Her Majesty's loyal and dutiful subjects, the undersigned Magistrates and other inhabitants of the county of Glengarry, most respectfully approach your Excellency, as Her Majesty's representative in British North America, to congratulate your Excellency upon your arrival in this province, and to assure your Excellency of our firm attachment to Her Majesty's royal person, and Government.

We avail ourselves of this opportunity to state to your Excellency that we highly appreciate the blessings which we enjoy under the constitution conferred on these provinces, and are fully sensible of, and grateful for, the kind and effectual protection afforded to us by the mother country, in the suppression of a most daring and wicked rebellion, and in defending

2 D

No. 34.

Right Hon.  
C. P. Thomson  
to Lord John Russell.  
November 23, 1839.

Enclosure No. 1.

Enclosure No. 2.

Enclosure No. 3.

No. 34.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
November 23, 1839.

Enclosure No. 3.

us from hordes of lawless and unprincipled brigands, who have, on various occasions, invaded these provinces from the neighbouring republic.

We have learned, with heartfelt satisfaction, that the mother country is determined to maintain her authority over this valuable portion of the British empire, and thereby preserve it from the degradation of becoming a state incapable of defending itself, and, as a natural consequence, from becoming a portion of the republican United States of America.

We cannot conceal from your Excellency that, at the present crisis, when Her Majesty's Ministers and the Imperial Parliament have under their consideration measures for the future government of Upper and Lower Canada, we feel the deepest anxiety, but at the same time cherish the hope that your Excellency will not recommend to Her Majesty's Ministers any new principle of government in these provinces at variance with the constitution under which we have hitherto so happily lived; especially that theory of "Responsible Government," broached in Lord Durham's "Report," which, if put in practice, we are fully persuaded, must lead to the separation of these provinces from the British empire, and to the establishing within them of republican institutions.

We beg leave most respectfully to state to your Excellency, that it is with the deepest concern that the loyal and patriotic subjects of Her Majesty in this country have observed the attempts making by a particular class of persons to renew discussions on some political questions that have heretofore produced the most disastrous results, and which it should be the earnest desire of every good man to bury in oblivion. We assure your Excellency that it is the earnest desire of Her Majesty's loyal subjects in Glengarry to support your Excellency in the discharge of your arduous and important duties, to preserve the peace, promote the welfare, and maintain inviolate the connexion of these provinces with the British empire.

(Signed)

ALEX. FRASER, J. P., L. C.  
JOHN M'GILLIVRAY, J. P., L. C.  
ALEX. RO. MARTIN, Sheriff, E. D.  
D. M'DONELL, M. P. P.  
And 664 others.

Glengarry, 18th November, 1839.

Enclosure 4 in No. 34.

Enclosure No. 4.

Copy.]  
SIR,

ANSWER TO INHABITANTS OF GLENGARRY.

Toronto, 25th November, 1839.

I AM commanded by his Excellency the Governor-General to acknowledge the receipt of the address from the magistrates and other inhabitants of Glengarry, which was presented to his Excellency at Lancaster, on Monday last.

His Excellency desires me to express to yourself and the other gentlemen who have signed this address, his thanks for their congratulations on his arrival in this province. His Excellency is fully persuaded of the deep attachment of the people of Glengarry to the parent state, — an attachment which was proved by the alacrity and gallantry with which, on two recent occasions, they came forward to vindicate the rights and to maintain the authority of the British Crown within these provinces. To maintain that authority, and to draw still closer the ties which unite these provinces to Great Britain, are the first and principal objects of his mission; and his Excellency cheerfully accepts the proffer made to him by the inhabitants of Glengarry of their support in the discharge of the arduous but important duties intrusted to him.

I have, &c.

H. M'Gillis, Esq.,  
&c. &c. &c.

(Signed)

T. W. C. MURDOCH.

Copy.]

Enclosure 5 in No. 34.

No. 5.

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

WE, Her Majesty's subjects, inhabitants of Prescott and its vicinity, beg leave respectfully to congratulate your Excellency upon your arrival amongst us, as Her Majesty's representative.

We conceive that the present is a moment fraught with the deepest interest, not only to the provinces of Upper and Lower Canada, but to Her Majesty's colonial possessions generally; as on the measures which may be now adopted by Her Majesty's Government depend the prosperity of these colonies, and eventually their connexion with the mother country.

We are well aware, that to reconcile the conflicting feelings and interests of the inhabitants of these provinces is a task that requires the utmost care and indefatigable perseverance, especially at this crisis, when the minds of the population are still unsettled, from the recent attempts made to overthrow British institutions in this country, attempts which were most nobly repelled by the great mass of our loyal yeomanry.

We would, in conclusion, express our wish that your Excellency may be guided by Divine Wisdom in the performance of the arduous duties which devolve upon your Excellency, and that your Excellency's exertions in endeavouring to restore confidence, peace, and tranquillity in this important section of Her Majesty's dominions may be crowned with success.

(Signed)

ROBERT BOYD,  
and 240 other persons.



## Enclosure 6 in No. 34.

ANSWER TO INHABITANTS OF PRESCOTT, &amp;c.

GENTLEMEN,

I THANK you for your address.

I fully appreciate the importance of the present crisis of these provinces, and the difficulties by which the settlement of their affairs is surrounded.

The warm feelings of attachment to British connexion and British institutions which animated the great body of the people, and led them to subdue rebellion at home, and repel outrage from abroad, will, I trust, lead them now to a calm and dispassionate consideration of the present circumstances of the province, and induce them to assist me in overcoming these difficulties, and in perfecting the means necessary for the future welfare of this and the neighbouring province.

## Enclosure 7 in No. 34.

COPY of ADDRESS from PRESCOTT.

To the Right Hon. CHARLES POULETT THOMSON, one of Her Majesty's Most Honourable Privy Council, Governor-General of British North America, &c. &c.

May it please your Excellency,

WE, the undersigned inhabitants of the town of Prescott and its vicinity, beg respectfully to assure your Excellency, that we regard this your Excellency's early visit to Upper Canada with very sincere pleasure, inasmuch as we think we see in it an earnest that our affairs will now have that attention and action bestowed upon them which they have so long and so greatly needed.

Some of us, when your Excellency was expected here about two weeks ago, appended our names to an address merely congratulatory of your Excellency's safe arrival in this country. It has since then been thought it would be useful and satisfactory to your Excellency to hear from the people themselves what their opinions and feelings are in respect to the political condition of the country. With this impression, and as part of the people, we would now respectfully submit that we agree with the Earl of Durham in his able Report as Lord High Commissioner to Her Majesty, that our difficulties have mainly arisen from this—that the representative branch of the legislature has been denied in practice that weight and influence in the affairs of the colony, without which harmony can scarcely long subsist among the different parts of a mixed form of government. It is without the power of giving any general direction to the policy of the local government, while the principal officials of the country, holding their offices, contrary to the English rule, in perfect independence of it, possessing a majority in the Legislative Council, enjoying the weight and dignity of high official rank, and with nearly the whole of the patronage of the Government at their disposal, can check and thwart every House of Assembly unfavourable to them. We would further respectfully submit, that Lord Durham has not only laid open, in the Report referred to, the great and principal cause of our late and present troubles, but has likewise, in our opinion, pointed out the only sufficient remedy for them. To wit: that the local affairs of the province should, in analogy with custom in England, be conducted by persons possessing the confidence of the House of Assembly, provision being made for the careful preservation of the prerogatives of the Crown, and for making the Imperial Parliament arbiter in case of dispute of what ought to be considered local, and what imperial concerns. This remedy, though simple, we believe with his Lordship, would be effectual. We believe, too, that it would be safe. We are sure it would be safer than continuing to govern as heretofore; for now, when anything is done unpalatable to the people, there is room for charging it upon the home Government; then, we could charge it on none but ourselves.

We speak the truth when we assure your Excellency that we prefer the limited monarchy of England to any other form of government; that we are attached to the mother country, and desire a continued connexion with it, but we desire, with the same ardour, to be freed from our present subjection to the irresponsible official party at the seat of Government, with their friends, expectants, and supporters there and throughout the country.

With these opinions and desires, and believing them to be largely, and even generally, participated in by our fellow-subjects in the province, we would respectfully but earnestly entreat your Excellency to assume the administration of the Government, and to dissolve the present House of Assembly, first, however, giving that body an opportunity of providing for the quiet and peaceable enjoyment hereafter of the elective franchise by every person entitled to it by law, and thereby diminish the chances for the repetition in many parts of the country of the lamentable scene that has so lately disgraced the neighbourhood of Toronto.

## Enclosure 8 in No. 34.

Gentlemen,

ANSWER.

THE object of my visit to Upper Canada at this early period of my administration is to be able, by personal observation, to ascertain the measures which may be best calculated to promote the welfare of this and the sister province. In the execution of this duty I shall ever be ready to listen to the representations of all classes of her Majesty's subjects;—and it will give me the most sincere satisfaction if my efforts for the public good should meet with their approval.

No. 34.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
November 23, 1839.

Enclosure No. 6.

Enclosure No. 7.

Enclosure No. 8.



Enclosure 9 in No. 34.

No. 34.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
November 23, 1839.  
Enclosure No. 9.

Copy of ADDRESS from KINGSTON, with Answer.

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

May it please your Excellency,

We, her Majesty's dutiful and loyal subjects, the magistrates, clergy, and inhabitants of the town of Kingston, beg to offer to your Excellency our congratulations on your appointment to the high office of Governor-General of British North America, and on your arrival in this province.

