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**JOURNAL,**  
OF THE  
**LEGISLATIVE COUNCIL,**  
OF  
**UPPER CANADA.**

THIRD SESSION OF THE ELEVENTH PROVINCIAL PARLIAMENT.



**HIS EXCELLENCY SIR JOHN COLBORNE, K.C.B.**

*LIEUTENANT GOVERNOR.*

---

BY ORDER OF THE HONORABLE THE LEGISLATIVE COUNCIL.

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**YORK:**

PRINTED BY ROBERT STANTON, PRINTER TO THE KING'S MOST EXCELLENT MAJESTY.

1833.

# JOURNAL, &c.

SIR JOHN COLBORNE, K. C. B. LIEUTENANT GOVERNOR.

## PROCLAMATION.

UPPER CANADA.

J. COLBORNE,

*Lieutenant Governor.*

WILLIAM the FOURTH, by the Grace of GOD, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith &c. &c. &c.

To Our beloved and faithful Legislative Councillors of our Province of Upper Canada, and to our Knights, Citizens, and Burgesses, of our said Province; to our Provincial Parliament, at our Town of York, on the Seventh day of March instant, to be commenced, held, called and elected, and to every of you :

Proclamation for  
proroguing the Par-  
liament to Tuesday  
the 15th May, 1832.

GREETING.

WHEREAS, on the Twenty-eighth day of January last, We thought fit to Prorogue our Provincial Parliament to the Seventh day of March instant, at which time, at our Town of York, you were held and constrained to appear.

NOW KNOW YE, that We, taking into our Royal consideration the ease and convenience of our loving Subjects, have thought fit, by and with the advice of our Executive Council, to relieve you and each of you of your attendance at the time aforesaid, hereby convoking and by these presents enjoining you and each of you, that on Tuesday the Fifteenth day of May next ensuing, you meet us in our Provincial Parliament, at our Town of York, there to take into consideration the state and welfare of our said Province of Upper Canada, and therein to do as may seem necessary, and herein fail not.

IN TESTIMONY WHEREOF We have caused these our Letters to be made Patent, and the Great Seal of our said Province to be hereunto affixed.—Witness our trusty and well beloved SIR JOHN COLBORNE, K. C. B. Lieutenant Governor of our said Province, and Major General Commanding our Forces therein, at York, this Seventh day of March, in the year of our Lord One Thousand, Eight Hundred and Thirty-two, and in the second year of our Reign.

J. C.

By Command of His Excellency.

HENRY J. BOULTON,  
*Attorney General.*

D. CAMERON,  
*Secretary.*

By a further Proclamation of His Excellency SIR JOHN COLBORNE, K.C.B. Lieutenant Governor of the Province of Upper Canada, dated the Twelfth day of May, in the year of our Lord One Thousand, Eight Hundred and Thirty-two, the meeting of the Legislative Council and House of Assembly stands further Prorogued to Wednesday, the Twentieth day of June, next ensuing.

Proclamation for  
proroguing the Par-  
liament to Wednes-  
day the 30th day of  
June, 1832.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

Proclamation for  
proroguing the Par-  
liament to Friday  
the 27th day of  
July, 1832.

By a further Proclamation of His Excellency SIR JOHN COLBORNE, K.C.B. Lieutenant Governor of the Province of Upper Canada, dated the Eighteenth day of June, in the year of our Lord One Thousand, Eight Hundred and Thirty-two, the meeting of the Legislative Council and House of Assembly stands further Prorogued to Friday the Twenty-seventh day of July, next ensuing.

Proclamation for  
proroguing the Par-  
liament to Thursday  
the 6th day of Sept.  
1832.

By a further Proclamation of His Excellency SIR JOHN COLBORNE, K.C.B. Lieutenant Governor of the Province of Upper Canada, dated the Twenty-sixth day of July, in the year of our Lord One Thousand, Eight Hundred and Thirty-two, the meeting of the Legislative Council and House of Assembly stands further Prorogued to Thursday the Sixth day of September, next ensuing.

Proclamation for  
proroguing the Par-  
liament to Saturday  
the 13th day of  
October, 1832.

By a further Proclamation of His Excellency SIR JOHN COLBORNE, K.C.B. Lieutenant Governor of the Province of Upper Canada, dated the Sixth day of September, in the year of our Lord One Thousand, Eight Hundred and Thirty-two, the meeting of the Legislative Council and House of Assembly stands further Prorogued to Saturday the Thirteenth day of October, next ensuing.

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## PROCLAMATION.

UPPER CANADA.

J. COLBORNE,

*Lieutenant Governor.*

WILLIAM the FOURTH, by the Grace of GOD, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. &c. &c.

To our beloved and faithful Legislative Councillors of our Province of Upper Canada, and to our Knights, Citizens and Burgesses of our said Province; to our Provincial Parliament, at our Town of York, on the Thirteenth day of October next, to be commenced, held, called and elected, and to every of you:

GREETING.

WHEREAS by our Proclamation, bearing date the Sixth day of September instant, We thought fit to Prorogue our Provincial Parliament to the Thirteenth day of October next, at which time, at our Town of York, you were held and constrained to appear.

NOW KNOW YE, that We, taking into our Royal consideration the ease and convenience of our loving Subjects; have thought fit, by and with the advice of our Executive Council, to relieve you and each of you of your attendance at the time aforesaid, hereby con- voking, and by these presents enjoining you and each of you, that on Wednesday, the Thirty-first day of October next ensuing, you meet us in our Provincial Parliament, at our Town of York, FOR THE ACTUAL DESPATCH OF PUBLIC BUSINESS; there to take into consideration the state and welfare of our said Province of Upper Canada, and therein to do as may seem necessary, and herein fail not.

IN TESTIMONY WHEREOF, We have caused these our letters to be made Patent, and the Great Seal of our said Province to be hereunto affixed.—Witness our trusty and well beloved SIR JOHN COLBORNE, K. C. B., Lieutenant Governor of our said Province, and Major General Commanding our Forces therein at York, this Twenty-sixth day of Sep- tember, in the year of our Lord One Thousand, Eight Hundred and Thirty-two, and in the Third year of our Reign.

J. C.

By Command of His Excellency.

HENRY J. BOULTON,  
*Attorney General.*

D. CAMERON,  
*Secretary.*

Proclamation for  
calling the Parlia-  
ment together on  
Wednesday the 31st  
day of October, 1832,  
for the actual des-  
patch of public  
business.

# LEGISLATIVE COUNCIL.

## UPPER CANADA.

Wednesday, 31st October, 1832.

THIS being the day appointed for the meeting of the Provincial Legislature,—  
At two of the clock, P. M., the House met.

House meets.

### PRESENT,

<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Honorable Messrs.</i> DUNN,
<i>The Honorable Messrs.</i> BABY,	“ “ ALLAN,
“ “ CLARK,	“ “ ROBINSON,
“ “ DICKSON,	“ “ McDONELL,
“ “ POWELL,	“ “ ELMSLEY,
“ “ CROOKSHANK,	“ “ BALDWIN,
<i>The Hon. &amp; Ven. The</i> ARCHDEACON OF YORK,	“ “ HAMILTON,
<i>The Honorable Messrs.</i> WELLS,	“ “ ADAMSON,
“ “ CAMERON,	“ “ CROOKS,
“ “ MARKLAND,	<i>The Hon. &amp; Rt. Rev.</i> BISHOP MACDONELL.

Members present.

At three of the clock, P. M., His Excellency the Lieutenant Governor being seated on the Throne, His Honor the Speaker of the Legislative Council commanded the Gentleman Usher of the Black Rod to inform the Members of the Assembly, that it was His Excellency's pleasure, that they do forthwith attend him in this House; who being come thereto, His Excellency the Lieutenant Governor was pleased to open the Session by a gracious Speech to both Houses.

His Excellency comes to the House and commands the attendance of the Assembly.

Parliament convened.

The House of Assembly having withdrawn, His Excellency was pleased to retire.

His Excellency retires.

*Prayers were read.*

His Honor the Speaker informed the House that he was in possession of a copy of His Excellency's Speech; which he read, and it was again read *pro forma*, by the Clerk, and is as follows:

Speaker delivers a copy of His Excellency's Speech. Same read.

*Honorable Gentlemen of the Legislative Council, and  
Gentlemen of the House of Assembly:*

The continued Emigration, unprecedented as regards the industry and capital transferred to this Country from the Parent State, is by its beneficial influence, forcing the Province rapidly forward, and opening to you the fairest prospects. Your deliberations, therefore, cannot but render this Session of peculiar importance to the general interests of the Colony.

The Speech.

You will learn with satisfaction, that the population has increased not less than a fourth since the reports forwarded for your information last Session; that the Emigrants, with few exceptions, are fully occupied in the Districts in which they are established; and that the extensive Agricultural improvements, and actual cultivation, promise support and employment for our Countrymen, whom the current of events may induce to fix their abode in this part of the Empire.

In directing your attention to these favorable results, you will find, that under existing circumstances, no subject is more closely connected with the immediate prosperity of the Colony, or requires an earlier consideration, than the anticipated progressive increase in the number of Emigrants that will, from this season, annually flow into the Canadas.

The Rideau Canal has been completed by the exertions and perseverance of the Officer who had charge of that great National Work. The chief advantages of the Navigation

Thursday, 1st November, 1832.

THIRD SESSION 11th PROVINCIAL PARLIAMENT, 3d WILLIAM IV.

cannot be attained, while the unfinished works on the River Ottawa obstruct the passage into the Saint Lawrence : but, with reference to the degree of improvement which the Colony has reached, and the interests of the Parent State, it must be obvious to you who are acquainted with the Districts intersected by the Rideau and adjoining Lakes, and with the avenues to internal Commerce recently opened, that the expenditure incurred in thus accelerating the development of your resources, will produce in every respect, a profitable return.

The Arbitrators appointed to adjust the claims on the part of Upper Canada, to a proportion of the Duties levied at Quebec, not having agreed on any satisfactory arrangement, a third Arbitrator will be nominated by the King, in conformity to the British Act passed in the third year of His late Majesty's reign.

I am happy to be enabled to inform you, that the disease, which by the dispensation of Divine Providence, has so widely prevailed, has nearly disappeared in every District of this Province. At the time when the disease first extended its ravages to the Eastern Districts, the Executive Government adopted such active measures as the exigency demanded : and I feel confident that you will approve of the responsibility assumed, and the arrangements made at that distressing period for the preservation of the public health.

*Gentlemen of the House of Assembly :*

The Annual Accounts and Estimates shall be laid before you ; and I trust you will make the necessary provision for the service of the ensuing year, and for the Salaries and claims of the several Departments, not sanctioned last Session. I have ordered detailed accounts to be transmitted to you, of the sums placed by my direction at the disposal of the Magistrates on the urgent occasion to which I have alluded ; you will I have no doubt provide for the repayment of the amount advanced.

*Honorable Gentlemen, and Gentlemen :*

His Majesty having acceded to a request of the House of Assembly, in respect to the appropriation of the sums arising from the sale of land formerly set apart for the support of Grammar Schools, and not alienated by the authority of His Majesty's Government ; the accounts of the Board, under whose control the School Reserves have been hitherto placed, will be delivered over to the King's Receiver General, at the close of the year.

In this instance of consideration of the King, in complying with the prayer of the address of the House of Assembly, you will perceive the solicitude of His Majesty to promote the wishes of the Province. It will be for you to decide upon the practical mode of applying to the intended object, the School funds ; and whether it may not be more desirable to appoint a Commission to carry into effect the measures of the Legislature in regard to the distribution of the proceeds of these lands, than to dispose of them by annual vote. Whatever course you may deem it expedient to pursue, it will be gratifying to me to concur in such enactment as may appear best calculated to secure the interests of the people.

Ordered, that a Committee be appointed to draft an address to His Excellency the Lieutenant Governor, in answer to His Speech at the opening of the Session, and—

Ordered, that the Honorable Messieurs Dickson, Wells, and Markland, be appointed the Committee for that purpose.

On motion made and seconded, the House adjourned until two of the clock, P. M. to-morrow.

THURSDAY, 1st NOVEMBER, 1832.

Committee appointed to draft an address in answer thereto.

Members composing same.

House adjourns.

House meets.

The House met pursuant to adjournment.

**PRESENT,**

Members present.

<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Honorable Messrs.</i> WELLS,
<i>The Honorable Messrs.</i> CCARK,	" " MARKLAND,
" " DICKSON,	" " McDONELL,
" " POWELL,	" " HAMILTON,
<i>The Hon. &amp; Ven. the</i> ARCHDEACON OF YORK,	

2nd & 3rd November, 1832.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

*Prayers were read.*

The Minutes of yesterday were read.

On motion made and seconded the House adjourned.

House adjourns.

FRIDAY, 2nd NOVEMBER, 1832.

The House met pursuant to adjournment.

House meets

PRESENT,

<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Honorable Messrs.</i> MARKLAND,
<i>The Honorable Messrs.</i> BABY,	" " McDONELL,
" " CLARK,	" " BALDWIN,
" " DICKSON,	" " HAMILTON,
" " POWELL,	" " CROOKS,
" " WELLS,	

Members present.

*Prayers were read.*

The Minutes of yesterday were read.

The Honorable Mr. Markland from the Select Committee appointed to draft an Address to His Excellency the Lieutenant Governor, in answer to His Excellency's Speech at the opening of the Session, reported a draft thereof, which he read in his place.

Report of Committee appointed to draft an address in answer to Lieut. Governor's Speech.

Ordered, that the Report be received; and—

Draft read first time.

The said draft was again read by the Clerk; and it was,

Read second time.

Ordered, that the House be now put into a Committee of the whole to take the same into consideration.

The House was then put into a Committee of the whole accordingly.

The Honorable Mr. Baby took the Chair.

Committed.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Address into consideration, had made some amendments thereto, and recommended it to the adoption of the House.

Amendments reported.

Ordered, that the report be received; and,

Adopted.

Ordered, that the said Address be engrossed and read a third time to-morrow.

The Honorable Mr. Clark brought up the Petition of David Secord, and others, inhabitants of the District of Niagara; which was laid on the table.

Petition of David Secord and others brought up.

The Honorable Mr. Clark brought up the Petition of J. Muirhead, and others, inhabitants of the District of Niagara; which was laid on the table.

Petition of James Muirhead and others brought up.

On motion made and seconded the House adjourned until to-morrow at twelve of the clock, at noon.

House adjourns.

SATURDAY, 3rd NOVEMBER, 1832.

The House met pursuant to adjournment.

House meets.

PRESENT,

<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Honorable Messrs.</i> McDONELL,
<i>The Honorable Messrs.</i> CLARK,	" " BALDWIN,
" " DICKSON,	" " HAMILTON,
" " MARKLAND,	

Members present.

*Prayers were read.*

The Minutes of yesterday were read.

Pursuant to the order of the day the Address of this House to the Lieutenant Governor, in answer to His Excellency's Speech from the Throne at the opening of the Session, was read a third time and passed: whereupon the Speaker signed the same, which is in the following words:—

Address in answer to Lieut. Governor's Speech at the opening of the Session read third time and passed. Same signed.

Saturday, 3rd November, 1832.

THIRD SESSION 11th PROVINCIAL PARLIAMENT, 3d WILLIAM IV.

*To His Excellency SIR JOHN COLBORNE, Knight, Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's Forces therein, &c. &c. &c.*

MAY IT PLEASE YOUR EXCELLENCY.

The address.

We, His Majesty's dutiful and loyal Subjects, the Legislative Council of the Province of Upper Canada, in Provincial Parliament assembled, beg leave to offer our respectful thanks for Your Excellency's Speech from the Throne.

We concur with Your Excellency in appreciating the beneficial influence arising from the capital and industry transferred to this Country by the continued Emigration from the Parent State, which, by opening the fairest prospects to the Province, and increasing its general interests, will give peculiar importance to the deliberations of the present Session.

We learn with much satisfaction that so great an increase of the population as one-fourth has taken place since the reports forwarded last Session, and that the occupation furnished to Emigrants, together with the extensive agricultural improvements and actual cultivation, afford promise of support and employment to such of our Countrymen as have been induced to fix upon this part of the Empire for their future abode.

We feel with Your Excellency the great importance of directing our attention to the consideration of the anticipated progressive increase of the Emigrants that will annually flow into the Canadas, as a subject closely connected with the immediate prosperity of the Colony.

We highly appreciate the exertions and perseverance of the Officer who had in charge that great national work the Rideau Canal, the chief advantage of which cannot be attained while the unfinished improvements of the Ottawa obstruct the passage to the Saint Lawrence. The expenditure thus incurred by the Parent State, we trust, will afford a profitable return, as it must no doubt develop the resources of the Colony, and open new avenues to its internal Commerce through the Districts and adjoining Lakes which are intersected by it.

We regret that a difference of opinion on the subject of the proportion of Duties to be assigned by the Arbitrators to Upper Canada for the next four years should have occurred, which rendered necessary the delay occasioned by the interposition of His Majesty in the appointment of a third Arbitrator.

The restoration of hope and confidence caused by the almost total disappearance of the dreadful disease with which the inhabitants of the Province were afflicted, calls for our humble gratitude to Divine Providence. The active measures adopted by the Executive Government at the distressing period of its commencement merit our entire approbation, as the best means which the exigency afforded of arresting its ravages and preserving the public health.