We cannot fail to appreciate the motives which have induced your Excellency thus early to come among us.

We regard it as a proof that it is your Excellency's desire to become thoroughly acquainted with the resources of this valuable portion of her Majesty's dominions, and also to ascertain, by personal inspection, the wants and wishes of the inhabitants.

We cannot but feel assured, from the many benefits hitherto bestowed on this province, through the munificence of the royal and illustrious predecessors of our most gracious Sovereign, as well as from the solicitude so often expressed by her Majesty herself for the welfare of her loyal Upper Canadian subjects, and the preservation of our happy connexion with the Mother Country; that in appointing your Excellency to the distinguished but arduous trust assigned to you, our gracious Sovereign has made such selection from a conviction that your Excellency possessed qualifications well suited to the important office.

We therefore beg leave to express to your Excellency our earnest hope that in carrying out the intentions of our Sovereign, for the settlement of the affairs of this happy portion of her dominions (disturbed for a season by the machinations of the evil disposed), your Excellency will meet with that support from all classes of her Majesty's subjects which will materially enable your Excellency to fulfil the royal intention, already so emphatically expressed, of rendering our connexion with the Parent State more firm and permanent.

Enclosure 10 in No. 34.

REPLY.

Gentlemen;

I thank you for your address and congratulations on my arrival in this province.

You have rightly understood the motives which have induced me at this early period of my administration to proceed to Upper Canada; and I trust that my personal observation during my stay there may enable me to recommend to Her Majesty's Government, and to Parliament, such measures as may be conducive to the welfare of this important province.

To remove all causes of reasonable discontent in these provinces—to promote their advancement—above all, to cement the connexion between them and the Mother Country, by strengthening the ties of interest and attachment. These are the duties committed to me by your Sovereign; and I earnestly hope that, in my endeavour to discharge these important but arduous duties, I shall receive the support of all Her Majesty's loyal subjects in Canada.

Enclosure 11 in No. 34.

Enclosure No. 11.

To the Right Honourable CHARLES POULETT THOMSON, Governor-General of British North America, and Captain-General and Governor-in-Chief in and over the Provinces of Lower Canada and Upper Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same.

May it please your Excellency,

We, the merchants, forwarders, and traders of the town of Kingston, beg leave most respectfully to approach your Excellency, with sincere expressions of congratulation on your appointment to the general government of these provinces, and to welcome your visit to Kingston.

We have, in common with our fellow-subjects throughout the province, already enjoyed too many proofs of the solicitude of our most gracious Sovereign for our welfare not to feel convinced that in appointing your Excellency to the important station which you hold, She has been governed in such selection by a continual desire to behold in due time our condition materially improved, and our resources fully developed.

Nor can we fail to recognize in your Excellency the possession of those known qualifications which eminently enable you to appreciate those interests which more particularly affect the mercantile class.

We doubt not but your Excellency will perceive that the geographical position of the town of Kingston is such as to justify the expectations of its inhabitants that it will, at no distant period, become a place of great mercantile importance; and we wait with pleasing anticipations and anxious hope for the carrying out of your Excellency's measures for the general good of the province, as having a particular interest and important stake therein, without intention to enter into political dissensions of any tried or obtruding political opinions upon your Excellency's consideration. We cannot omit this favourable opportunity of stating, that

we have learned with satisfaction that it is the intention of the Imperial Government to unite these provinces, as on a fair and equitable Union, establishing one province essentially British, we conceive the prosperity of the country and the growth of its commerce will mainly depend.

We assure your Excellency of our cordial support to such measures as shall tend to the establishing of peace, the developing the rich resources of our adopted country, and the maintaining, unimpaired, our connexion with Great Britain.

Signed by

WM. WILSON,  
And 54 others.

No. 34.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
November 23, 1839.

Enclosure No. 11.

(No. 14.)

No. 35.

COPY of a DESPATCH from the Right Hon. C. POULETT THOMSON to Lord JOHN RUSSELL.

MY LORD,

Toronto, 25th Nov. 1839.

WITH reference to my despatch of the 23rd instant, I have the honour to inform your Lordship that I this day held a Levee at the Government House, which was very numerously attended. I afterwards received two addresses, one from the merchants and the other from the inhabitants of Toronto, of which, and of my answers, I enclose copies for your information.

I have, &c.

(Signed)

C. POULETT THOMSON.

The Right Hon. Lord John Russell,  
&c. &c. &c.

No. 35.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
November 25, 1839.

Enclosure 1 in No. 35.

Address from the Merchants of the City of Toronto.

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

Enclosure No. 1.

May it please Your Excellency,

We, the merchants of the City of Toronto, beg most respectfully to offer you our cordial welcome to this city; we request you to accept our sincere wishes for your personal welfare; and a happy issue to the important and difficult mission intrusted to your charge by our beloved and most gracious Sovereign.

In approaching your Excellency with this Address, we beg to express our unshaken loyalty, our devoted attachment to her Majesty and our inimitable constitution; and of our earnest desire to perpetuate between the Parent State and the colony, those ties which bind us to each other.

We cannot but deplore the present unsettled state of the country, viewing its condition in connexion with the late unnatural rebellion and foreign aggression; and we anxiously await the opportunity of proving its capability for commercial and agricultural advancement; relying upon your Excellency's intimate knowledge of commerce and of the remedies to be applied where a derangement exists; we fondly anticipate this will be brought about during your Excellency's administration.

As a body of merchants we look forward with a high degree of satisfaction to your Excellency's consideration, by personal observation, of those capabilities of increase in imports and exports of which Upper Canada is susceptible. These appendages of the British Crown, with which it is our happy lot to be connected, present a magnificent field for enterprise; the wealth and resources of the country, as yet undeveloped, are allowed to be unsurpassed in any other portion of her Majesty's dominions, and the facilities for improvement by means of the majestic lakes and rivers with which the country is intersected, could be rendered available for the furtherance of commerce, and the general wealth and prosperity of the people.

By the encouragement of emigration and the introduction of British capital, this fine Province would, blessed with peace and the protection of the laws, naturally become a wealthy agricultural and commercial country.

The distinguished abilities and attainments of your Excellency, lead us to feel satisfied that we have the happiness of seeing among us, one whose extensive practical knowledge will enable him, in connexion with our estimable Lieutenant-Governor, to propose measures which will lead to the development of the vast resources of this Province, a subject which, we regret to say, has hitherto occupied too little attention. All of which is respectfully submitted.

GEOFFERD RIDOUT, Chairman.

Toronto, Nov. 20th, 1839.

No. 35.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
November 25, 1839.

Enclosure No. 1.

Gentlemen,

Reply.

I thank you sincerely for your congratulations upon my arrival in this province. I receive with pleasure the expression of your attachment to the British constitution and government, and of your desire to perpetuate the connexion between these provinces and Great Britain. You may feel assured that it is the firm determination of Her Majesty's government to preserve that connexion inviolate, and that it will be my most anxious endeavour to cement and strengthen it by every means in my power.

I shall devote my best attention to the commercial and agricultural interests of Upper Canada, and I shall be most happy if the practical knowledge of commercial matters, which I have acquired in the Mother Country, should enable me to devise means for removing its present embarrassments, and developing its great resources.

In the pursuance of these objects I shall be supported by the assurance of your cordial co-operation and that of the people of Upper Canada, without which my efforts would be ineffectual.

Enclosure 2 in No. 35.

ADDRESS FROM THE INHABITANTS OF THE CITY OF TORONTO.

Enclosure No. 2.

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

May it please your Excellency,

We, her Majesty's most dutiful and loyal subjects the undersigned inhabitants of the City of Toronto and its vicinity, approach your Excellency to offer you our sincere congratulations on your appointment to the high and important office of Governor-General of British North America, and to assure your Excellency that it is our anxious desire to support your Excellency's administration.

In the appointment of a statesman of your Excellency's established reputation to the government of the Canadas, at this eventful crisis, we recognise a sincere desire on the part of her Majesty to promote the welfare of these important provinces.

We avail ourselves of this opportunity to assure your Excellency of our cordial attachment to the person and government of our most gracious Sovereign, and of our anxious desire to strengthen the connexion which binds these colonies to our beloved Mother Country.

Reserving the time-honoured institutions which, owing to the wisdom and bravery of our ancestors, have become the inherent and inalienable right of British subjects, we earnestly desire to see the Colonial Government administered in accordance with the acknowledged principles of the British constitution.

Fully convinced that your Excellency will, while firmly maintaining the undisputed prerogatives of the Crown, respect the wishes and interests of her Majesty's loyal and attached subjects in this province, we again tender to your excellency the assurance of our anxious desire to afford you that assistance and co-operation on which your Excellency, with such earnest expressions of interest for the public welfare, so confidently relies.

(Signed) W. W. BALDWIN, and 1041 others.

Reply.

Gentlemen,

I thank you for your address and for the assurance of your support to my administration of the affairs of this province.

Whilst it is the firm determination of the Imperial Government to maintain inviolate the connexion between those colonies and the Parent State, it is no less their desire that the government of them should be conducted in harmony with the feelings of the people.

In the discharge of the duty confided to me by my Sovereign, it will be my anxious study to act upon these principles, and I receive with satisfaction the assurance of your readiness to assist and co-operate with me.

(No. 16.)

No. 36.

COPY of a DESPATCH from the Right Honourable C. POULETT THOMSON to LORD JOHN RUSSELL.

Toronto, December 6th, 1839.

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 16th of October last, No. 20, on the subject of the tenure of office by the subordinate servants of the Crown in Canada.

No. 36.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
December 6, 1839.

I had previously received the similar despatch addressed by you to Sir George Arthur, and had directed its publication in the Gazette for the information of all parties concerned. This publication appears to have been attended with good effects, and the principle of the despatch, as far as I can learn, is generally approved.

No. 26.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
December 6, 1839.

It will also be of service to me in my endeavours to explain to those who have heedlessly adopted the cry for "responsible government," the extent to which Her Majesty's Government wish to go in administering affairs here according to the wishes of the people, and through persons having their confidence, at the same time that they reject a principle incompatible with Colonial Government.

I have, &c.

(Signed) C. POULETT THOMSON.

The Right Hon. Lord John Russell,  
&c. &c. &c.

(No. 17.)

No. 37.

COPY of a DESPATCH from the Right Honourable C. POULETT THOMSON to LORD JOHN RUSSELL.

Toronto, December 6, 1839.

My LORD,

I TRANSMIT herewith for your Lordship's information various addresses presented to me from different parts of this province, since the 25th ultimo, together with copies of my answers.

No. 37.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
December 6, 1839.

I have, &c.

(Signed) C. POULETT THOMSON.

The Right Hon. Lord John Russell,  
&c. &c. &c.

HAMILTON ADDRESS.

To the Right Honourable Charles Poulett Thomson, one of Her Majesty's Most Honourable Privy Council, Governor-General of British North America, &c. &c. &c.

May it please your Excellency,

We, the undersigned, inhabitants of the town of Hamilton, have heard with high gratification of your Excellency's recent arrival in this province.

We beg to assure your Excellency of our full confidence in your Excellency's talents and patriotism, and of our determination to support your Excellency to the utmost of our power, in the discharge of the arduous and most important duties which your Excellency has assumed; and we hail your appointment as an additional evidence of Her Majesty's unabated interest in the welfare of her Canadian subjects.

Firmly and devotedly attached to the principles of the British Constitution, it is our most anxious desire to see its privileges enjoyed, to their fullest extent, by the inhabitants of this province;—and we have the most entire confidence in your Excellency's ability and inclination to exercise, with that view, the high powers which Her Majesty has been pleased to invest you; and we doubt not that the measures adopted under your Excellency's administration will be productive of the most happy results, in restoring harmony and confidence, strengthening the ties which bind us to the Parent State, and in developing to their full extent the vast natural resources of this noble colony.

Deputation to present—Messrs. C. C. Ferris, M. Aikman, — Fergusson.

REPLY.

Gentlemen,

I thank you for this address and for your promises of support to my administration. You may feel assured that it is Her Majesty's first wish to promote the happiness and to conduce to the prosperity of this important portion of her dominions; and I should ill discharge the high office which she has been graciously pleased to bestow on me, did I not, on



No. 37.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
December 6, 1839.

my part, use every exertion for that purpose. In the co-operation of the people of Canada I look for the chief elements of my success, and the expressions of your confidence in me, at the present moment, are therefore particularly gratifying.

ADDRESS of the Talbot District.

To His Excellency the Right Hon. C. Poulett Thomson Governor General of British North America, &c. &c.

Simcoe, Talbot District, Nov. 26, 1839.

May it please Your Excellency,

We her Majesty's dutiful and loyal subjects, a committee appointed by a public meeting of the inhabitants of the district of Talbot, held at Simcoe (the district town), on the 21st Sept. last, for the purpose of carrying into effect the principles advocated by said meeting, appear before your Excellency, in the name and on behalf of a very large proportion of the freeholders, and other inhabitants of that district, to present to your Excellency our warmest congratulations on your Excellency's assumption of the high and dignified office of Governor-General of her Majesty's dominions in British North America.

Especially would we hail your Excellency's appearance in our provincial metropolis as the harbinger of much good to Upper Canada. We cannot but consider it as a renewed expression of that deep interest which Her Majesty's Government has in our welfare. Permit us then to testify our loyalty to the British throne. As Britons, or the immediate descendants of Britons, we admire and revere the principles upon which that throne is based. We cannot, therefore, but deeply lament, that we in this section of the British empire should not as fully enjoy the benefit of those principles as our fellow-subjects in Britain—we advert to the want of executive responsibility in our provincial administration. A want to which we attribute the origin of a large measure of those distressing calamities which have afflicted this province so long. We fondly hope that your Excellency's investigations into our actual circumstances will soon lead to the fullest conviction of the necessity of adopting this principle in the administration of this province. We assure your Excellency, so far as we know the character of our fellow-subjects, on every hand, this is becoming more and more their wish, daily.

We have it likewise in charge to tell your Excellency that the proposition of Her Majesty's Government, to unite the Provinces of Upper and Lower Canada, under one administration, will have the cordial approbation of those whom we represent.

At the same time we should do injustice to ourselves, and our country, did we not distinctly intimate to your Excellency that we consider our present self-elected House of Assembly as not having the confidence of the people, and as such earnestly pray your Excellency to dissolve that house. We cherish no other ambition than that of promoting the welfare of all classes of Her Majesty's subjects, and perpetuating the integrity of the empire. And we beg to assure your Excellency that we will heartily co-operate in the arduous but practicable task of establishing confidence, peace, and harmony in this province. And we entertain the pleasing hope that, for the deep concern manifested by your Excellency in the welfare of the province, by your Excellency's early visit during an unelement season of the year, your Excellency will ultimately reap a rich reward in the gratitude of an united people, and in the approbation of a discerning Sovereign.

REPLY.

Gentlemen,

I am happy to find that you approve of the proposed re-union of this province with Lower Canada, which it is my earnest desire to arrange upon terms of equal justice to all Her Majesty's subjects within the two provinces.

If it is the desire of Her Majesty's advisers that the government of these provinces should be conducted in harmony with the wishes of the people, and it will be my anxious endeavour to conduct my administration in this spirit.

SIMCOE ADDRESS.

To the Right Hon. Charles Poulett Thomson, Governor-General of British North America, &c. &c. &c.

County of Simcoe, Nov. 18th, 1839.

May it please your Excellency,

We, Her Majesty's most dutiful and loyal subjects, inhabitants of the townships of Vespa, Oro, North and South Orvilia, Medonte, Flos, Ting and Tay, in the county of Simcoe, beg leave to approach your Excellency with sincere sentiments of devotion, loyalty, and attachment to our most gracious Sovereign.



We beg to congratulate your Excellency on your appointment to the government of these important colonies, and on your arrival in this province. The appointment of a statesman of your Excellency's acknowledged abilities to this government we receive as an earnest of the desire of Her Majesty to further the interests, welfare, and prosperity of this portion of her dominions; and we tender to your Excellency the assurance of our firm support to your administration, based, as we trust it will be, on strict principles of justice to all classes of Her Majesty's subjects, with the view of allaying existing discontents, and binding more closely the connexion which now so happily exists between these colonies and the Mother Country.

The allusion which your Excellency has been pleased to make in your proclamation of 19th October, to the loyalty and courage of the inhabitants of this province, we have read with unmingled feelings of satisfaction, and it will be to us a source of pride at all times to look back to the period, when, by their united efforts, the loyal inhabitants of this province, aided in preserving to the British crown these important appendages.

Amply endowed as this country is by nature with all the elements necessary to secure to its inhabitants every earthly blessing, it is deeply to be lamented that discontent should so generally prevail; and inhabiting as we do a remote but fertile and beautiful section of the province, labouring under many disadvantages from the want of local improvements, we feel that to some cause must be ascribed our unhappy condition, for which your Excellency, with the co-operation of the people of the province, has it in your power to suggest and apply a remedy. The practical difficulties under which we labour are to be traced to the manner in which the government of the province has hitherto been administered; to the system of favouritism observable in the distribution of the government patronage, fostering a party to the prejudice of the general interests and welfare of the community; to the prodigality of the dominant faction in the management of the revenues of the colony, now reduced to bankruptcy; and to a variety of other causes, which cannot conveniently be enumerated in an address. Had the government of the colony been administered heretofore with that spirit of liberality, and with that regard for the general welfare of the people, which as British subjects we might expect in a British colony, there is every reason to assert that the state of the country would be widely different from what it now is. It is our ardent desire, therefore, that the government of the country shall hereafter be administered in accordance with the principles and practice of the British constitution, and that there shall be secured to all her Majesty's faithful subjects in these colonies the full enjoyment of British rights.

We look forward with confidence to important changes for the benefit of the country, and to your Excellency, as the exalted instrument by whom those changes are to be introduced. We rely upon the magnanimity and justice of her Majesty's government to do all that in them lies to restore confidence, and to secure peace and prosperity to these provinces; and whatever the contemplated changes may be, we have too much reliance on your Excellency's sense of justice to suppose that they will be attempted without in the first place affording the yeomanry of the country an opportunity of considering them through their representatives in provincial parliament; and for that purpose your Excellency is respectfully requested to dissolve the present parliament, in which the people generally do not repose confidence.

We beg to renew our assurances of attachment to our gracious Queen, and of co-operation with your Excellency, in whatever may tend to secure the general welfare and happiness of this community.

(Signed) ELMES STEELE, Chairman.  
GEO. TUDHOPE, Secretary.

## REPLY.

SIR, Toronto, 26th Nov. 1839.