The consideration of the King in complying with the wishes of the House of Assembly on the subject of the appropriation of the sums arising from the sale of land formerly set apart for the support of Grammar Schools and not alienated by the authority of His Majesty's Government, affords another proof of His Royal solicitude to promote the wishes of the Province.

We trust that some measure respecting the distribution of those funds, otherwise than by annual vote, will be devised, and that such provision will be made for applying them to their intended object, and securing the interests of the people as will meet with the full concurrence of Your Excellency.

Committee appointed to know when it would be received.

Ordered, that a Select Committee be appointed to wait upon the Lieutenant Governor to know when His Excellency would be pleased to receive this House with its Address; and,

Members composing same.

Ordered, that the Honorable Messrs. Markland and Hamilton, do compose the same.

Their report.

The Honorable Mr. Markland, from the Select Committee above named, reported that the Honorable Mr. Hamilton and himself had waited upon the Lieutenant Governor, and



Monday, 12th November, 1832.

THIRD SESSION 11th PROVINCIAL PARLIAMENT, 3d WILLIAM IV.

laid before His Majesty in Council, and that His Majesty has been pleased to assent to the same.

*Government House,*  
9th November, 1833.

Petition of Elisha Hayward brought up.

The Honorable Mr. Baby brought up the petition of Elisha Hayward, of the town of York, which was laid on the table.

Petition of J. Muirhead and others, read

Pursuant to the order of the day, the petition of J. Muirhead, and others, inhabitants of the district of Niagara, praying to be remunerated for losses sustained during the late War with the United States of America, was read.

Notice of bringing in Office Test Bill.

The Honorable and Venerable the Archdeacon of York, gave notice that he would on Monday the twelfth instant, bring in a Bill to dispense with the necessity of taking certain oaths and making certain declarations in the cases therein mentioned, and also to render it unnecessary to receive the Sacrament of the Lord's Supper as a qualification for offices or for other temporal purposes.

Call of the House.

Pursuant to the fifth standing order the House was called.

PRESENT,

Members present.

<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Honorable Messrs.</i> ROBINSON,
<i>The Honorable Messrs.</i> BABY,	" " McDONELL,
" " CROOKSHANK,	" " ELMSLEY,
<i>The Hon. &amp; Ven. the</i> ARCHDEACON OF YORK,	" " BALDWIN,
<i>The Honorable Messrs</i> MARKLAND,	" " ADAMSON,
" " DUNN,	<i>The Hon. &amp; Rt. Rev.</i> BISHOP MACDONELL,
" " ALLAN,	

ABSENT,

Members absent.

THE HONORABLE MESSRS. M'GILL, . . . . (Indisposed.)
" " " CLARK,
" " " DICKSON,
" " " POWELL,
" " " WELLS, . . . . (Excused from indisposition in his family.)
" " " CAMERON,
" " " SIR WILLIAM CAMPBELL, . . . . (Sick.)
" " " JONES,
" " " GORDON,
" " " BURNHAM,
" " " HAMILTON,
" " " BOSWELL,
" " " JAMES KERBY,
" " " JOHN KIRBY,
" " " CROOKS,
" " " GRANT,
" " " LLOYD,
" " " NELLES.

House adjourns.

On motion made and seconded the House adjourned until Monday next at three of the clock, P. M.

MONDAY, 12th NOVEMBER, 1832.

House meets.

The House met pursuant to adjournment.

PRESENT,

Members present.

<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Honorable Messrs.</i> McDONELL,
<i>The Honorable Messrs.</i> BABY,	" " BALDWIN,
" " CROOKSHANK,	" " ADAMSON,
" " ROBINSON,	<i>The Hon. &amp; Rt. Rev.</i> BISHOP MACDONELL,

*Prayers were read.*

The Minutes of Friday were read.

13th, 14th &amp; 19th November, 1832.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

Pursuant to the order of the day, the petition of William Maxwell, and others, praying for an Act incorporating petitioners under the name, style, and firm, of the British America Fire and Life Assurance Institution, was read. Petition of William Maxwell, and others, read.

Pursuant to the order of the day, the petition of Elisha Hayward, of the town of York, praying for Naturalization, was read. Petition of Elisha Hayward, read.

Pursuant to the order of the day, the Bill to facilitate Replevins was read a second time, and it was— Replevins' Bill read 2d time.

Ordered, that the House be put into a Committee of the whole to-morrow, to take the same into consideration.

The Honorable Mr. McDonell brought up the petition of Alexander Wood, and others, Justices of the Peace for the Home District, residing in the division for the town of York, which was laid on the table. Petition of Alexander Wood, and others, brought up.

On motion made and seconded, the House adjourned until to-morrow at three of the clock, P. M. House adjourns.

TUESDAY, 13th NOVEMBER, 1832.

At four of the clock, P. M., there were—

PRESENT,

<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Honorable Messrs.</i> McDONELL,	
<i>The Honorable Messrs.</i> CROOKSHANK,	“ “ ELMSLEY,	Members present.
“ “ ALLAN,	“ “ BALDWIN.	

His Honor the Speaker declared the house adjourned for want of a quorum. House adjourns for want of a quorum.

WEDNESDAY, 14th NOVEMBER, 1832.

The House met pursuant to adjournment.

PRESENT,

<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Honorable Messrs.</i> ALLAN,	
<i>The Honorable Messrs.</i> CROOKSHANK,	“ “ McDONELL,	Members present.
“ “ WELLS,	“ “ ADAMSON,	
“ “ MARKLAND,	“ “ CROOKS,	

*Prayers were read.*

The Minutes of Monday and yesterday were read.

Pursuant to the order of the day, the petition of Alexander Wood, and others, Justices of the Peace for the Home District, residing in the division for the town of York, praying for a Law incorporating the said Town, and also to extend the limits of same, was read. Petition of Alexander Wood, and others, read.

The order of the day for the House to be put into a Committee of the whole, on the Bill to facilitate Replevins, being read, it was— Order of the day read for committing Replevins' Bill.

Ordered to be discharged, and that the same do stand upon the order of the day for Monday next. Same discharged.

On motion made and seconded, the House adjourned until Monday next, at one of the clock, P. M. House adjourns.

MONDAY, 19th NOVEMBER, 1832.

The House met pursuant to adjournment.

PRESENT,

<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Honorable Messrs.</i> DUNN,	
<i>The Honorable Messrs.</i> CLARK,	“ “ GORDON,	Members present.
“ “ CROOKSHANK,	“ “ McDONELL,	
<i>The Hon. &amp; Ven. the</i> ARCHDEACON OF YORK,	“ “ CROOKS,	
<i>The Honorable Messrs.</i> CAMERON,		

*Prayers were read.*

The minutes of Wednesday last were read.

Monday, 19th November, 1832.

THIRD SESSION 11th PROVINCIAL PARLIAMENT, 3d WILLIAM IV.

Replevins Bill committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill to facilitate Replevins.

The Honorable Mr. Clark took the Chair.

A message being announced the Chairman left the chair, and the House formed.

York and Lincoln county Election Bill brought up from Assembly.

A Deputation from the Commons House of Assembly brought up a Bill, entitled, "An Act to alter the manner of holding the Elections for Members to represent the counties of York and Lincoln in the House of Assembly, more equally to divide the county of York into Ridings, and to increase the Representation of the said county of York," to which they requested the concurrence of this House, and then withdrew.

Replevins Bill, re-committed.

The House was then again put into a Committee of the whole, on the Bill to facilitate Replevins.

The Honorable Mr. Clark took the Chair.

A message being announced the Chairman left the chair, and the House formed.

Bills brought up from Assembly, (viz.)  
Sheriffs Security—  
Dower and Controverted Election.

A deputation from the Commons House of Assembly brought up a Bill, entitled, "An Act to make certain regulations relating to the office of Sheriff in this Province, and to require the several Sheriffs of this Province to give security for the due fulfilment of the duties of their office." Also, a Bill, entitled, "An Act to afford greater facility in barring the right of Dower:" and also a Bill, entitled, "An Act to revive and continue a certain Act, passed in the Fourth year of His late Majesty's Reign, entitled, "An Act to repeal an Act passed in the Forty-fifth year of His late Majesty's Reign, entitled, An Act to regulate the trial of controverted Elections or returns of Members to serve in the House of Assembly, and to make more effectual provision for such trials; and also a certain other Act passed in the Eighth year of His late Majesty's Reign, entitled "An Act to continue and amend the law now in force for the trial of controverted Elections," to which they requested the concurrence of this House, and then withdrew.

Replevins Bill, re-committed.

The House was then again put into a Committee of the whole, upon the Bill to facilitate Replevins.

The Honorable Mr. Clark took the Chair.

A message being announced the Chairman left the chair, and the House formed.

Message from Assembly brought up.

A deputation from the Commons House of Assembly brought up and delivered at the Bar of this House, a message, and then withdrew.

Replevins Bill, re-committed.

The House was then again put into a Committee of the whole, upon the Bill to facilitate Replevins.

The Honorable Mr. Clark took the Chair.

After some time the House resumed.

A Member enters.

The Honorable Mr. Baby enters.

Report of above Committee, and leave asked to sit again.  
Leave granted.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again on Thursday next.

Ordered, that the report be received, and leave granted accordingly.

York and Lincoln county Election Bill read 1st time.

The Bill, entitled, "An Act to alter the manner of holding the Elections for Members to represent the counties of York and Lincoln in the House of Assembly, more equally to divide the county of York into Ridings, and to increase the representation of the said county of York," was read, and it was—

Ordered, that the same be read a second time to-morrow.

Sheriffs Security Bill read 1st time.

The Bill entitled, "An Act to make certain regulations relating to the office of Sheriff in this Province, and to require the several Sheriffs of this Province to give security for the due fulfilment of the duties of their office," was read, and it was—

Ordered, that the same be read a second time to-morrow.

Dower Bill read 1st time.

The Bill entitled, "An Act to afford greater facility in Barring the right of Dower," was read, and it was—

Ordered, that the same be read a second time to-morrow.

Controverted Election Bill read 1st time.

The Bill entitled, "An Act to revive and continue a certain Act passed in the fourth year of His late Majesty's reign entitled, 'An Act to repeal an Act passed in the forty-fifth year of His late Majesty's reign entitled, 'An Act to regulate the trial of controverted Elections or returns of Members to serve in the House of Assembly, and to make more effectual provision for such trials,' and also a certain other Act passed in the eighth year of His late Majesty's reign entitled, 'An Act to continue and amend the law now in force for the trial of controverted Elections,'" was read, and it was—

Tuesday, 20th November, 1832.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

Ordered, that the same be read a second time to-morrow.

His Honor the Speaker reported to the House that a Deputation from the Commons House of Assembly had brought up and delivered at the Bar of this House a Message in the following words :

Speaker reports the receipt of a Message from the Assembly.

MR. SPEAKER,

The Commons House of Assembly request that the Honorable the Legislative will permit the following Members of your Honorable House to appear before the Committee of the House of Assembly on Education, to be examined on that most important subject (viz.) the Honorable and Venerable Dr. Strachan, and the Honorable Messrs. J. B. Robinson, Wells, and Markland.

Requesting that the Speaker, the Archdeacon of York, and Messrs. Wells and Markland, may be permitted to attend a Committee of the Assembly.

(Signed)

ARCHIBALD McLEAN,  
SPEAKER.

*Commons House of Assembly,  
14th day of November, 1832.*

Ordered, that the Honorable John B. Robinson, (Speaker of this House,) the Honorable and Venerable the Archdeacon of York, and the Honorable Messrs. Wells and Markland, have leave to attend the Select Committee of the Commons House of Assembly, as desired by that House in their Message received this day, if they think fit ; and,

Permission granted to them.

Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House, that the Honorable John B. Robinson, (Speaker of this House,) the Honorable and Venerable the Archdeacon of York, and the Honorable Messrs. Wells and Markland, have leave to attend the Select Committee of the Commons House of Assembly, as desired by that House in their Message received this day, if they think fit.

Assembly acquainted thereof.

By Command of His Excellency the Lieutenant Governor, the Honorable Mr. Secretary Cameron presented the Public Accounts ; which were laid on the table.

Public Accounts laid on the table.

Pursuant to notice, the Honorable and Venerable the Archdeacon of York brought in a Bill to dispense with the necessity of taking certain oaths and making certain declarations in the cases therein mentioned, and also to render it unnecessary to receive the Sacrament of the Lords' Supper as a qualification for offices, or for other temporal purposes.

Office Test Bill brought in.

The said Bill was read ; and it was,

Read 1st time.

Ordered, that the same be read a second time to-morrow.

The Honorable Mr. Crooks brought up the Petition of J. Muirhead, and others, land-owners and inhabitants in the Niagara District ; which was laid on the table.

Petition of J. Muirhead, and others, brought up.

The Honorable Mr. Crooks brought up the Petition of George Adams, and others, inhabitants of the District of Niagara ; which was laid on the table.

Petition of George Adams, and others, brought up.

The Honorable Mr. Crooks brought up the Petition of William B. Sheldon, and others, inhabitants, freeholders, of the town of Hamilton ; which was laid on the table.

Petition of Wm. B. Sheldon, and others, brought up.

The Honorable Mr. Crooks brought up the Petition of C. Beadle, and others, Trustees of the Grantham Academy.—And also the Petition of James W. O. Clark, and others, land-owners and inhabitants of the District of Niagara ; which were laid on the table.

Petition of C. Beadle, & others, and James W. O. Clark, and others, brought up.

The Honorable Mr. Dunn brought up the Petition of Rhoda Stoyell, and others, Executrix and Executors to the will of the late Thomas Stoyell ; which was laid on the table.

Petition of Rhoda Stoyell, and others, brought up.

The Honorable Mr. Clark brought up the petition of Hugh Richardson, and others, Merchants, owners of Vessels, and Navigators ; which was laid on the table.

Petition of Hugh Richardson, & others, brought up.

On motion made and seconded the House adjourned.

House adjourns.

TUESDAY, 20th NOVEMBER, 1832.

The House met pursuant to adjournment.

House meets.

PRESENT,

*The Honorable* JOHN B. ROBINSON, SPEAKER,

*The Honorable Messrs.* GORDON,

*The Honorable Messrs.* CLARK,

McDONELL,

" " CROOKSHANK,

" " BALDWIN,

" " WELLS,

" " ADAMSON,

" " ALLAN,

" " CROOKS,

Members present.

D

Tuesday, 20th November, 1832.

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*Prayers were read.*

The Minutes of yesterday were read.

York and Lincoln  
county Election Bill  
read 2d time.

Pursuant to the order of the day, the Bill entitled "An Act to alter the manner of holding the Elections for Members to represent the counties of York and Lincoln in the House of Assembly, more equally to divide the county of York into Ridings, and to increase the Representation of the said county of York," was read a second time; and it was,

Ordered, that the House be put into a Committee of the whole to-morrow, to take the same into consideration.

Sheriffs Security Bill  
read 2d. time.

Pursuant to the order of the day, the Bill entitled "An Act to make certain regulations relating to the office of Sheriff in this Province, and to require the several Sheriffs of this Province to give security for the due fulfilment of the duties of their office," was read a second time; and it was,

Ordered, that the House be put into a Committee of the whole, to-morrow, to take the same into consideration.

Dower Bill read 2d  
time.

Pursuant to the order of the day, the Bill, entitled, "An Act to afford greater facility in barring the right of Dower," was read a second time; and it was,

Ordered, that the House be put into a Committee of the whole, to-morrow, to take the same into consideration.

Controverted Elec-  
tion Bill read 2d time.

Pursuant to the order of the day, the Bill entitled, "An Act to revive and continue a certain Act, passed in the fourth year of His late Majesty's Reign, entitled, "An Act to repeal an Act passed in the forty-fifth year of His late Majesty's Reign, entitled, An Act to regulate the trial of controverted Elections or returns of Members to serve in the House of Assembly, and to make more effectual provision for such trials; and also a certain other Act passed in the Eighth year of His late Majesty's Reign, entitled "An Act to continue and amend the law now in force for the trial of controverted Elections," was read a second time; and it was,

Ordered, that the House be put into a Committee of the whole, to-morrow, to take the same into consideration.

Office Test Bill read  
2d time.

Pursuant to the order of the day, the Bill to dispense with the necessity of taking certain oaths and making certain declarations in the cases therein mentioned, and also to render it unnecessary to receive the Sacrament of the Lord's Supper as a qualification for offices or for other temporal purposes, was read a second time; and it was,

Ordered, that the House be put into a Committee of the whole, on Thursday next, to take the same into consideration.

Convicts transporta-  
tion bill brought in.  
Read 1st time.

His Honor the Speaker brought in a Bill to authorise the transporting of offenders.

The said Bill was then read; and it was,

Ordered, that the same be read a second time to-morrow.

Petition of Henry  
Weeks, and of Wm.  
B. Sheldon, & others,  
brought up.

The Honorable Mr. McDonell brought up the Petition of Henry Weeks, of the township of Yonge, in the Johnstown District.—And also the Petition of William B. Sheldon, and others, inhabitants of the town of Hamilton and township of Barton, in the Gore District; which were laid on the table.

Petition of John  
Norton and others  
brought up.

The Honorable Mr. Allan brought up the Petition of John Norton, and others, inhabitants of the county of Haldimand; which was laid on the table.

Petition of William  
Warren Baldwin and  
others brought up.

The Honorable Mr. Baldwin brought up the Petition of William Warren Baldwin, and others, Physicians and Surgeons of the town of York; which was laid on the table.

Report of the Select  
Committee appointed  
last Session to super-  
intend the furnishing  
&c. of the apartments  
intended for the use  
of the Legislative  
Council in the new  
building, presented.

The Honorable Mr. Crookshank, from the Select Committee appointed during the last Session of the present Parliament to superintend the furnishing and preparing of the apartments intended for the use of the Legislative Council, in the new building erected for the accommodation of the Legislature, presented their report,

Ordered, that the Report be received; and—

Same read.

The same was then read by the Clerk as follows:

The Report.

The Committee appointed by this Honorable House last Session to fit up and furnish the Legislative Council Chamber, beg to Report:—

That from the unfinished state of the House, and it also having been found necessary for to occupy it as an Hospital to a short period before the meeting of the Legislature, your Committee thought it most advisable to make use of the old furniture, with an addition of a

Wednesday, 21st November, 1832.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

carpet and a few other articles for this Session, that when the Chamber was finished the House would be better able to judge what would be requisite for to fit it up in a suitable manner.

(Signed,)

GEORGE CROOKSHANK,  
CHAIRMAN.

20th November, 1832.

The Honorable Mr. Clark brought up the Petition of J. Muirhead, and others, Justices of the Peace for the District of Niagara; which was laid on the table.

On motion made and seconded the House adjourned.

Petition of J. Muirhead and others presented.

House adjourns.

WEDNESDAY, 21st NOVEMBER, 1832.

The House met pursuant to adjournment.

House meets.

PRESENT,

<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Honorable Messrs.</i> GORDON,
<i>The Honorable Messrs.</i> CLARK,	“ “ McDONELL,
“ “ CROOKSHANK,	“ “ ADAMSON,
<i>The Hon. &amp; Ven. the</i> ARCHDEACON OF YORK,	“ “ CROOKS,
<i>The Honorable Mr.</i> ROBINSON,	

Members present.

*Prayers were read.*

The minutes of yesterday were read.

Pursuant to the order of the day, the petition of J. Muirhead, and others, landowners and inhabitants of the District of Niagara, praying to be incorporated under the name of the Erie and Ontario Rail Road Company.—Also the petition of George Adams, and others, inhabitants of the District of Niagara, praying for an Act abolishing imprisonment for debt.—Also the petition of William B. Sheldon, and others, inhabitants, freeholders, of the town of Hamilton, praying for an Act to define the limits of the said town, and to establish a Police and public Market therein.—Also the petition of C. Beadle, and others, Trustees of the Grantham Academy, praying for an endowment to aid in its support.—Also the petition of James W. O. Clark, and others, landowners and inhabitants of the District of Niagara, praying for an Act incorporating petitioners under the name and style of the twenty mile Creek Harbour Company.—Also the petition of Rhoda Stoyell, and others, Executrix and Executors to the will of the late Thomas Stoyell, praying for relief.—And also, the petition of Hugh Richardson, and others, Merchants, owners of Vessels and Navigators, praying for an Act granting a sum of money for the improvement of the York Harbour, were read.

Petition of J. Muirhead and others; of George Adams and others; of William B. Sheldon and others; of C. Beadle & others; of James W. O. Clark and others; of Rhoda Stoyell and others; and of Hugh Richardson and others, were read.

The orders of the day for the House to be put into a Committee of the whole upon the Bill, entitled, “An Act to alter the manner of holding the Elections for Members to represent the counties of York and Lincoln in the House of Assembly, more equally to divide the county of York into Ridings, and to increase the representation of the said county of York.” And also the Bill entitled, “An Act to make certain regulations relating to the office of Sheriff in this Province, and to require the several Sheriffs of this Province to give security for the due fulfilment of the duties of their office,” being read, it was—

Order of the day for committing York and Lincoln County Election bill, and Sheriff's Security bill, read.

Ordered, that they be discharged, and that the same do stand upon the order of the day for to-morrow.

Same discharged.

The Honorable Mr. Baldwin enters.

A Member enters.

Pursuant to the order of the day, the House was put into a Committee of the whole, on the Bill entitled, “An Act to afford greater facility in Barring the right of Dower.”

Dower Bill committed.

The Honorable Mr. Crookshank took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the Bill, and recommended the same without amendment to the adoption of the House.

Reported.

Ordered, that the report be received, and—

Adopted.

Ordered, that the said Bill be read a third time to-morrow.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled, “An Act to revive and continue a certain Act passed in the fourth year of His late Majesty's reign entitled, ‘An Act to repeal an Act passed in the forty-fifth year

Controverted Election Bill committed.

Thursday, 22nd November, 1832.

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of His late Majesty's reign entitled, 'An Act to regulate the trial of controverted Elections, or returns of Members to serve in the House of Assembly, and to make more effectual provision for such trials,' and also a certain other Act passed in the eighth year of His late Majesty's reign entitled, 'An Act to continue and amend the law now in force for the trial of controverted Elections.'

The Honorable Mr. Gordon took the Chair.

After some time the House resumed.

Members enter.

The Honorable Messrs. Allan and Wells, enter.

Report of above Committee. Adopted.

The Chairman reported that the Committee had gone through the Bill, and recommended the same without amendment to the adoption of the House.

Ordered, that the Report be received, and—

Ordered, that the said Bill be read a third time to-morrow.

Convicts transportation bill read second time.

Pursuant to the order of the day, the Bill to authorise the transporting of offenders, was read a second time, and it was—

Ordered, that the House be put into a Committee of the whole, to-morrow, to take the same into consideration.

Petition of Joseph Bouchette brought up.

The Honorable Mr. Clark, brought up the petition of Joseph Bouchette, Surveyor General of the Province of Lower Canada; which was laid on the table.

House adjourns.

On motion made and seconded, the House adjourned.

THURSDAY, 22nd NOVEMBER, 1832.

House meets.

The House met pursuant to adjournment.

PRESENT,

Members present.

The Honorable JOHN B. ROBINSON, SPEAKER,

The Honorable Messrs. McDONELL,

The Honorable Mr. CLARK,

" " ADAMSON,

The Hon. & Ven. the ARCHDEACON OF YORK,

" " JAMES KERBY,

The Honorable Messrs. WELLS,

" " CROOKS.

" " GORDON,

*Prayers were read.*

The Minutes of yesterday were read.

Dower Bill read third time and passed.

Pursuant to the order of the day, the Bill entitled, "An Act to afford greater facility in barring the right of Dower," was read a third time and passed.

Bill signed.

Whereupon the Speaker signed the same, and it was—

Assembly acquainted of same.

Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House, that the Legislative Council have passed this Bill without amendment.

Controverted Election bill read third time and passed.

Pursuant to the order of the day, the Bill entitled, "An Act to revive and continue a certain Act passed in the fourth year of His late Majesty's Reign, entitled "An Act to repeal an Act passed in the forty-fifth year of His late Majesty's Reign entitled 'An Act to regulate the trial of controverted Elections or returns of Members to serve in the House of Assembly, and to make more effectual provision for such trials; and also a certain other Act passed in the eighth year of His late Majesty's Reign entitled, 'An Act to continue and amend the law now in force for the trial of controverted Elections,'" was read a third time and passed.

Bill signed.

Whereupon the Speaker signed the same, and it was—

Assembly acquainted of same.

Ordered that the Master in Chancery do go down to the Assembly and acquaint that House, that the Legislative Council have passed this Bill without amendment.

Replevins Bill, re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, on the Bill to facilitate Replevins.

The Honorable Mr. Clark took the Chair.

After some time the House resumed.

Reported.

The Chairman reported that the Committee had gone through the said Bill, and recommended the same without amendment to the adoption of the House.

Adopted.

Ordered, that the Report be received.

A Member enters.

The Honorable Mr. Baldwin enters.

Ordered, that the above Bill be engrossed and read a third time on Monday next.

Thursday, 22nd November, 1832.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill to dispense with the necessity of taking certain oaths and making certain declarations in the cases therein mentioned, and also to render it unnecessary to receive the Sacrament of the Lord's Supper as a qualification for offices or for other temporal purposes.

Office Test Bill committed.

The Honorable Mr. Wells took the Chair.

A message being announced the Chairman left the chair, and the House formed.

Message from Assembly.

A deputation from the Commons House of Assembly brought up and delivered at the Bar of this House, a message, and then withdrew.

The House was then again put into a Committee of the whole, upon the Bill to dispense with the necessity of taking certain oaths and making certain declarations in the cases therein mentioned, and also to render it unnecessary to receive the Sacrament of the Lords' Supper as a qualification for offices, or for other temporal purposes.

Office Test bill re-committed.

The Honorable Mr. Wells took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the Bill, had made some amendments thereto, and recommended the said Bill as amended to the adoption of the House.

Amendments reported.

Ordered, that the report be received, and—

Adopted.

Ordered, that the said Bill as amended be engrossed and the same read a third time to-morrow.

His Honor the Speaker reported to the House that a Deputation from the Commons House of Assembly had brought up and delivered at the Bar of this House a Message in the following words :

Speaker reports the receipt of a Message from the Assembly.

MR. SPEAKER,

The Commons House of Assembly request the Honorable the Legislative Council to give leave to the Honorable William Allan to attend a Select Committee of this House, on the subject of the new stock of the Bank of Upper Canada.

Requesting that the Honorable William Allan may be permitted to attend a Select Committee of that House.

(Signed)

ARCHIBALD McLEAN,  
SPEAKER.

*Commons House of Assembly,  
16th day of November, 1832.*

Pursuant to the order of the day, the petition of Henry Weeks, of the township of Yonge, in the Johnstown District, praying for relief.—Also the petition of William B. Sheldon, and others, inhabitants of the town of Hamilton and township of Barton, in the Gore District, praying for an Act incorporating the said town, and for enlarging and defining the limits of same, as also for establishing an efficient Police therein.—Also the petition of John Norton, and others, inhabitants of the county of Haldimand, praying for an Act granting to them the privileges of Elective Franchise.—Also the petition of William Warren Baldwin, and others, Physicians and Surgeons of the town of York, praying for an Act granting an annual sum for the relief of the sick poor of said town.—And also the petition of J. Muirhead, and others, Justices of the Peace for the District of Niagara, praying for an Act granting the sum of three hundred and fifty pounds, to be expended in the erection of a substantial Bridge across the mouth of the Chippewa River—were read.

Petition of Henry Weeks; of William B. Sheldon, and others; of John Norton, and others; of William Warren Baldwin, and others; and of J. Muirhead, and others, read.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill, entitled, "An Act to alter the manner of holding the Elections for Members to represent the counties of York and Lincoln in the House of Assembly, more equally to divide the county of York into Ridings, and to increase the representation of the said county of York."

York and Lincoln county Election Bill committed.

The Honorable Mr. Baldwin took the Chair.

After some time the House resumed.

The Honorable Mr. Allan enters.

A Member enters.

The Chairman reported that the Committee had taken the above Bill into consideration, had made some progress therein, and asked leave to sit again on Monday next.

Report of the above Committee, and leave asked to sit again.

Ordered, that the report be received, and leave granted accordingly.

Leave granted.

Ordered, that the Honorable William Allan have leave to attend the Select Committee of the Commons House of Assembly, as desired by that House in their Message received this day, if he thinks fit; and,

Permission given to the Honorable Mr. Allan to attend a Select Committee of the Assembly.

Friday, 23rd November, 1832.

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That House acquainted of same.

Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House, that the Honorable William Allan has leave to attend the Select Committee of the Commons House of Assembly, as desired by that House in their Message received this day, if he thinks fit.

Sheriff's Security Bill committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, on the Bill entitled, "An Act to make certain regulations relating to the office of Sheriff in this Province, and to require the several Sheriffs of this Province to give security for the due fulfilment of the duties of their office."

The Honorable Mr. Allan took the Chair.

After some time the House resumed.

Reported and referred to a Select Committee.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and recommended that the same be referred to a Select Committee of three Members, to report thereon by amendment or otherwise.

Ordered, that the Report be received, and—

Ordered, that a Select Committee be appointed of three Members, to report thereon by amendment or otherwise; and,

Members composing the same.

Ordered, that the Honorable Messrs. Clark, Gordon and Crooks, do compose such Committee.

Convicts transportation bill committed.

Pursuant to the order of the day, the House was put into a Committee of the whole, on the Bill to authorise the transporting of offenders.

The Honorable Mr. McDonell took the Chair.

After some time the House resumed.

Reported.

The Chairman reported that the Committee had gone through the Bill, and recommended the same without amendment to the adoption of the House.

Adopted.

Ordered, that the Report be received; and,

Ordered, that the said Bill be engrossed and read a third time to-morrow.

House adjourns.

On motion made and seconded the House adjourned.

FRIDAY, 23rd NOVEMBER, 1832.

House meets.

The House met pursuant to adjournment.

PRESENT,

Members present.

<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Honorable Messrs.</i> McDONELL,
<i>The Honorable Messrs.</i> CROOKSHANK,	" " BALDWIN,
" " WELLS,	" " ADAMSON,
" " ALLAN,	" " JAMES KERBY,
" " GORDON,	" " CROOKS.

*Prayers were read.*

The Minutes of yesterday were read.

Office Test Bill read 3rd time and passed.

Pursuant to the order of the day, the Bill to dispense with the necessity of taking certain oaths and making certain declarations in the cases therein mentioned, and also to render it unnecessary to receive the Sacrament of the Lord's Supper as a qualification for offices or for other temporal purposes, was read a third time and passed; and it was,

Title ordered.

Ordered, that the title be, "An Act to dispense with the necessity of taking certain oaths and making certain declarations in the cases therein mentioned, and also to render it unnecessary to receive the Sacrament of the Lord's Supper as a qualification for offices or for other temporal purposes."

Bill signed.

Whereupon the Speaker signed the Bill, and it was—

And sent to Assembly for concurrence.

Ordered to be sent to the Commons House of Assembly, by the Master in Chancery, for the concurrence of that House.

Convicts transportation bill read third time and passed.

Pursuant to the order of the day, the Bill to authorise the transporting of offenders, was read a third time and passed; and it was,

Title ordered.

Ordered, that the title be, "An Act to authorise the transporting of offenders."

Bill signed.

Whereupon the Speaker signed the Bill, and it was—

And sent to Assembly for concurrence.

Ordered to be sent to the Commons House of Assembly, by the Master in Chancery, for the concurrence of that House.



Tuesday, 27th November, 1832.

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Petition of Sheldon Hawley and others brought up.

The Honorable and Venerable the Archdeacon of York brought up the petition of Sheldon Hawley, and others, inhabitants of the townships of Murray, Sidney and Thurlow ; which was laid on the table.

Petition of James Muirhead and others and of the Honorable William Allan and others, brought up:

The Honorable Mr. Clark brought up the petition of James Muirhead, Chairman of the Quarter Sessions, and others, His Majesty's Justices of the Peace in and for the District of Niagara.—And also the petition of the Honorable William Allan, and others ; which were laid on the table.

Petition of George Lamprey and others brought up.  
House adjourns.

The Honorable Mr. Crooks brought up the petition of George Lamprey, and others, inhabitants of the county of Halton, in the District of Gore ; which was laid on the table.

On motion made and seconded, the House adjourned.

TUESDAY, 27th NOVEMBER, 1832.

House meets.

The House met pursuant to adjournment.

PRESENT,

Members present.	<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Honorable Messrs.</i> McDONELL,
	<i>The Honorable Messrs.</i> WELLS,	" " ADAMSON,
	" " DUNN,	" " JAMES KERBY,
	" " GORDON,	" " CROOKS,

*Prayers were read.*

The Minutes of yesterday were read.

Town Voters Qualification Bill read 2d time.

Pursuant to the order of the day, the Bill, entitled, "An Act to declare the qualification of voters for Members to represent certain towns in the House of Assembly in this Province," was read a second time ; and it was,

Ordered, that the House be put into a Committee of the whole, on Monday next, to take the same into consideration.

Petition of George Crawford and others brought up.

The Honorable Mr. Dunn brought up the Petition of George Crawford, and others, inhabitants of the town of Brockville ; which was laid on the table.

A Member enters.

The Honorable Mr. Clark enters.

Messages from the Lt. Governor.

Several Messages from His Excellency the Lieutenant Governor were delivered by Mr. Secretary Rowan, who being retired, the Speaker read the same, and they were again read by the Clerk as follows :—

J. COLBORNE,

Transmitting a return of Debentures.

The Lieutenant Governor transmits to the Legislative Council, a return of the Debentures issued, redeemed, and outstanding.

*Government House,*  
26th November, 1832.

J. COLBORNE,

Transmitting copies of Documents relative to the Asiatic Cholera.

The Lieutenant Governor transmits to the Legislative Council, copies of several documents respecting the measures which were adopted to arrest the progress of the Asiatic Cholera which made its appearance in this Province in June last ; and also a statement of the sums advanced to the Magistrates of each District to enable them to carry into effect the regulations established for the preservation of the health of the Province, and of the amount expended in certain Districts exceeding the sum which the Magistrates were authorised to draw.

*Government House,*  
26th November, 1832.

J. COLBORNE,

Transmitting the report of the Provincial Arbitrator.