I AM commanded by his Excellency, the Governor-General, to inform you that the Address from the inhabitants of several townships in the county of Simcoe, which accompanied your letter to me of the 19th instant, was received at this office yesterday.

His Excellency desires me to express his satisfaction at the sentiments of loyalty and attachment to our Sovereign, contained in this address, and his thanks for the congratulations on his arrival in Canada. It is his Excellency's first wish, in the discharge of the important duties committed to him, to exercise his authority with a strict regard to the interests of all classes of her Majesty's subjects. While it is his determination firmly to maintain the authority of the crown, it is his anxious desire to adopt such measures as may tend to knit more closely the ties which unite these provinces to the Parent State. His Excellency will devote his best attention to the agricultural and commercial interests of the province, in the hope that he may be able to adopt such measures as may remove its present embarrassments, and develop its great natural resources; and he looks with confidence to the support of the inhabitants of Upper Canada in the measures which he may adopt for the public welfare.

I have, &c.

(Signed) T. W. C. MURDOCH,  
Chief Secretary.

Capt. Elmes Steele, R.N.  
&c. &c. &c.

No. 37.  
Right Hon.  
C. P. Thomson to  
Lord John Russell.  
December 6, 1839.

Enclosure.

No. 37.  
The Rt. Hon. C. P.  
Thomson to Lord  
J. Russell.  
6th Dec., 1839.

Enclosure.

GORE ADDRESS.

To the Right Honourable Charles Poulett Thomson, one of Her Majesty's Most Honourable Privy Council, Governor General of British North America, &c., &c., &c.

May it please your Excellency:

The committee for the district of Gore, appointed at a public meeting of the freeholders and inhabitants, convened by the sheriff on the 27th of July last, beg, in pursuance of the power conferred upon us, and in the name of the inhabitants of the district, to congratulate your Excellency on your safe arrival in this province, and to express our satisfaction that your Excellency has assumed the active duties of its government.

We assure your Excellency, that we are warmly and devotedly attached to the British Constitution, and are convinced that the prosperity of these colonies will be best secured, and the happiness of the people consulted by a close connexion with the Parent State. We hail your Excellency's acceptance of the important office of Governor-General, as an earnest of the determination of Her Majesty's Ministers to carry out those great principles of reform; to the attainments of which the people of this country have been looking forward with feelings almost of despair.

The resignation by the Earl of Durham of the high office conferred upon him by our sovereign, had disappointed the wishes of the colonial community, who looked forward, nevertheless, with the most sanguine feelings to the representations which his Lordship would make to our sovereign respecting their political condition and wants; and their gratification was extreme, when they had the opportunity of perusing the valuable Report of his Lordship, containing, as they conceived, a true picture of the evils under which the colony had so long laboured; and delineating in so masterly a manner the remedies required for its eventual prosperity.

The postponement of legislation upon the affairs of these provinces had well nigh extinguished those cheering feelings, which had supported the colonists through the agitation of party strife, and the distressing state of public affairs; but we have much gratification in being able to assure your Excellency that the numerous and respectable freeholders and inhabitants, whom we represent, are disposed to place implicit reliance on your Excellency's determination to continue the good work which their valued friend, the Earl of Durham, had begun. They look to your Excellency for the fulfilment of those admirable schemes of colonial policy which have been recommended by his Lordship; and they feel themselves warranted in pledging to your Excellency the most cordial assistance, and frank and generous interpretation of your Excellency's acts, so long as they continue to believe that your Excellency is steadfast in those liberal principles which have characterized your Excellency's public life.

Unaccustomed to the language of courtly address, we fear that we may fall short of the deference due to your Excellency's exalted station; nevertheless, while we would yield to none in the respect and affection which we owe to the representative of our gracious Sovereign, we feel that we ought not to refrain from expressing to your Excellency the urgent necessity which exists for a prompt and vigorous application on your Excellency's part to the important questions which now agitate this country; and in order that your Excellency may become convinced of the true state of public feeling, we would most earnestly implore your Excellency to take the earliest opportunity of dissolving the present House of Assembly of this province—that thus the present agitation may be converted into its legitimate channel, namely:—the election of such persons as the future representatives of the people, as will truly advocate the interests and wishes of the constituency.

We are of opinion that a union of these provinces founded upon principles of equal justice to all Her Majesty's subjects; and a government responsible to the people for its local acts, as laid down in the Report of the Earl of Durham, will form the most prominent questions at the ensuing elections. To carry out these principles, the present committee were nominated by a numerous and highly respectable meeting of the freeholders and inhabitants of this district, as may be fully shown by the accompanying newspaper, giving a report of the proceedings. We believe that these are the principles of an overwhelming majority of the people of this province; and, that by the adoption or rejection of them, on the part of Her Majesty's ministers, will the happiness and prosperity, or the discontent and ultimate estrangement of the colonial population be determined.

We tender our sincere and best wishes that providence may grant your Excellency health, and such guidance and assistance as your Excellency will need in carrying to a successful termination the arduous task of establishing peace, contentment, and prosperity in Her Majesty's North American colonies.

REPLY.

GENTLEMEN,

I thank you for the expression of confidence in my administration, contained in your address.

Whatever measures, I may think it my duty to recommend to Her Majesty's Government and to Parliament, will have for their object the settlement of the Government of this province upon such a foundation as may secure the just rights of the Crown and the permanent liberties of the people.

## ADDRESS OF THE JOINT COMMITTEES.

To his Excellency the Right Honourable C. Poulett Thomson, Governor-General of British North America, &c. &c. &c.

No. 37.  
The Rt. Hon. C. P.  
Thomson to Lord  
John Russell.  
6th Dec., 1839.

May it please your Excellency :

We, the Committees appointed at public meetings held lately in the Gore and Talbot Districts, and the Committee representing certain inhabitants of the Home District, approach your Excellency with the expression of our highest respect, and beg leave to draw your Excellency's attention to the necessity which, in our opinion, exists for the protection of the constituency at the ensuing elections. It is with much regret that we feel constrained to inform your Excellency, that in several recent instances at meetings of the people, intimidation and violence have been had recourse to by persons holding military or civil authority, and others—and we have just ground for believing, that not only will many peaceably disposed persons be deterred from exercising their elective franchise, but also, that serious disturbances will be the result, if measures be not taken to ensure a free and impartial election.

We are conscious that it would be improper in us to point out to your Excellency the course to be pursued, and are satisfied that nothing more is required, than to present the subject to your Excellency's notice.

## REPLY.

GENTLEMEN :

The subject to which your address refers, is one of great importance, and will receive my serious consideration.

## VICTORIA ADDRESS.

To the Right Honourable Charles Poulett Thomson, one of Her Majesty's Most Honourable Privy Council, Governor General of British North America, &c. &c. &c.

May it please your Excellency :

We, the undersigned inhabitants of the district of Victoria, beg leave, respectfully, to congratulate your Excellency on your arrival in this province.

We do this with the greater pleasure because your Excellency is accustomed to the business of the empire, is specially conversant with its trade, agriculture, and finance, and is connected with that political body who believe that Government exists for the benefit of the governed, and that if its institutions do not answer this end they ought to be reformed, until instead of retarding they assist the people to gain intellectual and moral excellence, private and public prosperity.

While we frankly admit the advantages that we enjoy as British Colonists, we are led no less frankly to state to your Excellency, that the full benefit of the British Constitution has been greatly obstructed in this province; so that, though we inhabit a country that possesses many natural advantages, its resources are very imperfectly developed, its finances are deplorably embarrassed, its credit greatly impaired, industry is inadequately rewarded, great discontent everywhere prevails, and a recent insurrection has stained our land with blood.

We do not hesitate to state to your Excellency that, in our opinion, a leading cause of the unnatural condition of our public affairs is to be found in the want of due responsibility in the chief officers of the Government to the people; so that the interest of the latter has been rendered subservient to that of the former,—their responsibility to the Imperial authorities being too remote and feeble to influence their conduct; and those authorities being too much engaged with Imperial affairs, to give ours the close and unwearied attention which they require; and, as the payment of our public officers involves the right to control them; we therefore deem that, to render the Government responsible to the people on all our local affairs, in whatever way it may best be arranged, is the chief remedy for our numerous public disorders.

Believing that your Excellency is determined to apply the powers with which you are invested solely for the public good, we beg to assure you of our strongest co-operation therein. Especially shall we implore the *Great Being* who rules over all, so to direct and aid your Excellency's endeavours, that when at some distant day, you may leave these colonies for that fair land which we recognise as *home*, you may have the happiness of leaving behind you a united, prosperous, and happy people, content and proud to remain inseparably connected with the British Empire.

1293 Signatures.

## REPLY.

GENTLEMEN,

I thank you for your address and congratulations.

You do me but justice in believing that it is my firm determination to exercise the authority with which I am invested, with the single purpose of promoting the public welfare. It is with this object that I have assumed the Government of the Upper Province, in order to be able by personal observation to decide on the measures which should be recommended to the Imperial Legislature. I trust that the result of those measures will be to render both provinces of Canada prosperous, contented, and happy, and to strengthen the feelings of affection and interest by which they are now united to the parent state.

No. 37.  
The Rt. Hon. C. P.  
Thomson to Lord  
John Russell.  
6th Dec., 1839.

Enclosure.

THE BYTOWN ADDRESS TO THE GOVERNOR GENERAL.

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

May it please your Excellency.