The Lieutenant Governor transmits to the Legislative Council, the report of the Arbitrator appointed to determine on the proportion of duties to be received by this Province from Lower Canada ; and copies of the correspondence of the Arbitrators arising from the discussion of the questions connected with the respective claims of the two Provinces.

*Government House,*  
26th November, 1832.

Wednesday, 28th November, 1832.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

J. COLBORNE,

The Lieutenant Governor transmits to the Legislative Council, the accompanying communication from His Excellency the Governor-in-Chief, with the copy of a Bill passed by the Legislative Council and House of Assembly of the Lower Province last Session, entitled "An Act to repeal certain duties on Molasses and Coffee, and to diminish the rates of certain duties on Tobacco imported into this Province otherwise than by land or inland navigation," and also an address to his Excellency the Governor-in-Chief.

*Government House,*  
26th November, 1832.

Transmitting a communication from the Governor-in-Chief respecting the repeal of certain duties.

J. COLBORNE,

The Lieutenant Governor transmits to the Legislative Council, the annual report of the York Hospital and Dispensary.

*Government House,*  
26th November, 1832.

Transmitting the report of the York Hospital and Dispensary.

Ordered, that an Address be presented to the Lieutenant Governor, respectfully thanking His Excellency for his several messages of this day; and,

Ordered, that the Honorable Messrs. Crooks and James Kerby do present the same.

On motion made and seconded the House adjourned.

Address of thanks ordered to be presented to Lt. Governor.

Committee appointed to therefor.

House adjourns.

WEDNESDAY, 28th NOVEMBER, 1832.

The House met pursuant to adjournment.

House meets.

PRESENT,

*The Honorable* JOHN B. ROBINSON, SPEAKER,

*The Honorable Messrs.* BALDWIN,

*The Honorable Messrs.* CLARK,

" " ADAMSON,

" " CROOKSHANK,

" " JAMES KERBY,

" " GORDON,

" " CROOKS,

" " McDONELL,

Members present.

*Prayers were read.*

The minutes of yesterday were read.

Pursuant to the order of the day the petition of Sheldon Hawley, and others, inhabitants of the townships of Murray, Sidney and Thurlow, praying for an Act authorising the building of a Bridge across the River Trent, upon the site first surveyed by certain Commissioners appointed for that purpose.—Also the petition of James Muirhead, Chairman of the Quarter Sessions, and others, His Majesty's Justices of the Peace in and for the District of Niagara, praying for an Act whereby the Welland Canal Company may be compelled to repair and keep in repair the bridges leading from public highways across the Canal, and other ways, roads and causeways, in anywise damaged by the overflowing of the water of said Canal.—Also the petition of the Honorable William Allan, and others, praying for an Act incorporating petitioners as the founders of a new city to be erected in the township of Stamford, near the falls of Niagara.—And also the petition of George Lamprey, and others, inhabitants of the county of Halton, in the District of Gore; were read.

Petition of Sheldon Hawley, of James Muirhead, of the Hon. William Allan and others, and of George Lamprey and others read.

A Deputation from the Commons House of Assembly brought up a Bill, entitled, "An Act to establish the side lines between certain lots in the township of North Gwillimbury, in the Home District," to which they requested the concurrence of this House, and then withdrew.

North Gwillimbury side line Bill brought up from Assembly.

The said Bill was then read, and it was,

Ordered, that the same be read a second time to-morrow.

Read 1st time.

The Honorable Mr. Clark brought up the petition of Paul Glasford, and others, inhabitants of the District of Johnstown; which was laid on the table.

Petition of Paul Glasford and others, brought up.

The Honorable Mr. Gordon brought up the petition of Stephen Richards, and others, inhabitants of the town of Brockville; which was laid on the table.

Petition of Stephen Richards and others, brought up.

F

Wednesday, 28th November, 1832.

THIRD SESSION 11th PROVINCIAL PARLIAMENT, 3d WILLIAM IV.

Petition of Wm. B. Jarvis, brought up.

The Honorable Mr. Crooks brought up the petition of William B. Jarvis, Sheriff of the Home District; which was laid on the table.

A Member enters.

The Honorable and Venerable the Archdeacon of York enters.

Report of the Select Committee upon York and Lincoln county Election Bill, presented.

The Honorable Mr. McDonell from the Select Committee to whom was referred the Bill sent up from the Commons House of Assembly entitled, "An Act to alter the manner of holding the Elections for Members to represent the counties of York and Lincoln in the House of Assembly, more equally to divide the county of York into Ridings, and to increase the representation of the said county of York," presented their Report.

Ordered, that the Report be received; and,

Read:

The same was then read by the Clerk as follows:

The Report:

Your Committee to whom was referred the Bill from the Assembly dividing the county of York into ridings, and making provision that the Election for the said county of Members to sit in the Assembly, as well as the county of Lincoln, in the Niagara District, should hereafter be held in the several ridings proposed by the said Bill to be formed; beg most respectfully to Report:

That having given the subject due consideration, and obtained such information as lay within their reach, recommend, in conformity with the order of your Honorable House forming the said Committee, to divide the said county of York into two ridings instead of three as proposed by the said Bill; that the West riding be composed of the townships of Toronto; Toronto Gore; Chinguacousy; Caledon; Albion; Etobicoke; York; Vaughan and King; and that the East riding be composed of the Townships of Whitby; Pickering; Scarborough; Markham; Whitchurch; Uxbridge; East Gwillimbury; North Gwillimbury; Scott; Georgina; Brock and Reach: and that the said ridings elect each two Members to represent them in the Commons House of Assembly of this Province.

Your Committee have made the above report in conformity to the order of your Honorable House, at the same time they beg leave to suggest, that were the said county of York divided into four ridings instead of two; such division would, in their opinion, possess many advantages over the one proposed, inasmuch as it would give to each the Member best known to the inhabitants thereof, and in whom they might have the greatest confidence, as well as reducing the distance they would have to travel to the place where the Election might be held: should such an arrangement meet the views of your Honorable House, your Committee would recommend the said four ridings to be formed in the following manner: (viz.)

*FIRST RIDING,*

Townships of York,  
" Etobicoke,  
" Vaughan,  
" King.

*THIRD RIDING,*

Townships of Scarborough,  
" Pickering,  
" Whitby,  
" Markham.

*SECOND RIDING,*

Townships of Toronto,  
" Toronto Gore,  
" Chinguacousy,  
" Caledon,  
" Albion.

*FOURTH RIDING,*

Townships of East Gwillimbury,  
" North Gwillimbury,  
" Scott,  
" Georgina,  
" Brock,  
" Reach,  
" Uxbridge,  
" Whitchurch,

(Signed,)

ALEXANDER McDONELL,  
CHAIRMAN.

Ordered, that the House be put into a Committee of the whole, to-morrow, to take into consideration the above mentioned Bill, and the report of the Select Committee thereon.

His Honor the Speaker gave notice that he would, to-morrow, bring in a Bill to revive the law of Outlawry: and on Friday, a Bill for the apprehension of offenders escaping from foreign parts: and that on Monday next he would bring in a Bill relating to the punishment of death.

Notice of bringing in Outlawry revival Bill, also foreign Felons apprehension Bill, & Capital punishment Bill.

House adjourns.

On motion made and seconded, the House adjourned.

Thursday, 29th November, 1832.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

THURSDAY, 29th NOVEMBER, 1832.

The House met pursuant to adjournment.

House meets.

PRESENT,

<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Honorable Messrs.</i> ELMSLEY,
<i>The Honorable Messrs.</i> CLARK,	" " BALDWIN,
" " WELLS,	" " ADAMSON,
" " GORDON,	" " JAMES KERBY.
" " McDONELL,	

Members present.

*Prayers were read.*

The Minutes of yesterday were read.

Pursuant to the order of the day, the petition of George Crawford, and others, inhabitants of the town of Brockville, praying for an Act authorising the erection of a Market in said town, on the open area or piece of ground in front of the Roman Catholic Church or Chapel therein, was read.

Petition of George Crawford and others read.

Pursuant to the order of the day, the Bill entitled, "An Act to establish the side lines between certain lots in the township of North Gwillimbury, in the Home District," was read a second time; and it was,

North Gwillimbury side line Bill, read 2d time.

Ordered, that the same be referred to a Select Committee of three Members, with power to send for persons and papers, and to report thereon by amendment or otherwise; and,

And referred to a Select Committee.

Ordered, that the Honorable Messrs. Wells, McDonell and Elmsley, do compose the Committee for that purpose.

Members composing same.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill entitled, "An Act to alter the manner of holding the Elections for Members to represent the counties of York and Lincoln in the House of Assembly, more equally to divide the county of York into ridings, and to increase the representation of the said county of York;" and also the report of the Select Committee on same.

York and Lincoln county Election Bill recommitted.

The Honorable Mr. Baldwin took the Chair.

After some time the House resumed.

Resolution reported.

The Chairman reported that the Committee had taken the said Bill and Report of the Select Committee into consideration, and had agreed to a resolution, which they recommended to the adoption of the House.

Ordered, that the Report be received.

A Member enters.

The Honorable Mr. Crookshank enters.

Resolution read.

The Resolution was then read by the Clerk as follows:—

The Resolution.

*Resolved*—That in the opinion of this Committee the alteration recommended by the Select Committee of dividing the county of York into four Ridings, to be represented each by one Member, is preferable to the division into two Ridings, and that it is expedient to refer the Bill again to a Select Committee with instructions to prepare such amendments as may be necessary for carrying the suggestion contained in the report of the Select Committee upon this Bill into effect.

Adopted.

The said resolution being read a second time, and the question of concurrence put, it was agreed to by the House; and it was,

Bill referred back to the same Committee.

Ordered, that the said Bill be referred back to the same Select Committee, with instructions to prepare such amendments as may be necessary for carrying the suggestions contained in the said report into effect.

Pursuant to notice His Honor the Speaker brought in a Bill to revive the law of Outlawry.

Outlawry revival Bill brought in.

The said Bill was then read; and it was,

Read 1st time.

Ordered, that the same be read a second time to-morrow.

The Honorable Mr. Gordon brought up the Petition of Robert McGill and others, inhabitants of the District of Newcastle; which was laid on the table.

Petition of Robert McGill and others, brought up.

The Honorable Mr. Elmsley brought up the petition of Amos Norton and Eliakim Field; which was laid on the table.

Petition of Amos Norton and another, brought up.

The Honorable Mr. Wells brought up the petition of the President, Directors and Company of the Bank of Upper Canada; and also the Petition of Jean P. de la Haye, one of the Masters of the Upper Canada College; which were laid on the table.

Petition of the Pres't. Directors & Comp'y of the Bank of U. C., and of J. P. De la Haye, brought up.



Saturday, 1st December, 1832.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

The said Bill was then read ; and it was,

Ordered, that the same be read a second time on Monday next.

Pursuant to the order of the day, the Bill to revive the law of Outlawry, was read a second time: and it was,

Ordered, that the House be put into a Committee of the whole, on Monday next, to take the same into consideration.

The Honorable Mr. Allan enters.

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill entitled "An Act to make certain regulations relating to the office of Sheriff in this Province, and to require the several Sheriffs of this Province to give security for the due fulfilment of the duties of their office;" as also the report of the Select Committee on the same.

The Honorable Mr. Allan took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill and report of the Select Committee into consideration, had made some progress therein, and asked leave to sit again on Monday next.

Ordered, that the report be received, and leave granted accordingly.

The Honorable Mr. McDonell from the Select Committee to whom was again referred the Bill entitled "An Act to alter the manner of holding the Elections for Members to represent the counties of York and Lincoln in the House of Assembly, more equally to divide the county of York into Ridings, and to increase the Representation of the said county of York," presented their report.

Ordered, that the Report be received.

The same was then read by the Clerk as follows :

The Select Committee to whom was referred the Bill sent up from the Commons House of Assembly entitled, "An Act to alter the manner of holding the Elections for Members to represent the counties of York and Lincoln in the House of Assembly, more equally to divide the county of York into ridings, and to increase the representation of the said county of York," beg leave most respectfully to report the following amendments for the adoption of your Honorable House.

Press. 1. Line 3.—After the word "Province" expunge the rest of the preamble and insert, "and also to make a new division of the county of York, in order that the same may be more equally represented in the said Assembly, and that Elections for that purpose may be more conveniently held."

" 19.—After the word "Act" expunge the rest of the clause and insert, "the county of York shall be divided into four ridings, to be called the first, second, third and fourth, ridings respectively; and that the townships of York, Etobicoke, Vaughan and King, do form the first riding: the townships of Caledon, Chinguacousy, Toronto, Gore of Toronto, and Albion, the second riding: the townships of Scarborough, Markham, Pickering and Whitby, the third riding: and the townships of East Gwillimbury, North Gwillimbury, Scott, Georgina, Brock, Reach, Whitchurch and Uxbridge, the fourth riding of the said county."

Press. 1 and 2.—Expunge the second and third clauses.

Press. 2, last line.—After the word "by" expunge the words "two Members," and insert "one Member."

All which is respectfully submitted.

(Signed,)

ALEXANDER McDONELL,  
CHAIRMAN.

*Committee Room of the Legislative Council, }  
30th day of November, 1832.*

Ordered, that the House be again put into a Committee of the whole, on Monday next, upon the said Bill, as also the last report of the Select Committee on same.

The Honorable Mr. McDonell brought up the petition of John Black, and others, inhabitants of the Niagara District; which was laid on the table.

G

Read first time.

Outlawry revival bill read second time.

A Member enters.

Sheriffs' Security bill re-committed.

Reported and leave asked to sit again.

Leave granted.

Second report of the Select Committee upon York and Lincoln County Election Bill, presented.

Read.

The Report.

Petition of John Black and others, brought up.

Monday, 3rd December, 1832.

THIRD SESSION 11th PROVINCIAL PARLIAMENT, 3d WILLIAM IV.

House adjourns. On motion made and seconded the House adjourned until Monday next, at one of the clock, P. M.

MONDAY, 3rd DECEMBER, 1832.

House meets. The House met pursuant to adjournment.

PRESENT,

Members present.	<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Honorable Messrs.</i> GORDON,
	<i>The Honorable Messrs.</i> CLARK,	“ “ McDONELL,
	“ “ POWELL,	“ “ BALDWIN,
	“ “ MARKLAND,	“ “ ADAMSON,
	“ “ ALLAN,	“ “ JAMES KERBY,

*Prayers were read.*

The Minutes of Saturday were read.

Town Voters qualification Bill committed. Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill, entitled, “An Act to declare the qualification of voters for Members to represent certain towns in the House of Assembly in this Province,”

The Honorable Mr. Markland took the Chair.

After some time the House resumed.

Reported, and leave asked to sit again.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again on Thursday next.

Leave granted.

Ordered, that the report be received and leave granted accordingly.

Members enter.

The Honorable and Venerable the Archdeacon of York, and the Honorable Messrs. Wells and Elmsley enter.

Capital punishment Bill brought in.

Pursuant to notice, his Honor the Speaker brought in a Bill to declare for what crimes offenders shall be liable to be punished with death.

Read 1st time.

The said Bill was then read ; and it was,

Ordered, that the same be read a second time to-morrow, and—

Ordered to be printed

Ordered, that one hundred copies of the said Bill be printed.

Foreign Felon's apprehension Bill read 2d time.

Pursuant to the order of the day, the Bill for the apprehension of foreign Felons, was read a second time, and it was—

Ordered, that the House be put into a Committee of the whole, to-morrow, to take the same into consideration.

Outlawry revival Bill committed.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill to revive the law of Outlawry.

The Honorable Mr. Elmsley took the Chair.

After some time the House resumed.

Reported.

The Chairman reported that the Committee had gone through the said Bill, and recommended the same without amendment to the adoption of the House.

Adopted,

Ordered, that the report be received, and,

Ordered, that the said Bill be engrossed, and the same read a third time to-morrow.

Sheriffs Security Bill re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the Bill entitled, “An Act to make certain regulations relating to the office of Sheriff in this Province, and to require the several Sheriffs of this Province to give security for the due fulfilment of the duties of their office :” as also the report of the Select Committee on same.

The Honorable Mr. Wells took the Chair.

Message from Assembly.

A message being announced the Chairman left the chair, and the House formed.

Bills brought up.

A deputation from the Commons House of Assembly brought up some Bills, to which they requested the concurrence of this House, and then withdrew.

Sheriffs Security Bill re-committed.

The House was then again put into a Committee of the whole, upon the Bill, entitled, “An Act to make certain regulations relating to the office of Sheriff in this Province, and to require the several Sheriffs of this Province to give security for the due fulfilment of the duties of their office ;” as also the report of the Select Committee on same.

The Honorable Mr. Wells took the Chair.

After some time the House resumed.

Monday, 3rd December, 1832.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

The Chairman reported that the Committee had taken the said Bill, and report of the Select Committee into consideration, and had made some amendments to the Bill, which they recommended to the adoption of the House.

Amendments reported.

Ordered, that the Report be received ; and,

The said amendments were then read by the Clerk as follows :

Read first time.

Press. 8.—Expunge the twenty second clause, and insert “ 22, And be it further enacted by the authority aforesaid, that notwithstanding the Sheriff of any District may forfeit his office and become liable to be removed therefrom, by reason of his failing to comply with the provisions of this Act, he shall nevertheless be continued in his office, to all intents and purposes, and the liability of himself and of his sureties shall remain until a new Sheriff shall be appointed and sworn in his stead.”