WE, the undersigned inhabitants of Bytown and its vicinity on the Ottawa River, beg leave to tender your Excellency our congratulations on your safe arrival in Canada, and to convey to you our assurance, that we consider the appointment of a gentleman of your Excellency's well known talents, to discharge the duties of Governor in chief of these Provinces, as a mark of high favour from our gracious Sovereign.

We would beg leave to bring under your Excellency's notice, the great importance of the section of the country in which we reside, presenting as it does, a loyal population and a wide field for settlement, superior to any other part of these provinces, in a political, commercial, and agricultural point of view, offering, in its extensive tracts of waste lands, an opening for emigrants on a fertile soil; and under a favourable climate, where an industrious population could be settled; sufficiently remote from the contagion of republican principles, to which those on the frontier are exposed, while our noble river, forming, as it were, the main artery of the Canadas, presents a communication which could be opened between the Great Western Lakes and the ocean, by a route four hundred miles shorter than that at present pursued, and which route has been partly surveyed by order of the Provincial Government, a sum of money having been granted by the Legislature for that purpose.

The obvious importance of this great work, (namely, the opening a route to Lake Huron, by the Ottawa River,) attracted the attention of several leading capitalists and merchants in England some years ago, and its accomplishment was then only prevented by the influence of the anti-emigration faction in Lower Canada, defeating the endeavours of these gentlemen, when they applied to be incorporated for that purpose.

Many of your Excellency's predecessors, among others the Earl of Durham, was so deeply impressed with the necessity for this work being done, that he justly described it as "going hand in hand" with the great plans he had formed for the encouragement of emigration, and the formation of settlements in the interior of the country.

We most sincerely hope your Excellency will become impressed with the same views, and that the result of your labours may be the restoration of permanent tranquillity and prosperity to this important part of Her Majesty's dominions, by the introduction of a wholesome emigration, firm in their adherence to the mother country, and in their attachment to British institutions.

Bytown, October 22, 1839.

Sir, Government House, Montreal, 2nd Nov. 1839.  
I HAD the honour to lay before His Excellency the Governor General, the Address from the inhabitants of Bytown, enclosed in your letter to me of the 30th ultimo.

His Excellency commands me to request that you will express to the gentlemen who have signed this address, his thanks for their congratulations on his arrival in this country.

His Excellency is fully impressed with the importance of that portion of Upper Canada which lies in the neighbourhood of Bytown; and he recognizes the loyalty with which, in the moment of danger, the inhabitants rallied round the Government of the province. It will be the first duty of his Excellency, by securing peace and tranquillity, to promote the prosperity of the colonies entrusted to his charge; and it will afford him sincere satisfaction, if it should be in his power to contribute towards the development of the great natural resources of the country bordering on the Ottawa. His Excellency will not fail to devote his early attention to the subject of emigration, in the hope that he may be able to organize a system which will be equally advantageous to the British provinces in North America, and to the mother country. I have the honour to be, Sir, your most obedient servant.

The Hon. P. M'Gill.

(Signed) T. W. C. MURDOCH,  
Civil Secretary.

HOME DISTRICT ADDRESS.

To His Excellency the Right Hon. C. Poulett Thomson, Governor General of British North America, &c. &c. &c.

May it please Your Excellency:

We Her Majesty's dutiful and loyal subjects the Committee nominated by a large portion of the freeholders and other inhabitants of the Home district, subscribed to the accompanying resolutions, in compliance with our instructions, respectfully beg leave to submit them, together with the copy of our address to Her Majesty, for your Excellency's consideration, as speaking not only our own sentiments, but those of a very large portion of our fellow subjects. In doing so we beg to assure your Excellency of the devoted attachment of those we represent to the person and government of our most gracious Sovereign, and of their anxious desire to maintain unimpaired the connexion of the North American colonies with the parent state.

We desire to avail ourselves of this opportunity of offering to your Excellency our congratulations upon your appointment as governor in chief of this portion of the British Empire, and to assure your Excellency of the gratification which will be experienced by every truly loyal subject, at the safe arrival of your Excellency to assume the government of this province, where nothing is wanting to secure the peace, welfare, and prosperity of the country, but the adoption of the principles of the British constitution in the administration of the government.



No. 5.

## RESOLUTIONS.

No. 37.  
The Rt. Hon. C. P.  
Thomson to Lt. John  
Russell.

6th December, 1839.

Enclosure.

1.—That this meeting sincerely rejoices at this opportunity of expressing its satisfaction at the appointment of the Right Hon. C. P. Thomson, as Governor-General of British North America, recognizing in that distinguished gentleman a statesman of no ordinary ability, and a firm friend of civil and religious liberty.

2.—That this meeting, having witnessed with astonishment and regret the unconstitutional refusal of Mr. Sheriff Jarvis to call a public meeting of the inhabitants of the district, in compliance with a requisition signed by upwards of 200 individuals, feels itself imperatively called on to assert the right of British subjects to meet peaceably and constitutionally to discuss the public affairs of the province, and to petition for the redress of grievances, if in their opinion any such exist; and to declare further that the people themselves are the sole judges of the expediency of such meeting, discussion, and petition.

3.—That any attempt to change the existing constitution conferred on the people of this province by the statute passed in the 31st year of the reign of His Majesty King George III., without the consent of the local legislature, would be, in the opinion of this meeting, a breach of the solemn pledge of security guaranteed to the people by the said constitution.

4.—That it is the opinion of this meeting that the present House of Assembly have not represented the opinions of the people, and that they do not possess the confidence of the country.

5.—That whether such want of confidence in the present House of Assembly be well founded or not, this meeting, holding that it, like all preceding assemblies of the province, was chosen by the people to uphold, and not to impair, the existing constitution, deem it an essential preliminary to any discussion in the representative chamber, relative to the abrogation of, or alteration in, the constitution, that the present Provincial Parliament be dissolved, and an appeal made to the people for their opinion with reference to the proposed changes.

6.—That in the event of a dissolution of Parliament taking place, this meeting is desirous of recording its opinion, that if, to use the words of the Earl of Durham, the crown, by its representative, shall make itself a party in the electioneering contest, it will be impossible for the Imperial Parliament to obtain a true expression of the opinions of the people.

7.—That this meeting has read with much satisfaction certain passages in a recent speech of the Most Noble the Marquis of Normanby, Her Majesty's Secretary of State for the Colonies, in which his Lordship admits "that no form of popular government for a colony could be properly conducted unless there existed a desire on the part of the superintending authority that the Executive Government of the colony should as much as possible act in harmony with the representative body," while it deeply regrets that his Lordship should have expressed any doubts as to the practical applicability of this principle to the working of the provincial constitution.

8.—That the report presented to Her Majesty by the Right Hon. the Earl of Durham, Her Majesty's late High Commissioner, to inquire into the affairs of British North America, presents the only sound and safe system of colonial government—namely, 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.

9.—That this meeting, with a view of expressing its opinion as unequivocally as possible upon the subject of a responsible government, is anxious to be understood as desiring such a change in the present administration of the government as would render the advisers of the Colonial Governor responsible to the Parliament of the colony in matters affecting its local interests, in like manner in every respect as the advisers of the Imperial Government are responsible to the Parliament of Great Britain in matters affecting the interests of the empire.

10.—That this meeting cannot let this opportunity pass without expressing its regret that public despondency should still urge many of the inhabitants to emigrate from the province,—a despondency which has no foundation, inasmuch as this meeting feels fully satisfied that so universal a union of sentiment as at present pervades the people relative to the necessity and efficacy of a responsible government, will not be longer opposed by Her Majesty's Ministers.

11.—That this meeting cannot separate without expressing its grateful thanks to the Earl of Durham for his deep attention to the welfare of the American colonies, and without declaring its hope that his Lordship will continue to exert himself in his place in Parliament, and by every other constitutional means, in their behalf.

12.—That an address, founded on these resolutions, be presented to her most gracious Majesty the Queen, and that it be transmitted to the Right Hon. the Earl of Durham, to be by him laid at the foot of the throne, at such time as Her Majesty may be graciously pleased to receive it; and that copies of the said address, together with the resolutions passed at this meeting, be also transmitted to his Excellency the Right Hon. C. P. Thomson, Governor-General of British North America, and to his Excellency Sir G. Arthur, Lieut.-Governor of this province.

13.—That the following gentlemen, with power to add to their number, be appointed a



No. 37.  
The Rt. Hon. C. P.  
Thomson to Ld. John  
Russell.  
6th December 1839.

Enclosure.

committee to procure signatures to the address to Her Majesty, and to forward the same; as also to co-operate with the supporters of responsible government throughout the province, and to carry out the intentions of this meeting by correspondence or otherwise, as may be found expedient:—

Messrs. Dr. Baldwin,  
Elmes Steele, J.P.  
James Dallas,  
Dr. Gun,  
J. B. Warren, J.P.  
L. Heyden,  
J. H. Price,  
George Ridout,  
Robert J. Turner,  
W. C. Keele,  
John Bogart, jun.  
Eli Gorham,  
W. A. Baldwin,

Messrs. J. E. Small, M.P.P.  
J. McIntosh, M.P.P.  
Peter Secor,  
Sinclair Holden,  
F. Hincks,  
John Comer,  
William Johnson,  
John N. Kilne,  
Elijah Bens,  
Hugh Scobie,  
William Lawson,  
Chancey Crosby.

We, the undersigned, after the scene of commotion and riot which lately took place at the meeting convened in the Home District for the purpose of taking the sense of the people on the affairs of the province, feeling that there is no other mode left to us of expressing our opinions than by our individual signatures, do hereby declare that our sentiments are fully embodied in the above resolutions, and request the gentlemen named in the 13th resolution to act as a committee in forwarding the objects therein described.

ADDRESS.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Most Gracious Sovereign,

We, Your Majesty's most faithful and loyal subjects, the undersigned inhabitants of the Home District, province of Upper Canada, beg permission most respectfully to approach your Majesty, and to tender the assurance of our loyalty, attachment, and devotion to your Majesty's person and government.

We, in common with the great majority of the inhabitants of this portion of your Majesty's dominions, hailed with satisfaction and joy your Majesty's appointment of the Right Hon. the Earl of Durham to be your Majesty's representative in British North America, as well as High Commissioner to inquire into the state of these important provinces, with a view to the amelioration of their political condition.

We desire to assure your Majesty that the administration of the Earl of Durham was, in our opinion, directed to secure the honour of your Majesty's throne, and to promote the welfare and happiness of your Majesty's Canadian subjects. We deem it our duty further to assure your Majesty that the report of the Earl of Durham presented to your Majesty, gives a faithful account of the political state of this province, and suggests the only remedy for the grievances by which it has been so long distracted. We have seen, with deep regret and bitter disappointment, that your Majesty's confidential advisers have publicly declared their disapprobation of the leading principle of the Earl of Durham's report—that principle which recommends that the advisers of your Majesty's representative in this province should be subjected to the same constitutional responsibility to the Provincial Parliament which the advisers of your Majesty owe to the Imperial Parliament. It is our duty solemnly to assure your Majesty that, unless this principle be clearly recognized, it will be impossible that the affairs of this province can be administered to the satisfaction either of your Majesty or of your Canadian subjects. We have heard, through the medium of the public prints, that your Majesty's responsible advisers have introduced a bill into Parliament to alter the constitution conferred upon the people of this province by a statute passed in the 31st year of the reign of your Majesty's royal predecessor, King George III. We feel assured that your Majesty's advisers will not urge the adoption of any measure calculated to deprive your Majesty's loyal subjects of their constitution, without previously submitting it for the approval of the local legislature; but we would respectfully remind your Majesty that the present House of Assembly of this province was chosen to uphold, and not to impair, the existing constitution; and that, previous to any discussion in the Representative Chamber relative to the abrogation of, or alteration in, that constitution, the present Provincial Parliament should be dissolved, and an appeal made to the people for their opinion with reference to the proposed changes.

We further assure your Majesty that the present House of Assembly of this province have not represented the opinions of the people, and do not possess the confidence of the country; and we would therefore most humbly implore your Majesty to place no reliance on its representations, but to order its immediate dissolution.

We most respectfully assure your Majesty that any measure which is not based upon the report of the Earl of Durham, and which does not clearly recognize the principle of local responsibility as therein recommended will fail to give satisfaction to your Majesty's

loyal subjects in this province, who having, many of them, enjoyed the blessings of the British constitution in their beloved mother-country, desire to enjoy the same rights and privileges in this British dependency. We would therefore humbly implore your Majesty to direct your Majesty's Ministers to frame a constitution based on the report of the Earl of Durham, and embracing especially the principle of responsible government—a measure upon the adoption of which the minds of your Majesty's subjects in this province are unalterably fixed. In granting this our humble prayer, your Majesty will, we are assured, strengthen the attachment of your loyal subjects to your Majesty's Royal Person and Government, draw still closer the connexion of the colony to Great Britain, and, what will weigh above all in the kind and generous mind of your Majesty, confer happiness upon a distracted and dissatisfied people.

No. 37.  
The Rt. Hon. C. P.  
Thomson to Lord  
John Russell.  
6th Dec., 1839.

Enclosure.

REPLY.

GENTLEMEN,

I have received your address containing copies of resolutions passed at a meeting held some time ago, to prepare an address to her Majesty. I shall readily comply with your request, that I should consider these resolutions, but I must at the same time express my earnest hope that party differences and party feelings may be laid aside at the present crisis of affairs in this Colony, and that I may receive the co-operation of all Her Majesty's loyal subjects in my endeavours to perfect measures for the future peace and prosperity of the province.

GLENGARRY ADDRESS.

To his Excellency the Right Honourable Charles Poulett Thomson, one of Her Majesty's Most Honourable Privy Council, Governor-General of British North America, &c. &c. &c.

May it please your Excellency:—

We, Her Majesty's dutiful and loyal subjects, inhabitants of the county of Glengarry, in the eastern district of the province of Upper Canada, respectfully beg leave to congratulate your Excellency on your safe arrival to assume the government of the Canadas.

Your Excellency being experienced in the knowledge of the evils that tend to deteriorate the interests of a rising country, we look forward to the happiest results, that your Excellency's endeavours to restore peace and prosperity to these distracted and divided colonies may be crowned with most complete success.

We also beg that your Excellency will accept our most unfeigned thanks for your proclamation of the 19th ultimo. It is sufficient to satisfy any unprejudiced mind that your Excellency intends to govern these colonies with justice and impartiality, leaving nothing to envy and little to wish for.

We cannot refrain from expressing to your Excellency our desire for the establishment of a local responsibility in the government of our affairs, while we most emphatically disclaim our having the least intention thereby of weakening, to the remotest period, the happy connection existing between these provinces and the parent country: the want of executive responsibility to the representatives of the people has been the cause of impending ruin, and the embarrassed state of the finances of this province cannot fail to retard its prosperity, and end in heavy and vexatious taxation, unless wise means are resorted to in obviating present and future evils.

We feel the utmost pleasure in expressing to your Excellency our approbation of the noble and patriotic exertions of the Earl of Durham as evinced in his Report on the Canadas. Could a union of the Provinces be obtained on the principle of securing equal rights and equal justice to all Her Majesty's subjects, it would allay the hostile feeling at present so inimical to the best interests of this important portion of Her Majesty's dominions. We are much gratified that your Excellency has announced the intention to apply a remedy to proved grievances. Without enumerating on this occasion the many grievances complained of, we cannot omit alluding to the flagrant mismanagement of the school lands. Your Excellency is perhaps not aware, that upwards of 40 years ago, his late Majesty King George the Third of gracious memory, munificently granted a tract of twelve townships of land, for the support of general education, and it is a melancholy fact, that this valuable grant has not been the means of affording any individual in Glengarry, and very few elsewhere, the knowledge of a single alphabet.—Upper Canada in this respect, is truly the "girdled tree," we trust your Excellency is destined to restore its verdure.

We conclude by again wishing your Excellency the most sanguine completion of your views in the final arrangement of the affairs of both Provinces, and we beg to add that we shall always be happy to aid your Excellency by our humble efforts.

761 Signatures.

REPLY.

GENTLEMEN,

I thank you for your congratulations on my arrival in Canada, and for your promises of co-operation and support in the discharge of my duties as Governor-General of British North America.

No. 37.  
The Rt. Hon. C. P.  
Thomson to Lord John  
Russell.  
6th December 1839.  
Enclosure.

It will be my endeavour so to avail myself of the information which I shall acquire during my visit to this province as to be able to remove the impediments which have hitherto obstructed its advancement, and to relieve the financial embarrassments under which it labours. It will also afford me sincere satisfaction, if I should be able to devise measures for promoting education, and for rendering available the lands set apart for that object in former years. This is a subject of great and permanent interest to the people of Upper Canada, and it shall receive my best attention.

No. 38.

(No. 18.)

COPY of a DESPATCH from the Right Hon. C. POULETT THOMSON to  
Lord JOHN RUSSELL.

MY LORD,

Toronto, 7th December, 1839.

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

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

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

Her Majesty's Government will receive a clear and distinct decision of the Upper Canadian Legislature, upon the terms of the union which affect the interests of this Province in its relation to the other, as well as to the Crown.—And upon points relating to the future government and institutions of the united province, if the union takes place, I shall have the opportunity of receiving any suggestions which either House may make, and of affording any explanation that may be required either to persons appointed for that purpose, or through my official authorities in the Legislature, of the provisions which I shall have to recommend.

I have, &c.

(Signed)

C. POULETT THOMSON.

The Right Hon. Lord John Russell;

&c.

&c.

&c.

Enclosure I in No. 38.

Speech to the Legislature of Upper Canada.

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

In discharge of the duties of Governor-General of British North America, confided to me by our Gracious Sovereign, I have deemed it advisable to take the earliest opportunity of visiting this province, and of assembling Parliament.

I am commanded by The Queen to assure you of Her Majesty's fixed determination to maintain the connexion now subsisting between her North American possessions and the United Kingdom, and to exercise the high authority with which she has been invested, by

the favour of Divine Providence, for the promotion of their happiness, and the security of her dominions.

It is with great satisfaction I can inform you, that I have no grounds for apprehending a recurrence of those aggressions upon our frontier which we had lately to deplore, and which affixed an indelible disgrace on their authors.

If, however, unforeseen circumstances should again call for exertion, I know from the past, that in the zeal and loyalty of the people of Upper Canada, and in the protection of the parent state, we possess ample means of defence, and to those I should confidently appeal.

I earnestly hope that this state of tranquillity will prove favourable to the consideration of the important matters, to which your attention must be called during the present session.