The amendments.

“ 23, And be it further enacted by the authority aforesaid, that when any Sheriff in this Province shall die, the Under Sheriff or Deputy Sheriff, by him appointed, shall nevertheless continue in his office, and shall execute the same and all things belonging thereunto, in the name of such deceased Sheriff, until another Sheriff be appointed for the same District and sworn into office ; and the said Under Sheriff or Deputy Sheriff shall be answerable for the execution of the said office in all things, and to all respects, intents and purposes, whatsoever, during such interval as the Sheriff so deceased would by law have been if he had been living ; and the security given to the Sheriff so deceased, by the said Under Sheriff and his pledges, shall stand, remain, and be a security to the King, His Heirs and Successors, and to all persons whatsoever, for such Under Sheriff's due performance of his office during such interval.”

The said amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House ; and it was—

Read second time and adopted.

Ordered, that they be engrossed, and the Bill as amended read a third time on Wednesday next.

His Honor the Speaker reported to the House, that a Deputation from the Commons House of Assembly had brought up a Bill entitled, “ An Act to incorporate certain persons under the style and title of the President, Directors and Company, of the Saint Catharine's Bank, in the Niagara District ;” and also a Bill, entitled, “ An Act to provide for the erection of a Light-house on Point Pele Island, in Lake Erie,” to which they requested the concurrence of this House.

Speaker reports receipt of St Catharines Bank Bill, and Point Pelé Island Light House Bill, from Assembly.

The Bill, entitled, “ An Act to incorporate certain persons under the style and title of the President, Directors and Company, of the Saint Catharine's Bank, in the Niagara District,” was read, and it was—

St. Catharines Bank Bill read first time.

Ordered, that the same be read a second time on Monday next.

The Bill, entitled, “ An Act to provide for the erection of a Light-house on Point Pele Island, in Lake Erie, was read, and it was—

Point Pelé Island Light House Bill read first time.

Ordered, that the same be read a second time to-morrow.

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill entitled, “ An Act to alter the manner of holding the Elections for Members to represent the counties of York and Lincoln in the House of Assembly, more equally to divide the county of York into ridings, and to increase the representation of the said county of York ;” and also the second report of the Select Committee on same.

York and Lincoln County Election Bill re-committed.

The Honorable Mr. Baldwin took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill, together with the second Report of the Select Committee, into consideration, and had made some amendments to the Bill, which they recommended to the adoption of the House.

Amendments reported.

Ordered, that the Report be received, and—

The said amendments were then read by the Clerk as follows :

Read first time.

Press. 1. Line 3.—After the word “ Province” expunge the rest of the preamble, and insert, “ And also to make a new division of the County of York, in order that the same may be more equally represented in the said Assembly, and that Elections for that purpose may be more conveniently held.”

The amendments.

Tuesday, 4th December, 1832.

THIRD SESSION 11th PROVINCIAL PARLIAMENT, 3d WILLIAM IV.

Press. 1. Line 19.—After the word “Act” expunge the rest of the clause, and insert, “the County of York shall be divided into four Ridings, to be called the first, second, third, and fourth Ridings, respectively, and that the townships of York, Etobicoke, Vaughan and King, do form the first Riding; the townships of Caledon, Chinguacousy, Toronto, Gore of Toronto, and Albion, the second Riding; the townships of Scarborough, Markham, Pickering and Whitbey, the third Riding; and the townships of East Gwillimbury, North Gwillimbury, Scott, Georgina, Brock, Reach, Whitchurch and Uxbridge, the fourth Riding of the said County.”

Press. 1 and 2.—Expunge the second and third clauses.

Press. 2 last line.—After the word “by” expunge the words “Two Members,” and insert “One Member.”

Read second time and adopted.

The said amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House, and it was—

Ordered, that they be engrossed, and the Bill as amended read a third time to-morrow.

Petition of John Black and others read:

Pursuant to the order of the day, the Petition of John Black, and others, inhabitants of the Niagara District, praying for an Act whereby the Navigation of the Welland Canal by any Boat, Vessel, or Craft, upon the Sabbath day, may be discontinued, was read.

House adjourns.

On motion made and seconded the House adjourned.

TUESDAY, 4th DECEMBER, 1832.

House meets.

The House met pursuant to adjournment.

PRESENT,

Members present.

<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Honorable Messrs.</i> BALDWIN,
<i>The Honorable Messrs.</i> CLARK,	“ “ ADAMSON,
“ “ GORDON,	“ “ JAMES KERBY,
“ “ McDONELL,	

*Prayers were read.*

The minutes of yesterday were read.

Outlawry Bill read third time and passed.

Pursuant to the order of the day the Bill to revive the law of Outlawry, was read a third time and passed, and it was,

Title ordered.

Ordered, that the title be “An Act to revive and continue an Act passed in the fifty-fifth year of the reign of King George the Third, entitled “An Act to repeal an Act passed in the fifty-fourth year of His Majesty’s reign, entitled ‘An Act to supply in certain cases the want of County Courts in this Province and to make further provision for proceeding to Outlawry in certain cases therein mentioned.”

Bill signed,

Whereupon the Speaker signed the Bill, and it was,

And sent to Assembly for concurrence.

Ordered, to be sent to the Commons House of Assembly, by the Master in Chancery, for the concurrence of that House.

A Member enters.

The Honorable Mr. Powell enters.

Order of the day read for reading the York and Lincoln County Election Bill a third time, as amended.

The order of the day for a third reading of the Bill entitled “An Act to alter the manner of holding the Elections for Members to represent the Counties of York and Lincoln in the House of Assembly, more equally to divide the County of York into Ridings, and to increase the representation of the said County of York” (as amended) being read, it was,

Same discharged,

Ordered, to be discharged, and that the House be now again put into a Committee of the whole to take the same into further consideration.

And the Bill re-committed.

The House was then again put into a Committee of the whole on the Bill accordingly.

The Honorable Mr. Baldwin took the Chair.

After some time the House resumed.

Further amendments reported.

The Chairman reported that the Committee had taken the said Bill again into consideration, and had made some further amendments thereto, which they recommended to the adoption of the House.

Ordered, that the Report be received, and,

Read first time.

The further amendments were then read by the Clerk as follows:—

Wednesday, 5th December, 1832.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

Press. 1. Line 11.—After the word “first” expunge “clause” and insert “and twenty second clauses.”

The further amend-  
ments.

Line 13.—After the word “Province” insert “and also the second clause of an Act passed in the fifty-sixth year of the reign of King George the Third entitled “An Act to erect and form a new District out of certain parts of the Home and Niagara Districts, to be called the District of Gore, and”

In the amendments line seven from the top, after the word “York” insert including its Peninsula.”

The said further amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House, and it was,

Read second time,  
and adopted.

Ordered, that they be engrossed, and the said Bill as further amended read a third time to-morrow.

Pursuant to the order of the day, the Bill to declare for what crimes offenders shall be liable to be punished with death, was read a second time, and it was,

Capital Punishment  
Bill, read second time.

Ordered, that the House be put into a Committee of the whole, on Friday next, to take the same into consideration.

Pursuant to the order of the day, the House was put into a Committee of the whole, on the Bill for the apprehension of foreign Felons.

Foreign Felons ap-  
prehension Bill, com-  
mitted.

The Honorable Mr. James Kerby took the Chair.

A message being announced the Chairman left the chair, and the House formed.

Message from As-  
sembly.

A deputation from the Commons House of Assembly brought up a Bill, to which they requested the concurrence of this House, and then withdrew.

A Bill brought up.

The Honorable Messieurs Wells, and Allan enter.

Members enter.

The House was then again put into a Committee of the whole on the Bill for the ap-  
prehension of foreign Felons.

Foreign Felons ap-  
prehension Bill re-  
committed.

The Honorable Mr. James Kerby took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the Bill, and recom-  
mended the same without amendment to the adoption of the House.

Reported.

Ordered, that the report be received, and,

Adopted.

Ordered, that the said Bill be engrossed, and the same read a third time to-morrow.

His Honor the Speaker reported to the House, that a deputation from the Commons House of Assembly brought up a Bill entitled “An Act to extend to certain persons the civil and political rights of natural born Subjects,” to which they requested the concurrence of this House.

Speaker reports re-  
ceipt of Spalding and  
others' Naturalization  
Bill from Assembly.

The said Bill was then read, and it was,

Read first time.

Ordered, that the same be read a second time on Thursday next.

Pursuant to the order of the day, the Bill entitled, “An Act to provide for the erection of a Light-house on Point Pele Island, in Lake Erie,” was read a second time, and it was,

Point Pele Island  
Light House Bill,  
read second time.

Ordered, that the House be put into a Committee of the whole, to-morrow, to take the same into consideration.

His Honor the Speaker gave notice that he would, to-morrow, bring in a Bill respecting Attainder.

Notice of bringing in  
Attainder Bill.

On motion made and seconded, the House adjourned.

House adjourns.

WEDNESDAY, 5th DECEMBER, 1832.

The House met pursuant to adjournment.

House meets.

PRESENT,

<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Honorable Messrs.</i> GORDON,
<i>The Honorable Messrs.</i> BABY,	“ “ McDONELL,
“ “ POWELL,	“ “ BALDWIN,
<i>The Hon. &amp; Ven. The</i> ARCHDEACON OF YORK,	“ “ ADAMSON,
<i>The Honorable Mr.</i> ROBINSON,	“ “ JAMES KERBY,

Members present.

*Prayers were read.*

The Minutes of yesterday were read.

H

Thursday, 6th December, 1832.

THIRD SESSION 11th PROVINCIAL PARLIAMENT, 3d WILLIAM IV.

Sheriff's Security Bill  
(as amended) read  
third time.

Pursuant to the order of the day, the Bill entitled "An Act to make certain regulations relating to the office of Sheriff in this Province, and to require the several Sheriffs of this Province to give security for the due fulfilment of the duties of their office;" was, as amended; read a third time; and,

And passed.

The question being put, whether this Bill as amended should pass, it was carried in the affirmative:

Amendments signed,  
and sent to Assembly  
for concurrence.

Whereupon the Speaker signed the amendments; and it was,

Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House, that the Legislative Council have passed the said Bill with certain amendments, to which they desire the concurrence of the Commons House of Assembly.

York and Lincoln  
County Election Bill  
read third time (as  
further amended.)

Pursuant to the order of the day, the Bill entitled, "An Act to alter the manner of holding the Elections for Members to represent the counties of York and Lincoln in the House of Assembly, more equally to divide the county of York into ridings, and to increase the representation of the said county of York," was, as further amended, read a third time; and,

And passed.

The question being put, whether this Bill, as amended, should pass, it was carried in the affirmative:

Amendments signed,  
and sent to Assembly  
for concurrence.

Whereupon the Speaker signed the amendments; and it was,

Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House, that the Legislative Council have passed the said Bill with certain amendments, to which they desire the concurrence of the Commons House of Assembly.

Foreign Felon's ap-  
prehension Bill read  
3d time and passed.  
Title ordered.

Pursuant to the order of the day, the Bill for the apprehension of foreign Felons, was read a third time and passed; and it was,

Ordered, that the title be, "An Act to provide for the apprehending of fugitive offenders from foreign countries, and delivering them up to justice."

Bill signed,  
and sent to Assembly  
for concurrence.

Whereupon the Speaker signed the Bill; and it was,

Ordered to be sent to the Commons House of Assembly, by the Master in Chancery, for the concurrence of that House.

Point Pelé Island  
Light House Bill  
committed.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill, entitled, "An Act to provide for the erection of a Light-house on Point Pelé Island, in Lake Erie,"

The Honorable and Venerable the Archdeacon of York took the Chair.

After some time the House resumed.

Reported.

The Chairman reported that the Committee had gone through the Bill, and recommended the same without amendment to the adoption of the House.

Adopted.

Ordered, that the Report be received, and—

Ordered, that the said Bill be read a third time to-morrow.

Attainder Bill brought  
in.

Pursuant to notice, his Honor the Speaker brought in a Bill respecting Attainder.

Read 1st time.

The said Bill was then read; and it was,

Ordered, that the same be read a second time to-morrow.

Petition of James  
Ruggles brought up.

The Honorable Mr. Gordon brought up the petition of James Ruggles, of the township of York; which was laid on the table.

House adjourns.

On motion made and seconded the House adjourned.

THURSDAY, 6th DECEMBER, 1832.

The House met pursuant to adjournment.

House meets.

PRESENT,

Members present.

<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Honorable Messrs.</i> McDONELL,
<i>The Honorable Messrs.</i> CLARK,	" " BALDWIN,
" " DUNN,	" " ADAMSON,
" " ALLAN,	" " JAMES KERBY,
" " GORDON,	

*Prayers were read.*

The minutes of yesterday were read.

Point Pelé Island  
Light House Bill  
read third time and  
passed.

Pursuant to the order of the day the Bill entitled "An Act to provide for the erection of a Light House on Point Pelé Island in Lake Erie," was read a third time and passed.

Friday, 7th December, 1832.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

Whereupon the Speaker signed the same, and it was,

Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House, that the Legislative Council have passed this Bill without amendment.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill, entitled, "An Act to declare the qualification of voters for Members to represent certain towns in the House of Assembly in this Province."

The Honorable Mr. Allan took the Chair.

The Honorable Messieurs Markland and Wells enter.

The Chairman reported that the Committee had taken the above Bill into consideration, had made some progress therein, and recommended that the same be referred to a Select Committee of three Members, to report thereon by amendment or otherwise.

Ordered, that the report be received, and,

Ordered that the said Bill be referred to a Select Committee of three Members, to report thereon by amendment or otherwise, and,

Ordered, that the Honorable Messrs. Clark, Markland and Gordon do compose such Committee.

Pursuant to the order of the day, the Bill entitled "An Act to extend to certain persons the civil and political rights of natural born Subjects," was read a second time, and it was,

Ordered, that the same be referred to a Select Committee of three Members with power to send for persons and papers, and to report thereon, and,

Ordered, that the Honorable Messrs. Wells, Adamson and James Kerby do compose such Committee.

Pursuant to the order of the day, the Bill respecting Attainder was read a second time: and it was,

Ordered, that the House be put into a Committee of the whole, to-morrow, to take the same into consideration.

On motion made and seconded, the House adjourned.

FRIDAY, 7th DECEMBER, 1833.

The House met pursuant to adjournment.

PRESENT,

*The Honorable* JOHN B. ROBINSON, SPEAKER,*The Honorable Messrs.* CLARK,

" " POWELL,

" " WELLS,

" " GORDON,

" " McDONELL,

*The Honorable Messrs.* ELMSLEY,

" " BALDWIN,

" " HAMILTON,

" " ADAMSON,

" " JAMES KERBY.

*Prayers were read.*

The Minutes of yesterday were read.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill to declare for what crimes offenders shall be liable to be punished with death.

The Honorable Mr. Hamilton took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again on Monday next.

Ordered, that the report be received and leave granted accordingly.

The Honorable and Venerable the Archdeacon of York, and the Honorable Messrs. Markland and Allan enter.

The Honorable and Venerable the Archdeacon of York brought up the petition of the members of the York Philosophical Society; which was laid on the table.

The Honorable Mr. Hamilton brought up the petition of J. Muirhead and others, inhabitants of the town of Niagara, members of the Presbyterian Congregation in communion with the Church of Scotland; which was laid on the table.

The Honorable Mr. Gordon brought up the petition of Christopher James Bell of Castleford, in the township of Horton, in the District of Bathurst; which was laid on the table.

On motion made and seconded the House adjourned until Monday next.

Bill signed.

Assembly acquainted of same.

Town Voters qualification Bill re-committed.

Members enter.

Report of above committee.

And the Bill referred to a select committee.

Members composing same.

Spalding and others' Naturalization Bill read second time.

And referred to a Select Committee.

Members composing same.

Attainder Bill read second time.

House adjourns.

House meets.

Members present.

Capital punishment Bill committed.

Reported, and leave asked to sit again.

Leave granted.

Members enter.

Petition of the members of the York Philosophical Society, brought up.

Petition of J. Muirhead and others, brought up.

Petition of Christopher James Bell, brought up.

House adjourns.

Monday, 10th December, 1832.

THIRD SESSION 11th PROVINCIAL PARLIAMENT, 3d WILLIAM IV.

MONDAY, 10th DECEMBER, 1832.

House meets. The House met pursuant to adjournment.

PRESENT,

Members present:	<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Honorable Messrs.</i> GORDON,
	<i>The Honorable Messrs.</i> CLARK,	" " BALDWIN,
	" " CROOKSHANK,	" " HAMILTON,
	" " WELLS,	" " ADAMSON,
	" " ALLAN,	" " JAMES KERBY.

*Prayers were read.*

The Minutes of Friday were read.

St. Catharines Bank Bill read second time, Pursuant to the order of the day the Bill entitled "An Act to incorporate certain persons under the style and title of the President, Directors and Company, of the Saint Catharine's Bank, in the Niagara District," was read a second time, and it was—

And referred to a Select Committee. Ordered, that the same be referred to a Select Committee of three members to report thereon, and,

Members composing same. Ordered that the Honorable Messrs. Hamilton, Adamson and James Kerby, do compose the same.

Capital Punishment Bill re-committed. Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill to declare for what crimes offenders shall be liable to be punished with death.