It will be my duty to bring under your consideration, at the earliest possible moment, the subject of the legislative re-union of this province with Lower Canada, recommended by Her Majesty to the Imperial Parliament. I shall do so in the full confidence that you will see, in the measure which I shall have to submit, a fresh proof of the deep interest felt by The Queen, in the welfare of her subjects in Upper Canada; and that it will receive from you that calm and deliberate consideration which its importance demands.

The condition of the public departments in the province will require your best attention. In compliance with the address of the House of Assembly of last session, the Lieutenant-Governor appointed a commission, to investigate and report upon the manner in which the duties of those departments are performed. The Commissioners have already conducted their inquiries to an advanced stage; and the result of them will be communicated to you, as soon as they shall be completed.

I am happy to inform you that Her Majesty's Government have concluded an arrangement for opening a communication by steam, between Great Britain and the British possessions in North America. In the completion of this arrangement, Her Majesty's Government have allowed no consideration to interfere with the paramount object, of conducing to the public advantage and convenience. I feel confident that the liberality with which the parent state has assumed the whole expense of the undertaking, will be duly appreciated by you.

The answers of Her Majesty to the various addresses, adopted by you during your last session, and Her Majesty's decisions on the Bills passed by you, but reserved for the signification of Her Royal pleasure, will be made known to you without loss of time.

Gentlemen of the House of Assembly:

The financial condition of the province will claim your early and most attentive consideration. To preserve public credit, is at all times a sacred obligation; but in a country so essentially dependent upon it for the means of future improvement, it is a matter no less of policy than of duty. It is indispensable, then, that measures should be at once adopted, for enabling the provincial revenue to fulfil its obligations, and to defray the necessary expenses of the Government. It will be my anxious desire to co-operate with you in effecting this object; and I feel confident that, by the adoption of measures calculated to promote the full development of the resources of this fine country, the difficulty may be overcome. The officer by whom, under your authority, these obligations have been contracted, will be able to afford you every information; and I shall direct a statement of your financial condition to be immediately submitted to you.

The estimates for the ensuing year will be prepared with every regard to economy, compatible with the due execution of the service of the province.

It is with great satisfaction I find, that notwithstanding commercial difficulties which prevail in the neighbouring states, the banks of this province have resumed specie payments; and I congratulate you upon the guarantee thus afforded of the greater security and stability of our pecuniary transactions—a circumstance which cannot fail to be attended with the most beneficial results.

I am commanded again to submit to you the surrender of the casual and territorial revenues of the Crown, in exchange for a civil list; and I shall take an early opportunity of explaining the grounds on which Her Majesty's Government felt precluded from assenting to the settlement which you lately proposed. They are of a nature which lead me to anticipate your ready assent to their removal, and to the final settlement of the question.

Honourable Gentlemen, and Gentlemen:

In assuming the administration of the Government of these provinces, at the present time, I have not disguised from myself the arduous task which I have undertaken. The affairs of the Canadas have, for some years back, occupied much of the attention of the Imperial Parliament, and of the Government; and their settlement upon a firm and comprehensive basis, admits of no further delay.

To effect that settlement, upon terms satisfactory to the people of these provinces, and affording security for their continued connection with the British Empire, will be my endeavour; and I confidently appeal to your wisdom, and to the loyalty and good sense of the people of this province, to co-operate with me for the preparation and adoption of such measures as may, under Divine Providence, restore to this country peace, concord, and prosperity.

Toronto, 3rd December, 1839.

No. 38.  
The Rt. Hon. C. P.  
Thomson to Ld. John  
Russell.  
Dec. 7, 1839.

Enclosure No. 1.

Enclosure 2 in No. 38.

No. 38.  
The Rt. Hon. C. P. J.  
Thomson to Ld. John  
Russell.  
Dec. 7, 1839.  
Enclosure No. 2.

To his Excellency the Right Honourable Charles Poulett Thomson, Governor-General of British North America, and Captain-General and Governor-in-Chief in and over the Provinces of Upper Canada, Lower Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c. &c. &c.

May it please your Excellency;

We, Her Majesty's dutiful and loyal subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, respectfully thank your Excellency for your gracious speech to both Houses of the Provincial Legislature, and offer to your Excellency our warm congratulations upon your Excellency's assuming the administration of the government of this province.

We humbly thank your Excellency for the zealous anxiety for the public service which has induced your Excellency in discharge of the duties of Governor-General of British North America, confided in your Excellency by our Gracious Sovereign, to take the earliest opportunity of visiting this province, and of assembling Parliament.

We receive, with the deepest feelings of gratitude, the assurance which your Excellency is commanded to convey to the Provincial Legislature, of the fixed determination of our gracious and beloved Sovereign to maintain the connexion between Her Majesty's North American possessions and the United Kingdom; and to exercise the high authority with which, by the favour of Divine Providence, she has been invested, for the promotion of the happiness of Her Majesty's subjects, and the security of Her dominions.

We learn with the most lively satisfaction that your Excellency has no grounds for apprehending a recurrence of those aggressions upon our frontier, which, to the indelible disgrace of their authors, lately disturbed the peace of these provinces.

We feel proud of the confidence which your Excellency's knowledge of the past enables you to express in the zeal and loyalty of the people of Upper Canada; in which, and the powerful protection of the Parent State, we see ample means of defence; should unforeseen circumstances again call for exertion.

We cordially unite with your Excellency in the hope that the present state of tranquillity will prove favourable to the consideration of the important matters to which the attention of the Legislature will be called during the present session.

We shall give our best consideration to the subject of the legislative re-union of this province with Lower Canada, recommended by Her Majesty to the Imperial Parliament; and we assure your Excellency, that any measure relating to that great question which shall come before this House, shall receive from us the calm and deliberate attention which its importance demands.

We shall receive and consider, with the greatest attention, the results of the investigation which your Excellency informs us has been instituted into the manner in which the duties of the public departments in this province are performed.

We learn with great pleasure that Her Majesty's Government have concluded an arrangement for opening a communication by steam between Great Britain and Her Majesty's North American dominions. In the completion of this arrangement we recognize the praiseworthy spirit which has allowed no consideration to interfere with the paramount object of conducting to the public advantage and convenience; and the liberality with which the Parent State has assumed the whole expense of the undertaking, we can assure your Excellency, is by us duly and gratefully appreciated.

We await with the greatest anxiety the answers to the various Addresses adopted by this House during the last session, and Her Majesty's decision on the Bills passed by the two Houses of the Legislature, but reserved for the signification of Her Majesty's pleasure.

We are gratefully sensible of the arduous task undertaken by your Excellency in assuming the administration of the government of these provinces, at the present time. The affairs of the Canadas, which have for some years back occupied much of the attention of the Imperial Parliament and of the Government, are most urgent; and we fully concur with your Excellency in thinking that their settlement upon a firm and comprehensive basis admits of no further delay.

We feel in duty bound to assist to the utmost of our power your Excellency's endeavour to effect that settlement upon terms satisfactory to the people of these provinces, and affording security for their continued connexion with the British Empire; and we feel assured that your Excellency does not appeal in vain to the loyalty and good sense of the people of this province to co-operate with your Excellency in the preparation and adoption of such measures as may, under Divine Providence, restore to this country peace, concord, and prosperity.

Legislative Council Chamber, 4th December, 1839.

Enclosure 3 in No. 38.

HONOURABLE GENTLEMEN,

I THANK you for this address, and for your congratulations on my assumption of the government of this province.

I shall proceed, without loss of time, to bring more fully under your notice the important subjects adverted to in my speech from the Throne, and I receive with satisfaction the assurance that they will command your attentive consideration.

Enclosure No. 3.



Enclosure 4 in No. 38.

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

No. 38.  
The Rt. Hon. C. P.  
Thomson to Lt. John  
Russell.  
Dec. 7, 1839.  
Enclosure No. 4.

May it please your Excellency,

WE, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly beg leave to thank your Excellency for your speech from the Throne, at the opening of the present Session, and to congratulate your Excellency on your arrival in this province as the representative of our most Gracious Sovereign, and also to express our confidence that the appointment of a member of the Cabinet to administer the government of these colonies, indicates the anxiety of Her Majesty to remedy the past disorders of the Canadas, and to restore peace and tranquillity therein.

We receive with gratitude the assurance of Her Majesty's fixed determination to maintain the connexion now existing between her North American possessions and the United Kingdom, and to exercise the high authority with which she has been invested by the favour of Divine Providence for the promotion of their happiness and the security of her dominions.

We are happy to be informed that your Excellency has no grounds for apprehending a recurrence of those aggressions on our frontier which we have had lately to deplore, and which we entirely concur with your Excellency have affixed an indelible disgrace on all connected with them, and we beg to assure your Excellency that an appeal to the loyalty and zeal of Her Majesty's faithful subjects in this province to repel unjust and hostile aggression, will never be made in vain.

We will gladly avail ourselves of the state of tranquillity at present existing in the province to direct our attention to such important matters as may be brought under our notice during the present Session.

We will give our careful consideration to the subject of the legislative re-union of this province with Lower Canada, which has been recommended by Her Majesty to the Imperial Parliament, and will devote to it that calm deliberation which its importance demands.

The condition of the public departments in this province shall receive our best attention, and we are happy to hear that the inquiry of the Commission appointed by his Excellency the Lieutenant-Governor has been carried to an advanced stage, and that as soon as the result of it shall be communicated, it shall receive our most careful consideration.