The Honorable Mr. Hamilton took the Chair.

Message from Assembly. A message being announced the Chairman left the chair, and the House formed.

Members enter. The Honorable Messrs. McDonell and Crooks enter.

A Bill brought up. A deputation from the Commons House of Assembly brought up a Bill, to which they requested the concurrence of this House, and then withdrew.

Capital Punishment Bill re-committed. The House was then again put into a Committee of the whole on the Bill to declare for what crimes offenders shall be liable to be punished with death.

The Honorable Mr. Hamilton took the Chair.

After some time the House resumed.

Reported and leave asked to sit again. The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again on Thursday next.

Leave granted. Ordered, that the Report be received, and leave granted accordingly,

A Member enters. The Honorable Mr. Dunn enters.

Speaker reports receipt of Court of Requests Bill from the Assembly. His Honor the Speaker reported to the House, that a deputation from the Commons House of Assembly had brought-up a Bill entitled, "An Act to repeal part of, amend and reduce to one Act of Parliament, the several laws now in force in this Province for the recovery of small debts, and to extend the jurisdiction of the Court of Requests within the same"; to which they requested the concurrence of this House.

Read first time. The said Bill was then read ; and it was,

Ordered, that the same be read a second time on Friday next ; and,

And ordered to be printed. Ordered, that the said Bill be printed for the use of Members.

On motion made and seconded, it was,

Provincial Arbitrator's report and correspondence ordered to be printed. Ordered, that the Report of the Arbitrator appointed to determine on the proportion of duties to be received by this Province from Lower Canada, together with the correspondence, as transmitted by His Excellency the Lieutenant Governor on the twenty-seventh day of November last, be printed.

Petition of Orson Phelps and others brought up. The Honorable Mr. Clark brought up the petition of Orson Phelps, and others, inhabitants of the county of Haldimand ; which was laid on the table.

Petition of John Knowlson and others ; and of James G. Bethune and others, presented. The Honorable Mr. Crooks brought up the petition of John Knowlson, and others, inhabitants of the townships of Cavan, Emily and Monaghan, in the District of Newcastle :—also the petition of James G. Bethune, and others, of the town of Cobourg, in the District of Newcastle :—and also the petition of James G. Bethune, and others, inhabitants of Cobourg, in the District of Newcastle, and its vicinity ; which were laid on the table.

House adjourns. On motion made and seconded the House adjourned.

11th &amp; 12th December, 1832.

SIR JOHN COLBORNE, K. C. B. *Licutenant Governor.*

TUESDAY, 11th DECEMBER, 1832.

The House met pursuant to adjournment.

House meets.

PRESENT,

<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Honorable Messrs.</i> BALDWIN,	
<i>The Honorable Messrs.</i> CLARK,	" "	HAMILTON,
" " ALLAN,	" "	ADAMSON,
" " GORDON,	" "	JAMES KERBY.
" " McDONELL,		

Members present.

*Prayers were read.*

The Minutes of yesterday were read.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill respecting Attainder.

Attainder Bill committed.

The Honorable Mr. Adamson took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the Bill, and recommended the same without amendment to the adoption of the House.

Reported.

Ordered, that the Report be received, and—

Adopted.

Ordered, that the said Bill be engrossed, and read a third time to-morrow.

Pursuant to the order of the day, the petition of James Ruggles, of the township of York, praying for relief.—Also the petition of the members of the York Philosophical Society, praying for an Act granting a sum of money to be applied in the appointment of persons duly qualified to investigate thoroughly and scientifically the Geology, Mineralogy, and general natural history of the Province.—Also the petition of J. Muirhead and others, inhabitants of the town of Niagara, members of the Presbyterian Congregation in communion with the Church of Scotland, praying for an Act to increase the number of Trustees, and to constitute the same a body corporate, in order to secure the purchasers and lessees of pews in their right of possession.—And also the petition of Christopher James Bell, of Castleford, in the township of Horton, in the District of Bathurst, praying for an Act authorising him to construct proper dams and aprons at the second falls of the river Bonne Chere, in the said township, and empowering him to receive a toll upon timber &c. passing down same; were read.

Petition of James Ruggles; of the members of the York Philosophical Society; of J. Muirhead and others; and of Christopher James Bell, read.

On motion made and seconded, the House adjourned.

House adjourns.

WEDNESDAY, 12th DECEMBER, 1832.

The House met pursuant to adjournment.

House meets.

PRESENT,

<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Honorable Messrs.</i> GORDON,	
<i>The Honorable Mr.</i> CLARK,	" "	McDONELL,
<i>The Hon. &amp; Ven. the</i> ARCHDEACON OF YORK,	" "	ADAMSON,
<i>The Honorable Messrs.</i> WELLS,	" "	JAMES KERBY,
" " DUNN,	" "	CROOKS.

Members present.

*Prayers were read.*

The Minutes of yesterday were read.

Pursuant to the order of the day, the Bill respecting Attainder, was read a third time and passed; and it was,

Attainder Bill read third time, &amp; passed.

Ordered, that the title be, "An Act to take away corruption of Blood, save in certain cases":

Title ordered.

Whereupon the Speaker signed the Bill; and it was,

Bill signed,

Ordered to be sent to the Commons House of Assembly, by the Master in Chancery, for the concurrence of that House.

And sent to Assembly for concurrence.

Pursuant to the order of the day, the petition of Orson Phelps, and others, inhabitants of the county of Haldimand, praying for an Act providing means for the re-opening of the Canboro' road—also the petition of John Knowlson, and others, inhabitants of the townships

Petition of Orson Phelps and others, of John Knowlson &amp; others, and two of

Thursday, 13th December, 1832.

THIRD SESSION 11th PROVINCIAL PARLIAMENT, 3d WILLIAM IV.

James G. Bethune  
and others, read.

of Cavan, Emily and Monaghan, in the District of Newcastle, praying for aid to render navigable a large Creek running across the said townships of Cavan, and Monaghan, and emptying into the river Otanabee—also the petition of James G. Bethune, and others, of the town of Cobourg, in the District of Newcastle, praying for an Act authorising the improvement of the navigation of the Otanabee River, and the shallow Lakes, and indemnity upon completing same—and also the petition of James G. Bethune, and others, inhabitants of Cobourg, in the District of Newcastle, and its vicinity, praying for an Act to define the limits of the town of Cobourg, and to extend the present supposed boundary thereof; were read.

First War Loss Relief Bill brought up from Assembly.

A Deputation from the Commons House of Assembly brought up a Bill, entitled, "An Act to repeal certain parts of an Act passed in the eleventh year of the reign of His late Majesty entitled, 'An Act for the relief of the sufferers who sustained loss during the late war with the United States of America'; and also of a certain other Act passed in the same year entitled, 'An Act to authorise the Receiver General of the Province to raise by Debentures, on the credit of certain duties therein mentioned, a sum of money for the relief of the sufferers during the late war with the United States, and for affording further relief to the said sufferers,'" to which they requested the concurrence of this House, and then withdrew.

Read 1st time.

The said Bill was then read; and it was,

Ordered, that the same be read a second time to-morrow.

Corporations legal Proceedings Bill brought in.

His Honor the Speaker brought in a Bill to facilitate legal remedies against Corporations.

Read first time.

The said Bill was read; and it was,

Ordered, that the same be read a second time to-morrow.

Petition of James G. Bethune and others, and of John Clark brought up.

The Honorable Mr. Crooks brought up the petition of James G. Bethune, and others, Stockholders in the Cobourg Harbor Company:—and also the petition of John Clark; which were laid on the table.

House adjourns.

On motion made and seconded the House adjourned.

THURSDAY, 13th DECEMBER, 1832.

House meets.

The House met pursuant to adjournment.

PRESENT,

Members present.	<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Honorable Messrs.</i> BALDWIN,
	<i>The Honorable Messrs.</i> CLARK,	" " ADAMSON,
	" " GORDON,	" " JAMES KERBY,
	" " McDONELL,	" " CROOKS,
	" " BURNHAM,	" " GRANT.

*Prayers were read.*

The Minutes of yesterday were read.

Capital Punishment Bill re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill to declare for what crimes offenders shall be liable to be punished with death.

The Honorable Mr. Burnham took the Chair.

After some time the House resumed.

Reported, and leave asked to sit again.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again to-morrow.

Leave granted.

Ordered, that the Report be received, and leave granted accordingly,

Members enter.

The Honorable and Venerable the Archdeacon of York, and the Honorable Messrs. Wells, Allan and Elmsley enter.

First War Loss Relief Bill, read second time.

Pursuant to the order of the day, the Bill entitled, "An Act to repeal certain parts of an Act passed in the eleventh year of the reign of His late Majesty, entitled, 'An Act for the relief of the sufferers who sustained loss during the late War with the United States of America'; and also of a certain other Act passed in the same year entitled 'An Act to authorise the Receiver General of the Province to raise by Debentures on the credit of certain duties therein mentioned, a sum of money for the relief of the sufferers during the late War with the United States, and for affording further relief to the said sufferers,'" was read a second time; and it was,

Ordered, that the House be put into a Committee of the whole, to-morrow, to take the same into consideration.

Friday, 14th December, 1832.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

The Honorable Mr. Adamson, from the Select Committee to whom was referred the Bill entitled, "An Act to incorporate certain persons under the style and title of the President, Directors and Company, of the Saint Catharines' Bank, in the Niagara District," presented their Report.

Report of the Select Committee upon the Saint Catharines Bank Bill, presented.

Ordered, that the Report be received ; and,

The same was then read by the Clerk as follows :

Read.

The Select Committee to whom was referred the Bill for the establishment of a Bank at Saint Catharines, in the District of Niagara, respectfully Report :

That your Committee in the course of inquiry into the facts in the preamble and the several clauses of the Bill, their attention called for a reference to the petition of the same persons presented last Session, having for its object the establishment of a Bank at Saint Catharines, for a capital of twenty-five thousand Pounds ; to be increased in three years to fifty thousand Pounds.

The Report.

The present Bill before your Committee is for one hundred thousand Pounds, which, in the opinion of your Committee, places it at variance with the petition of last year.

That your Committee observe also, a term of seven years is mentioned as (nonuser) the period limiting the disposal of the stock, which places it very different from that of the other chartered Bank Acts passed in this Province.

That your Committee do not wish to decide on the expediency of the proposed measure, but leave it to the consideration of this Honorable House how far it might be injurious, under present circumstances, to inundate the country with paper before the already chartered Banks were in full operation, and the wants of the country called for such an establishment ; having already branches of the Upper Canada Bank at Hamilton and Niagara, which your Committee consider perfectly sufficient.

All which is submitted.

(Signed)

P. ADAMSON,  
CHAIRMAN.

Committee Room,  
this 13th December, 1832.

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Ordered, that the House be put into a Committee of the whole, on Monday next, to take into consideration the above mentioned Bill, as also the report of the Select Committee thereon.

Pursuant to the order of the day, the Bill to facilitate legal remedies against Corporations, was read a second time ; and it was,

Corporation legal proceedings Bill read second time.

Ordered, that the House be put into a Committee of the whole, to-morrow, to take the same into consideration.

The Honorable Mr. Crooks brought in a Bill to make further provision for carrying into effect an Act passed in the fifty-sixth year of the reign of King George the Third entitled, "An Act to afford relief to persons holding or possessing lands, tenements or hereditaments, in the District of Niagara."

Niagara Land Commissioners Bill, brought in.

The said Bill was then read ; and it was,

Read first time,

Ordered, that the same be read a second time to-morrow.

On motion made and seconded the House adjourned.

House adjourns.

FRIDAY, 14th DECEMBER, 1833.

The House met pursuant to adjournment.

House meets.

PRESENT,

The Honorable JOHN B. ROBINSON, SPEAKER,

The Honorable Messrs. BURNHAM,

The Honorable Messrs. CLARK,

" " BALDWIN,

" " CROOKSHANK,

" " ADAMSON,

" " WELLS,

" " JAMES KERBY,

" " GORDON,

" " CROOKS,

" " McDONELL,

" " GRANT.

Members present.

Prayers were read.

Friday, 14th December, 1832.

THIRD SESSION 11th PROVINCIAL PARLIAMENT, 3d WILLIAM IV.

The minutes of yesterday were read.

Court of Requests  
Bill read second time.

Pursuant to the order of the day, the Bill entitled, "An Act to repeal part of, amend and reduce to one Act of Parliament the several laws now in force in this Province for the recovery of small debts, and to extend the jurisdiction of the Court of Requests within the same, was read a second time, and it was,

Ordered, that the House be put into a Committee of the whole, on Monday next, to take the same into consideration.

Petition of James G.  
Bethune and others,  
and of John Clark,  
read.

Pursuant to the order of the day, the petition of James G. Bethune and others, stockholders in the Cobourg Harbor Company, praying for an Act establishing the limits of the said Harbor, and confining the same to half a mile on each side of the Piers now erected, being about the same extent that was allotted to Kettle Creek Harbor; and also the petition of John Clarke, praying that the Legislative Council will rescind their rule limiting the time for receiving Petitions for Private Bills, in favor of a Petition to be brought up of the Freeholders of the District of Niagara, praying for an Act incorporating them for the purpose of establishing a Bank at St. Catharines, were read.

A Member enters.

The Honorable Mr. Allan enters.

Capital punishment  
Bill re-committed.

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill to declare for what crimes offenders shall be liable to be punished with death.

The Honorable Mr. Burnham took the Chair.

After some time the House resumed.

Amendments reported.

The Chairman reported that the Committee had gone through the Bill, had made some amendments thereto, and recommended the Bill as amended to the adoption of the House.

Adopted.

Ordered, that the Report be received; and,

Ordered, that the said Bill as amended be engrossed, and read a third time on Monday next.

First War Loss Relief  
Bill committed.

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill, entitled, "An Act to repeal certain parts of an Act passed in the eleventh year of the reign of His late Majesty, entitled, 'An Act for the relief of the Sufferers who sustained loss during the late War with the United States of America; and also of a certain other Act passed in the same year, entitled, 'An Act to authorise the Receiver General of the Province to raise by Debentures, on the credit of certain duties therein mentioned, a sum of money for the relief of the Sufferers during the late War with the United States, and for affording further relief to the said Sufferers.'"

The Honorable Mr. Crookshank took the Chair.

After some time the House resumed.

Reported, and leave  
asked to sit again.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again on Wednesday next.

Leave granted.

Ordered, that the report be received and leave granted accordingly.

Corporations legal  
proceedings Bill,  
committed.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill to facilitate legal remedies against Corporations.

The Honorable Mr. Crooks took the Chair.

After some time the House resumed.

Reported.

The Chairman reported that the Committee had gone through the Bill, and recommended the same without amendment to the adoption of the House.

Adopted.

Ordered, that the report be received, and,

Ordered, that the said Bill be engrossed, and the same read a third time on Monday next.

Niagara Land Com-  
missioners Bill read  
second time.

Pursuant to the order of the day, the Bill to make further provision for carrying into effect an Act passed in the fifty-sixth year of the reign of King George the Third entitled, "An Act to afford relief to persons holding or possessing lands, tenements or hereditaments in the District of Niagara," was read a second time, and it was—

Ordered, that the House be put into a Committee of the whole, on Monday next, to take the same into consideration.

Petition of John Kirby  
and others, and of  
Allan McPherson  
and others, brought  
up.

The Honorable Mr. Clark brought up the petition of John Kirby and others, Justices of the Peace of the Midland District; and also the petition of Allan McPherson and others, Justices of the Peace of the Midland District; which were laid on the table.

Monday, 17th December, 1832.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

The Honorable Mr. Gordon brought up the petition of L. Lawrason and others, inhabitants of the London District; which was laid on the table.

Petition of L. Lawrason and others, brought up.

On motion made and seconded, the House adjourned until Monday next, at one of the clock, P. M.

House adjourns.

MONDAY, 17th DECEMBER, 1832.

The House met pursuant to adjournment.

House meets.

PRESENT,

*The Honorable* JOHN B. ROBINSON, SPEAKER,

*The Honorable Messrs.* BURNHAM,

*The Honorable Messrs.* CLARK,

" " HAMILTON,

" " CROOKSHANK,

" " ADAMSON,

" " GORDON,

" " JAMES KERBY,

" " McDONELL,

" " GRANT.

Members present.

*Prayers were read.*

The Minutes of Friday last were read.

Pursuant to the order of the day, the Bill to declare for what crimes offenders shall be liable to be punished with death, was read a third time and passed, and it was,

Capital Punishment Bill, read third time and passed.

Ordered, that the title be, "An Act to reduce the number of cases in which capital punishment may be inflicted, to provide other punishment for offences which shall no longer be capital after the passing of this Act, to abolish the privilege called benefit of Clergy, and to make other alterations in certain criminal proceedings before and after conviction":

Title ordered.

Whereupon the Speaker signed the Bill; and it was,

Bill signed.

Ordered, that the same be sent to the Commons House of Assembly, by the Master in Chancery, for the concurrence of that House.

And sent to Assembly for concurrence.

A deputation from the Commons House of Assembly brought up a Bill entitled, "An Act incorporating a joint stock Company for the manufacture of Salt, at Saint Catharines, in the Niagara District."—Also a Bill entitled, "An Act to repeal part of an Act passed in the thirty-third year of the reign of King George the Third entitled, 'An Act to fix the times and places of holding the general Quarter Sessions of the Peace in the several Districts of this Province,' and also to repeal part of a certain other Act passed in the forty-first year of the reign of King George the Third entitled, 'An Act to remove doubts with respect to the authority under which the Courts of general Quarter Sessions of the Peace and other Courts have been erected and holden, and other matters relating to the Administration of Justice done in the several Districts of this Province, and also to fix the times of holding the Courts of general Quarter Sessions of the Peace in and for the same, and to authorise the holding of the general Quarter Sessions of the Peace of the Midland District at Kingston and Belleville alternately."—Also a Bill entitled, "An Act to establish a Police in the town of Prescott, in the Johnstown District."—Also a Bill entitled, "An Act to incorporate a joint stock Company for the construction of a Harbor at the mouth of the twenty mile Creek, on Lake Ontario." And also a Bill entitled, "An Act to explain and repeal part of an Act passed in the first year of His present Majesty's reign entitled, 'An Act to erect the county of Prince Edward into a separate District,'" to which they requested the concurrence of this House.

Saint Catharines Salt Company's Bill; Midland District Quarter Sessions Bill, Prescott Police Bill, Twenty Mile Creek Harbor bill, and Prince Edward division Bill, brought up from Assembly.

The same deputation brought up and delivered at the Bar of this House, a message in the following words, and then withdrew:—

Message from Assembly.

MR. SPEAKER,

The Commons House of Assembly has passed the Bill sent down by the Honorable the Legislative Council entitled, "An Act to dispense with the necessity of taking certain oaths and making certain declarations in the cases therein mentioned, and also to render it unnecessary to receive the Sacrament of the Lords' Supper as a qualification for offices, or for other temporal purposes," without amendment.

Acquainting this House of their having passed the Office Test Bill.

(Signed)

ARCHIBALD McLEAN,

SPEAKER.

*Commons House of Assembly,*  
29th day of November, 1832.

K

Monday, 17th December, 1832.

THIRD SESSION 11th PROVINCIAL PARLIAMENT, 3d WILLIAM IV.

Saint Catharines  
Salt Company's Bill  
read first time.

The Bill entitled, "An Act incorporating a joint stock Company for the manufacture of Salt, at Saint Catharines, in the Niagara District," was read, and it was,

Ordered, that the same be read a second time to-morrow.

Midland District  
Quarter Sessions Bill  
read first time.

The Bill entitled, "An Act to repeal part of an Act passed in the thirty-third year of the reign of King George the Third entitled, 'An Act to fix the times and places of holding the general Quarter Sessions of the Peace in the several Districts of this Province,' and also to repeal part of a certain other Act passed in the forty-first year of the reign of King George the Third entitled, 'An Act to remove doubts with respect to the authority under which the Courts of general Quarter Sessions of the Peace and other Courts have been erected and holden, and other matters relating to the administration of Justice done in the several Districts of this Province, and also to fix the times of holding the Courts of general Quarter Sessions of the Peace in and for the same, and to authorise the holding of the general Quarter Sessions of the Peace of the Midland District at Kingston and Belleville alternately," was read, and it was,

Ordered, that the same be read a second time to-morrow.

Prescott Police Bill  
read 1st time.

The Bill entitled "An Act to establish a Police in the Town of Prescott, in the Johnstown District," was read, and it was,

Ordered, that the same be read a second time to-morrow.

Message from Assembly.

A deputation from the Commons House of Assembly brought up and delivered at the Bar of this House, a Message in the following words, and then withdrew.

MR. SPEAKER,

Acquainting this  
House of their having  
passed the Sheriff's  
security Bill (as  
amended)

The Commons House of Assembly have concurred in the amendments made by the Honorable the Legislative Council in and to the Bill entitled, "An Act to make certain regulations relating to the office of Sheriff in this Province, and to require the several Sheriffs of this Province to give security for the due fulfilment of the duties of their office."

(Signed,)

ARCHIBALD McLEAN,  
SPEAKER.

*Commons House of Assembly,  
17th day of December, 1832.*

Twenty Mile Creek  
Harbor Bill read 1st  
time.

The Bill entitled "An Act to incorporate a Joint Stock Company for the construction of a Harbor at the mouth of the Twenty Mile Creek, on Lake Ontario," was read, and it was,

Ordered, that the same be read a second time to-morrow.

Prince Edward divi-  
sion Bill, read first  
time.

The Bill entitled, "An Act to explain and repeal part of an Act passed in the first year of His present Majesty's reign entitled 'An Act to erect the County of Prince Edward into a separate District," was read, and it was,

Ordered, that the same be read a second time to-morrow.

Corporations legal  
proceedings Bill read  
third time, & passed.

Pursuant to the order of the day, the Bill to facilitate legal remedies against Corporations, was read a third time and passed, and it was,

Title ordered.

Ordered, that the title be "An Act to facilitate legal remedies against Corporations."

Bill signed,

Whereupon the Speaker signed the Bill; and it was,

And sent to Assembly  
for concurrence.

Ordered, that the same be sent to the Commons House of Assembly, by the Master in Chancery, for the concurrence of that House.

Petition of George  
Adams and others,  
brought up.

The Honorable Mr. Crooks brought up the petition of George Adams, and others, inhabitants of Saint Catharines, in the District of Niagara and vicinity; which was laid on the table.

Order of the day read  
for committing St.  
Catharines Bank Bill.

The order of the day being read for the House to be put into a Committee of the whole upon the Bill entitled, "An Act to incorporate certain persons under the style and title of the President, Directors and Company of the Saint Catharines Bank in the District of Niagara," as also the report of the Select Committee thereon, it was—

Same discharged.

Ordered; that it be discharged, and that the same do stand upon the order of the day for Thursday next.

Court of Requests  
Bill committed.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act to repeal part of, amend and reduce to one Act of Parliament, the several laws now in force in this Province for the recovery of small debts, and to extend the jurisdiction of the Court of Requests within the same."

Monday, 17th December, 1832.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

The Honorable Mr. Gordon took the Chair.

A message being announced the Chairman left the chair, and the House formed.

Several Messages from His Excellency the Lieutenant Governor were delivered by Mr. Secretary Rowan, who being retired, the Speaker read the same, and they were again read by the Clerk as follows:—

Messages from Lieut. Governor.

J. COLBORNE,

The Lieutenant Governor transmits to the Legislative Council, a copy of the Report of the Commissioners appointed to collect information on Penitentiary establishments.

*Government House,*

17th December, 1832.

Transmitting a copy of the report of the Commissioners on Penitentiary establishments.

J. COLBORNE,

The Lieutenant Governor transmits to the Legislative Council, copies of such Assessment Returns as have been received for the year 1832.

*Government House,*

17th December, 1832.

Transmitting copies of Assessment returns

J. COLBORNE,

The Lieutenant Governor transmits to the Legislative Council, copies of the Population Returns of the several Districts, for the year 1832.

*Government House,*

17th December, 1832.

Transmitting copies of Population returns:

J. COLBORNE,

The Lieutenant Governor transmits, for the consideration of the Legislative Council, a copy of a Memorial from Mr. Bouchette, Surveyor General of the Lower Province, respecting the expense which he has incurred in the publication of his Maps &c. of the Canadas.

*Government House,*

17th December, 1832.

Transmitting a copy of a memorial from Mr. Bouchette, Surveyor General of Lower Canada.

J. COLBORNE,

The Lieutenant Governor transmits to the Legislative Council, a copy of the report of the Commissioners appointed to superintend the erection of a Light House between Nicholson's and the Ducks Islands, in Lake Ontario.

*Government House,*

17th December, 1832.

Transmitting a copy of the report of the Commissioners for the erection of Nicholson's Island Light House.

The House was then again put into a Committee of the whole upon the Bill entitled, "An Act to repeal part of, amend and reduce to one Act of Parliament, the several laws now in force in this Province for the recovery of small debts, and to extend the jurisdiction of the Court of Requests within the same."

Court of Requests Bill re-committed.

The Honorable Mr. Gordon took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again to-morrow.

Reported, and leave asked to sit again.

Ordered, that the report be received, and leave granted accordingly.

Leave granted.

Ordered, that an Address be presented to the Lieutenant Governor, respectfully thanking His Excellency for his several messages of to day; transmitting a copy of the report of the Commissioners appointed to superintend the erection of a Light House between Nicholson's and the Ducks Islands, in Lake Ontario—a copy of the report of the Commissioners appointed to collect information on Penitentiary establishments—copies of such Assessment Returns as have been received for the year 1832—copies of the Population Returns of the several Districts for the year 1832—and transmitting for the consideration of the Legislative Council, a copy of a Memorial from Mr. Bouchette, Surveyor General of the Lower Province, respecting the expense which he has incurred in the publication of his Maps, &c. of the

Address of thanks ordered to be presented to Lieut. Governor for the above Messages.

Tuesday, 18th December, 1832.

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Canadas; and assuring His Excellency that this House will not fail to give the latter subject their consideration; and,

Committee appointed  
therefor.  
House adjourns.

Ordered, that the Honorable Messrs. McDonell and James Kerby do present the same.  
On motion made and seconded, the House adjourned until twelve of the clock at noon to-morrow.

TUESDAY, 18th DECEMBER, 1832.

House meets.

The House met pursuant to adjournment.

PRESENT,

Members present.

<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Honorable Messrs.</i> HAMILTON,
<i>The Honorable Messrs.</i> CLARK,	" " ADAMSON,
" " GORDON,	" " JAMES KERBY.
" " McDONELL,	" " CROOKS.
" " BURNHAM,	

*Prayers were read.*

The Minutes of yesterday were read.

Niagara Land Com-  
missioners Bill,  
committed.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill to make further provision for carrying into effect an Act passed in the fifty-sixth year of the reign of King George the Third entitled, "An Act to afford relief to persons holding or possessing lands, tenements or hereditaments in the District of Niagara."

The Honorable Mr. McDonell took the Chair.

After some time the House resumed.

Reported.

The Chairman reported that the Committee had gone through the Bill, and recommended the same without amendment to the adoption of the House.

Adopted.

Ordered, that the report be received, and,

Ordered, that the said Bill be engrossed, and the same read a third time to-morrow.

Petition of John Kirby and others, of Allan McPherson, and others, and of L. Lawrason, read.

Pursuant to the order of the day, the petition of John Kirby, and others, Justices of the Peace of the Midland District, praying that the Legislative Council will reject the Midland District Quarter Sessions Bill—also the petition of Allan McPherson and others, Justices of the Peace of the Midland District (to the like effect as the above)—and also the petition L. Lawrason and others, inhabitants of the London District, praying for an Act to authorise the petitioners to make a dam or dams across the river Thames at certain parts of the said river, so as to enable them to erect mills upon the margin thereof; were read.

Members enter.

The Honorable Messrs. Clark and Baldwin enter.

St. Catharines Salt  
Company's Bill read  
second time.

Pursuant to the order of the day, the Bill entitled "An Act incorporating a Joint Stock Company for the manufacture of Salt, at Saint Catharines, in the Niagara District," was read a second time, and it was—

Ordered, that the House be put into a Committee of the whole, on Monday next, to take the same into consideration.

Midland District  
Quarter Sessions  
Bill read second time.

Pursuant to the order of the day, the Bill entitled "An Act to repeal part of an Act passed in the thirty-third year of the reign of King George the Third, entitled 'An Act to fix the times and places of holding the general Quarter Sessions of the Peace in the several Districts of this Province;' and also to repeal part of a certain other Act passed in the thirty-first year of the reign of King George the Third, entitled 'An Act to remove doubts with respect to the authority under which the Courts of general Quarter Sessions of the Peace and other Courts have been erected and holden, and other matters relating to the administration of justice done in the several Districts of this Province, and also to fix the times of holding the Courts of general Quarter Sessions of the Peace in and for the same, and to authorise the holding of the general Quarter Sessions of the Peace of the Midland District at Kingston and Belleville alternately," was read a second time; and it was—

Ordered, that the House be put into a Committee of the whole, on Thursday next, to take the same into consideration.

Prescott Police Bill,  
read second time.

Pursuant to the order of the day, the Bill entitled "An Act to establish a Police in the Town of Prescott, in the Johnstown District," was read a second time; and it was—

Wednesday, 19th December, 1832.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

Ordered, that the House be put into a Committee of the whole, to-morrow, to take the same into consideration.

Pursuant to the order of the day, the Bill entitled "An Act to incorporate a Joint Stock Company for the construction of a Harbor at the mouth of the Twenty Mile Creek on Lake Ontario," was read a second time: and it was—

Twenty mile Creek Harbor bill, read 2nd time,

Ordered, that the House be put into a Committee of the whole, on Friday next, to take the same into consideration.

Pursuant to the order of the day, the Bill entitled, "An Act to explain and repeal part of an Act passed in the first year of His present Majesty's reign, entitled, 'An Act to erect the County of Prince Edward into a separate District,'" was read a second time, and it was,

Prince Edward division Bill, read 2nd time

Ordered, that the House be put into a Committee of the whole to-morrow, to take the same into consideration.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the Bill entitled, "An Act to repeal part of, amend and reduce to one Act of Parliament, the several laws now in force in this Province for the recovery of small debts, and to extend the jurisdiction of the Court of Requests within the same."

Court of Requests Bill, re-committed

The Honorable Mr. Gordon took the Chair.

A message being announced the Chairman left the chair, and the House formed.

Message from Assembly

The Honorable Mr. Wells enters.

A Member enters

A deputation from the Commons House of Assembly brought up a Bill, to which they requested the concurrence of this House, and then withdrew.

A Bill brought up

The House was then again put into a Committee of the whole on the Bill, entitled, "An Act to repeal part of, amend and reduce to one Act of Parliament, the several laws now in force in this Province for the recovery of small debts, and to extend the jurisdiction of the Court of Requests within the same."

Court of Requests Bill, re-committed

The Honorable Mr. Gordon took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again to-morrow.

Reported, and leave asked to sit again

Ordered, that the report be received, and leave granted accordingly.

Leave granted

His Honor the Speaker reported to the House, that a Deputation from the Commons House of Assembly had brought up a Bill entitled, "An Act to establish a Market in the Town of Brockville," to which they requested the concurrence of this House.

Speaker reports the receipt of Brockville Market bill from Assembly

The said Bill was then read; and it was,

Read first time

Ordered, that the same be read a second time to-morrow.

The Honorable Mr. Wells brought up the Petition of Elisha Hayward, of the Town of York, which was laid on the table.

Petition of Elisha Hayward brought up

On motion made and seconded, the House adjourned, until twelve of the clock at noon to-morrow.

House adjourns

WEDNESDAY, 19th DECEMBER, 1832.

The House met pursuant to adjournment.

House meets

PRESENT,

<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Honorable Messrs.</i> HAMILTON,
<i>The Honorable Messrs.</i> CLARK,	" " ADAMSON,
" " CROOKSHANK,	" " JAMES KERBY,
" " GORDON,	" " CROOKS,
" " McDONELL,	" " GRANT.
" " BURNHAM,	

Members present

*Prayers were read.*

The Minutes of yesterday were read.

Pursuant to the order of the day, the Bill to make further provision for carrying into effect an Act passed in the fifty-sixth year of the reign of King George the Third, entitled, "An Act to afford relief to persons holding or possessing lands, tenements or hereditaments in the District of Niagara," was read a third time and passed, and it was,

Niagara Land Commissioners bill read third time and passed

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Wednesday, 19th December, 1832.

THIRD SESSION 11th PROVINCIAL PARLIAMENT, 3d WILLIAM IV.

Title ordered	Ordered, that the title be, "An Act to make further provision for carrying into effect an Act passed in the fifty-sixth year of the reign of King George the Third, entitled, 'An Act to afford relief to persons holding or possessing lands, tenements, or hereditaments, in the District of Niagara.'"
Bill signed and sent to Assembly for concurrence	Whereupon the Speaker signed the Bill; and it was, Ordered, that the same be sent to the Commons House of Assembly, by the Master in Chancery, for the concurrence of that House.
First war loss relief bill, re-committed	Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill entitled, "An Act to repeal certain parts of an Act passed in the eleventh year of the reign of His late Majesty entitled, 'An Act for the relief of the sufferers who sustained loss during the late war with the United States of America'; and also of a certain other Act passed in the same year entitled, 'An Act to authorise the Receiver General of the Province to raise by Debenture, on the credit of certain duties therein mentioned, a sum of money for the relief of the sufferers during the late war with the United States, and for affording further relief to the said sufferers.'"
Reported, and a conference recommended	The Honorable Mr. Crookshank took the Chair. After some time the House resumed. The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and recommended that a conference be desired with the Commons House of Assembly on same.
Conference ordered	Ordered, that the report be received, and, Ordered, that a conference be desired with the Commons House of Assembly on the subject matter of the said Bill; and,
Conferrees appointed	Ordered, that the Honorable Messrs. Clark and Hamilton, be appointed the Conferrees on the part of this House for that purpose; and,
Assembly acquainted of same	Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House, that the Legislative Council request a conference with the Commons House of Assembly on the subject matter of the Bill sent up from that House entitled, "An Act to repeal certain parts of an Act passed in the eleventh year of the reign of His late Majesty, entitled, 'An Act for the relief of the Sufferers who sustained loss during the late War with the United States of America; and also of a certain other Act passed in the same year, entitled, 'An Act to authorise the Receiver General of the Province to raise by Debenture, on the credit of certain duties therein mentioned, a sum of money for the relief of the Sufferers during the late War with the United States, and for affording further relief to the said Sufferers,' and have appointed the Honorable Messrs. Clark and Hamilton to be the Committee on the part of this House, who will be ready to meet a Committee on the part of the Commons House of Assembly on Friday next, at two of the clock P. M. in the Committee Room of the Legislative Council, for that purpose.
Petition of George Adams and others, read,	Pursuant to the order of the day, the petition of George Adams, and others, inhabitants of Saint Catharines, in the District of Niagara, praying for an Act to authorise the establishment of a Bank at St. Catharines aforesaid, with a capital of one hundred thousand pounds, was read, and it was,
and referred to a committee of the whole upon Saint Catharines Bank bill	Ordered, that the same be referred to a Committee of the whole House to-morrow upon the Bill entitled, "An Act to incorporate certain persons under the style and title of the President, Directors and Company of the Saint Catharines Bank in the Niagara District."
Order of the day read for committing Prescott Police bill	The order of the day being read for the House to be put into a Committee of the whole upon the Bill entitled "An Act to establish a Police in the Town of Prescott, in the Johnstown District," it was,
Same discharged	Ordered, that the same be discharged, and,
Bill referred to a select committee	Ordered that the said Bill be referred to a Select Committee of three Members, to report thereon, and,
Members composing same	Ordered, that the Honorable Messrs. Burnham, Crooks and Adamson, do compose the same.
Prince Edward division bill committed	Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act to explain and repeal part of an Act passed in the first year of His

Thursday, 20th December, 1832.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

present Majesty's reign entitled, 'An Act to erect the county of Prince Edward into a separate District.'