We are gratified to be informed that Her Majesty's Government have concluded an arrangement for opening a communication by steam between Great Britain and her North American possessions; and we beg to assure your Excellency that the liberality of the parent state, in assuming the whole expense of the undertaking, is duly appreciated by us.

We shall receive with respectful consideration the answers of Her Majesty to the various addresses adopted by this House during the last Session, as well as Her Majesty's decision on the bills passed by us, but reserved for the signification of the Royal pleasure thereon.

We will devote our early and attentive consideration to the financial condition of the province.

We are sensible of the obligation we are under to preserve public credit, and that in this country, more especially, it is a matter no less of policy than of duty, and we shall endeavour to adopt such measures as will enable the provincial revenue to fulfil its obligations, and to defray the necessary expenses of government; and cheerfully avail ourselves of the co-operation of your Excellency to promote the full development of the resources of this country, and to overcome our financial difficulties.

We will carefully examine the statement of our financial condition when laid before us, as well as the estimates for the ensuing year, which we are gratified to learn will be prepared with every regard to economy compatible with the due execution of the service of the province.

We are truly rejoiced to learn that the resumption of specie payments by the banks has taken place, and we hope that the guarantee thus afforded of the security and stability of our pecuniary transactions, will be attended with the most beneficial result.

The surrender of the casual and territorial revenue of the Crown, in exchange for a civil list, will receive our consideration; and on being informed of the grounds on which Her Majesty's Government felt precluded from assenting to the settlement which we lately proposed, we shall use our best exertions for the final settlement of the question.

We rejoice to hear it announced by your Excellency that the Imperial Parliament and Her Majesty's Government have recommended the settlement of the affairs of the Canadas upon a firm and comprehensive basis. We fully concur in the opinion expressed that they admit of no further delay, and in assuming the administration of the government of these provinces, we are sensible that the task which your Excellency has undertaken is most arduous; but we nevertheless rely on your Excellency using every exertion to effect that settlement upon terms satisfactory to the people of these provinces, and which will afford security for their continued connexion with the British empire; and your Excellency may confidently rely on this House, and on the loyalty and good sense of the people of this province, to co-operate with your Excellency for the preparation and adoption of such measures as may, under Divine Providence, restore to this country peace, concord, and prosperity.

## GENTLEMEN OF THE HOUSE OF ASSEMBLY,

No. 38.  
The Rt. Hon. C. P.  
Thomson to Lt. John  
Russell.  
Dec. 7, 1839.

Enclosure No. 4.

I THANK you for this address, and for your promise to co-operate with me in the measures necessary to promote the peace and prosperity of this province. Supported by you and the people of Upper Canada, I feel assured that I shall be enabled to overcome the difficulties by which we are surrounded.

Enclosure 5 in No. 38.

Enclosure No. 5.

IN pursuance of the intention expressed in his speech from the throne, the Governor-General desires now to bring under the consideration of the <sup>(Legislative Council)</sup> ~~(House of Assembly)~~ the subject of the re-union of this province with Lower Canada, recommended by Her Majesty in her gracious message to both Houses of Parliament on the 3d May last.

For several years the condition of the Canadas has occupied a large portion of the attention of Parliament. That they should be contented and prosperous; that the ties which bind them to the parent state should be strengthened; that their administration should be conducted in accordance with the wishes of the people,—is the ardent desire of every British statesman; and the experience of the last few years amply testifies that the Imperial Parliament has been sparing neither of the time it has devoted to the investigation of their affairs nor of the expenditure it has sanctioned for their protection.

The events which have marked the recent history of Lower Canada are so familiar to the Legislative Council, } at it is unnecessary for the Governor-General further to allude to them. There the constitution is suspended; but the powers of the Government are inadequate to permit of the enactment of such permanent laws as are required for the benefit of the people.

Within this province the finances are deranged; public improvements are suspended; private enterprise is checked; the tide of emigration, so essential to the prosperity of the country and to the British connexion, has ceased to flow; while by many the general system of Government is declared to be unsatisfactory.

After the most attentive and anxious consideration of the state of these provinces, and of the difficulties under which they respectively labour, Her Majesty's advisers came to the conclusion that by their re-union alone could those difficulties be removed. During the last session of the Imperial Legislature they did indeed refrain from pressing immediate legislation, but their hesitation proceeded from no doubt as to the principle of the measure, or its necessity; it arose solely from their desire to ascertain more fully the opinions of the Legislature of Upper Canada, and to collect information from which the details might be rendered more satisfactory to the people of both provinces.

The time, then, is now arrived beyond which a settlement cannot be postponed. In Lower Canada it is indispensable to afford a safe and practicable return to a constitutional Government; and so far as the feelings of the inhabitants can be there ascertained, the measure of the re-union meets with approbation.

In Upper Canada it is no less necessary to enable the province to meet her financial embarrassments, and to proceed in the developement of her natural resources. There are evidently no means in this province of fulfilling the pecuniary obligations which have been contracted but by a great increase in the local revenues. But so long as Lower Canada remains under her present form of Government, neither province possesses any power over the only source from which that increase can be drawn. Nor even were it possible to restore a representative constitution to Lower Canada, unaccompanied by the union, would the position of this province be much improved, since past experience has shown the difficulty of procuring assent to any alteration of the Customs Laws suggested from hence.

This province has engaged in undertakings which reflect the highest honour on the enterprise and industry of her inhabitants. The public works which she has completed or commenced have been conceived in a spirit worthy of a successful result. But additional means are indispensable to avert the ruin of some and secure the completion of others. Nor will that alone suffice; Lower Canada holds the key to all these improvements. Without her co-operation, the navigation for which nature has done so much, for which this province has so deeply burdened itself, must remain incomplete, and a barrier be opposed to the developement of those great natural resources which the hand of Providence has so lavishly bestowed on this country.

With a view to remove all these difficulties; to relieve the financial embarrassments of Upper Canada; to enable her to complete her public works, and develop her agricultural capabilities; to restore constitutional government to Lower Canada; to establish a firm, impartial, and vigorous government for both, and to unite the people within them in one common feeling of attachment to British institutions and British connection, the union is desired by Her Majesty's Government; and that measure alone, if based upon just principles, appears adequate to the occasion.

Those principles, in the opinion of Her Majesty's advisers, are a just regard to the claims of either province; in adjusting the terms of the union; the maintenance of the three estates of the Provincial Legislature; the settlement of a permanent Civil List for securing the independence of the judges, and to the Executive Government that freedom of action, which is necessary for the public good, and the establishment of a Local Government adapted to the wants of the people.

It was with great satisfaction, then, that Her Majesty's Government learned that upon the question of the union itself, the House of Assembly had pronounced their decided judgment during their last session, and it will only remain for the Governor-General now to invite their assent to the terms upon which it is sought to be effected. That decision was indeed accompanied by recommendations, to which the Government could not agree, but the Governor-General entertains no doubt that under the altered circumstances, they will no more be renewed. [To the Legislative Council.—The Governor-General therefore now invites the representation of the Legislative Council to the following terms, upon which the Union may be established.] It will be for the Imperial Parliament, guided by their intimate knowledge of constitutional law, and free from the bias of local feelings and interests, to arrange the subordinate details.

The first of the terms of re-union, to which the Governor-General desires the assent of the House of Assembly, is the equal [To the Legislative Council.—That there be an equal] representation of each province in the united Legislature. Considering the amount of the population of Lower Canada, this proposition might seem to place that province in a less favourable position than Upper Canada. But under the circumstances in which this province is placed, with the increasing population to be expected from emigration, and having regard to the commercial and agricultural enterprise of its inhabitants, an equal apportionment of representation appears desirable.

The second stipulation to be made, is the grant of a sufficient Civil List. The propriety of rendering the judicial bench independent, alike of the Executive and of the Legislature, and of furnishing the means for carrying on the indispensable services of the Government, admits of no question, and has been affirmed by the Parliament of Upper Canada in the Acts passed by them for effecting those objects.

In determining the amount of the Civil List, the {Legislative Council} {House of Assembly} may be assured that the salaries and expenses to be paid from it, will be calculated by Her Majesty's Government, with a strict regard to economy, and the state of the provincial finances. Thirdly, the Governor-General is prepared to recommend to Parliament, that so much of the existing debt of Upper Canada as has been contracted for public works of a general nature, should after the Union, be charged on the joint revenue of the united province. Adverting to the nature of the works for which this debt was contracted, and the advantage which must result from them to Lower Canada, it is not unjust that that province should bear a proportion of their expense.

On these principles, the Governor-General is of opinion that a re-union of the two provinces may be effected, equitable and satisfactory in its terms, and beneficial in its results to all classes. He submits them to the consideration of the {Legislative Council} {House of Assembly}, in the full conviction of their importance, and in the hope that they will receive the assent of that House. Fortified by the expression of their opinion, Her Majesty's Government, and Parliament will be able at once to apply themselves to the full development of the scheme, and to the consideration of the provisions by which it may be carried into effect with the greatest advantage to the people of both provinces. If in the course of their proceedings, the {Legislative Council} {House of Assembly} should desire any information, which it is in the power of the Governor-General to afford, they will find him ready and anxious to communicate with them frankly and fully, and to aid by all the means in his power that settlement on which he firmly believes that the future prosperity and advancement of these colonies mainly depend.

No. 38.  
The Rt. Hon. C. P.  
Thomson to Ed. John  
Russell.  
Dec. 7, 1839.  
Enclosure No. 5.