The Honorable Mr. Burnham took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again to-morrow. Reported and leave asked to sit again

Ordered, that the Report be received, and leave granted accordingly, Leave granted

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill entitled, "An Act to repeal part of, amend and reduce to one Act of Parliament the several Laws now in force in this Province for the recovery of small debts, and to extend the jurisdiction of the Court of Requests within the same." Court of Requests bill, re-committed

The Honorable Mr. Gordon took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again on Monday next. Reported and leave asked to sit again

Ordered, that the report be received, and leave granted accordingly. Leave granted

Pursuant to the order of the day, the Bill entitled, "An Act to establish a Market in the Town of Brockville," was read a second time; and it was, Brockville Market bill, read 2nd time

Ordered, that the House be put into a Committee of the whole, on Friday next, to take the same into consideration.

The Honorable Mr. Burnham brought up the petition of Archibald McDonald, agent for certain Merchants and others, of Cobourg and Port Hope; which was laid on the table. Petition of Archibald McDonald & others, brought up

On motion made and seconded, the House adjourned until to-morrow at eleven of the clock, A. M. House adjourns

THURSDAY, 20th DECEMBER, 1832.

The House met pursuant to adjournment. House meets

PRESENT,

<p><i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,  <i>The Honorable Messrs.</i> CLARK,          " " DUNN,          " " GORDON,          " " BURNHAM,</p>	<p><i>The Honorable Messrs.</i> HAMILTON,          " " ADAMSON,          " " JAMES KERBY,          " " CROOKS.          " " GRANT.</p>	<p>Members present</p>
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*Prayers were read.*

The Minutes of yesterday were read.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act to incorporate certain persons under the style and title of the President, Directors and Company, of the Saint Catharines Bank, in the Niagara District," and the report of the Select Committee on same; together with the petition of George Adams, and others, inhabitants of Saint Catharines, in the District of Niagara and vicinity, praying for an Act to authorise the establishment of a Bank at Saint Catharines aforesaid, with a capital of one hundred thousand pounds. Saint Catharines Bank bill, and petition of George Adams and others, committed

The Honorable Mr. Grant took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again on Wednesday next. Reported and leave asked to sit again

Ordered, that the Report be received and leave granted accordingly. Leave granted

The Honorable Messrs. Crookshank and Baldwin enter. Members enter

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled, "An Act to repeal part of an Act passed in the thirty-third year of the reign of King George the Third entitled, 'An Act to fix the times and places of holding the general Quarter Sessions of the Peace in the several Districts of this Province,' and also to repeal part of a certain other Act passed in the forty-first year of the reign of King George Midland District Quarter Sessions bill, committed

Friday, 21st December, 1832.

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the Third entitled, 'An Act to remove doubts with respect to the authority under which the Courts of general Quarter Sessions of the Peace and other Courts have been erected and holden, and other matters relating to the administration of Justice done in the several Districts of this Province, and also to fix the times of holding the Courts of general Quarter Sessions of the Peace in and for the same, and to authorise the holding of the general Quarter Sessions of the Peace of the Midland District, at Kingston and Belleville alternately.'

The Honorable Mr. Baldwin took the Chair.

After some time the House resumed.

Reported committee had risen

The Chairman reported that the Committee had risen.

Ordered, that the Report be received.

Members enter

The Honorable Messieurs McDonell and Elmsley enter.

Petition of Elisha Hayward read

Pursuant to the order of the day the petition of Elisha Hayward, of the town of York, praying for an Act conferring upon him the rights and privileges of Naturalization, was read.

Prince Edward division bill, re-committed

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the Bill entitled "An Act to explain and repeal part of an Act passed in the first year of His present Majesty's reign entitled, 'An Act to erect the county of Prince Edward into a separate District.'"

The Honorable Mr. Burnham took the Chair.

After some time the House resumed.

Reported and leave asked to sit again

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again to-morrow.

Leave granted

Ordered, that the report be received and leave granted accordingly.

Report of the Commissioners on Penitentiary establishments ordered to be printed,

Ordered, that the Report of the Commissioners appointed to collect information on Penitentiary establishments, transmitted to this House on the seventeenth instant by His Excellency the Lieutenant Governor, be printed for the use of Members.

House adjourns,

On motion made and seconded the House adjourned until twelve of the clock, at noon to-morrow.

FRIDAY, 21st DECEMBER, 1832.

House meets,

The House met pursuant to adjournment.

PRESENT,

Members present,

*The Honorable* JOHN B. ROBINSON, SPEAKER,  
*The Honorable Messrs.* CLARK,  
" " GORDON,  
" " McDONELL,  
" " BURNHAM,

*The Honorable Messrs.* BALDWIN,  
" " HAMILTON,  
" " JAMES KERBY,  
" " CROOKS,

*Prayers were read.*

The Minutes of yesterday were read.

Twenty mile Creek Harbor bill, committed,

Pursuant to the order of the day, the House was put into a Committee of the whole on the Bill entitled, "An Act to incorporate a joint stock Company for the construction of a Harbor at the mouth of the twenty mile Creek, on Lake Ontario."

The Honorable Mr. Hamilton took the Chair.

Message from Assembly,

A message being announced the Chairman left the chair, and the House formed.

A Member enters,

The Honorable Mr. Wells enters.

A bill, &c, brought up,

A deputation from the Commons House of Assembly brought up a Bill, to which they requested the concurrence of this House.

The same deputation brought up and delivered at the Bar of this House, a message, and then withdrew.

Twenty mile Creek Harbour bill re-committed,

The House was then again put into a Committee of the whole, upon the Bill, entitled, "An Act to incorporate a Joint Stock Company for the construction of a Harbor at the mouth of the Twenty Mile Creek on Lake Ontario."

The Honorable Mr. Hamilton took the Chair.

After some time the House resumed.

Friday, 21st December, 1832.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and recommended that a Conference be desired with the Commons House of Assembly on same. Reported, and a conference recommended

The Honorable Messrs. Crookshank, Elmsley, and Crooks enter. Members enter

Ordered, that the above report be received ; and,

Ordered, that a Conference be desired on the said Bill accordingly ; and, A Conference ordered

Ordered, that the Honorable Messieurs Baldwin and James Kerby be appointed the Conferrees on the part of this House ; and, Conferrees appointed

Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House, that the Legislative Council request a Conference with the Commons House of Assembly upon the Bill sent up from that House entitled, "An Act to incorporate a Joint Stock Company for the construction of a Harbor at the mouth of the Twenty Mile Creek on Lake Ontario ;" and have appointed the Honorable Messieurs Baldwin and James Kerby to be the Committee on the part of this House, who will be ready to meet a Committee on the part of the Commons House of Assembly, on Wednesday next at two of the clock P. M., in the Committee room of the Legislative Council for that purpose. Assembly acquainted of same

His Honor the Speaker reported to the House, that a deputation from the Commons House of Assembly had brought up a Bill entitled "An Act to incorporate certain persons under the name and title of the "Saint Lawrence Inland Marine Assurance Company," to which they requested the concurrence of this House ; and that the same deputation had brought up and delivered at the Bar of this House a Message in the following words :— Speaker reports the receipt of the Saint Lawrence inland marine assurance bill, and a message from the assembly

MR. SPEAKER,

The Commons House of Assembly accedes to the request of the Honorable the Legislative Council for a Conference on the Bill sent up from this House entitled, "An Act to repeal certain parts of an Act passed in the eleventh year of the reign of His late Majesty, entitled, 'An Act for the relief of the sufferers who sustained loss during the late War with the United States of America ;' and also of a certain other Act passed in the same year entitled 'An Act to authorise the Receiver General of the Province to raise by Debenture on the credit of certain duties therein mentioned, a sum of money for the relief of the sufferers during the late War with the United States, and for affording further relief to the said sufferers," and have appointed a Committee of four of its Members, who will be ready to meet the Conferrees of the Honorable the Legislative Council for that purpose at the time and place appointed. Acceding to a conference on first war loss relief bill,

(Signed)

ARCHIBALD McLEAN,  
SPEAKER.

*Commons House of Assembly,  
19th day of December, 1832.*

Ordered, that the Committee of Conference on the part of this House be instructed to represent, that the Legislative Council has requested this conference with the Commons House of Assembly upon the Bill entitled, "An Act to repeal certain parts of an Act passed in the eleventh year of the reign of His late Majesty entitled, 'An Act for the relief of the sufferers who sustained loss during the late war with the United States of America ;' and also of a certain other Act passed in the same year entitled, 'An Act to authorise the Receiver General of the Province to raise by Debenture, on the credit of certain duties therein mentioned, a sum of money for the relief of the sufferers during the late war with the United States, and for affording further relief to the said sufferers," for the purpose of acquainting the House of Assembly that in the last clause of the Bill there is an accidental omission of the words, "and shall be accounted for," which were doubtless intended to precede the words "through the Lords Commissioners of His Majesty's Treasury." Instructions to the conferrees,

The effect of this clerical error would not be merely to render the bill defective in regard to the ordinary provision commonly called the accounting clause, but it would impose the necessity of a direction from His Majesty's Government as to the issuing of the warrants, which would be irregular and inconvenient.

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If in consequence of this casual omission the attention of the House of Assembly should be again employed during this Session upon this measure for the relief of the sufferers, the Legislative Council most earnestly hopes that what may be done on this occasion will finally result in rendering effectual the favorable disposition which the Legislature has so repeatedly shewn towards the Claimants, and as they have no doubt that desire is strongly entertained by the Assembly, they beg, with the greatest deference to the acknowledged right of the Assembly to judge of these matters, to submit that, according to their apprehension, there is little or no prospect of any thing that shall be done proving effectual, if the Legislature shall in any degree come short of the terms so precisely and explicitly stated in the despatch of the Right Honorable Earl Bathurst, in the year 1823.

The Legislative Council is fully convinced, that it is only on the ground of the pledge contained in that despatch that the co-operation of the British Government in the discharge of these claims could at this time be obtained, and the obligation to adhere to that pledge of a former administration will of course not be acknowledged and cannot be urged, unless the Legislature of this Province shall fulfil to the letter their parts of the condition as stated in that despatch, which they have indeed repeatedly manifested their disposition to comply with, although they have hitherto not done so with sufficient effect.

Instructions to the  
conferrees

The British Government has already advanced from the Imperial Treasury, £57,412 10s. Sterling, equal to £63,791 13s. 4d. Provincial Currency, and in the despatch referred to it is distinctly stated, that before any further advance will be made towards the payment of the amount remaining due, the Province must raise an equal sum exclusively on its own security, and applicable to the same purpose.

The duties on Salt, which are now on hand, are so appropriated as to come within these terms, and they amount to about.....	£ 5,500	0	0
Which together with the sum authorized to be borrowed by the present bill,	55,000	0	0
Will amount to but, .....	£ 60,500	0	0
Leaving still a deficiency as compared with .....	63,791	13	4
(which His Majesty's Government has many years ago advanced,)			
the sum of, .....	£ 3,291	13	4

It is possible the House of Assembly may intend that this deficiency shall be considered as made up by the sum understood to be outstanding in the hands of the Commissioners for forfeited Estates, but although this sum, whatever it be, is clearly applicable to the payment of the losses, and must and will of course be so applied, it undoubtedly is not a sum raised by the Province exclusively on its own security, but is a sum freely bestowed by His Majesty in the exercise of His exclusive prerogative.

It would be singularly unfortunate, in the view of the Legislative Council, if this measure of the Legislature should be frustrated, and the hopes of the claimants again disappointed, from a misapprehension or misconstruction in regard to this sum of money, which is not of large amount, and which there is no doubt must and will be applied at all events to the general liquidation of the claims.

If the Legislature should in this Session pass an Act free from any cause of difficulty upon which the sum of £63,791 13s. 4d. might be obtained, there will then remain due of the whole amount of the claims as settled by the last report of the Commissioners, after deducting thirty-five per cent paid by the Government in the years 1823 and 1824, the sum of £67,782 8s. 3d. towards the liquidation of which any sum already received, or that may be received hereafter on account of the forfeited Estates, will necessarily be applied, as also any unclaimed balance in the hands of the Receiver General of the sums already appropriated for the payment of the war losses.

It has further occurred to the Legislative Council, that as the Receiver General is restricted from giving more than four per cent interest on any sum he may borrow under this Act, it is certain he will be unable to raise the loan in this country, where both the legal and

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SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

the ordinary rate of interest is so much higher ; if it can be raised at all on those terms it can only be in England, and the interest must of course be paid there ; but the Receiver General may be in doubt whether he can exceed the amount of four per cent even for the purpose of covering the difference of exchange in remitting the interest. Instructions to the conferrees

As the Legislative Council do not apprehend that the loan could be raised in England at a less interest than four per cent, clear of all deductions for remittance, they would feel that they were concurring in a bill much more likely to be effectual if provision were made that would remove any doubt as to the Receiver General's authority on this point.

The Bill entitled, " An Act to incorporate certain persons under the name and title of the Saint Lawrence inland Marine Assurance Company," was read ; and it was, Saint Lawrence inland marine assurance bill, read first time

Ordered, that the same be read a second time on Monday next.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, " An Act to establish a Market in the Town of Brockville," Brockville Market bill, committed

The Honorable Mr. James Kerby took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said Bill, and recommended the same without amendment to the adoption of the House. Reported

Ordered, that the Report be received, and, Adopted

Ordered, that the said Bill be read a third time on Monday next.

The Honorable Mr. Burnham from the Select Committee to whom was referred the Bill entitled " An Act to establish a Police in the Town of Prescott, in the Johnstown District," presented their report. Report of the Select Committee on Prescott police bill, presented

Ordered, that the Report be received, and,

The same was then read by the Clerk as follows : Same read

The Select Committee to whom was referred the Bill entitled, " An Act to establish a Police in the Town of Prescott, in the Johnstown District," having taken the same into consideration, beg leave to report :

That on comparing the provisions of the said Bill with that establishing a Police in the Town of Brockville, which became a law last session of the Legislature, they do not discover any material difference between them, none certainly in the principle of the Bill submitted for their consideration, but in the details there are a few, namely, in the present Bill no provision is made for dividing the said Town into wards. In the former the Police of Brockville is restrained from fixing upon any place for a Market. In the present there is no provision for or against the Police doing so ; and the officer is the Register, instead of the Sheriff, appointed to preside at the first election. The report

In the eleventh clause of the present Bill the word " musket," which is in the former, is omitted. Also the word " any" in that part of the said clause providing against fires—also the words " of the said Corporation," in the tenth clause.

In the thirteenth clause, your Committee are of opinion, that it would be an improvement were the word " they " inserted in the second line, for by the phraseology of said clause it is doubtful whether fines could be levied upon property held jointly by two or more persons, this, however, is equally an omission in the former Bill.

The fifteenth clause makes ample provision for ascertaining the mode by which the value of property taken from individuals for the use of the town, but none to enforce the payment of such value ; your Committee would therefore recommend a proviso being added to the said clause, to prevent such property from being taken possession of by the Corporation till payment, or a tender thereof, was made of the amount as ascertained, to the person whose property was required by it. In the same clause the notice is directed to be posted upon the " door of the Court-house," which being twelve miles distant, few or none of those interested would have an opportunity of seeing it. Your Committee would therefore recommend that the notice required should be posted upon the doors of all the Churches within the said town. Further, in the same clause authorising a member of the Corporation to administer the oath

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required to be taken by the Arbitrators, the word "any" is omitted, and the word "before" instead of "by" is used; the word "whose" in a parenthesis instead of "which" ought also to be corrected. In the eighteenth clause the word "so" is omitted, which although not material, your Committee deem it proper to notice; also that the word "the" is used instead of "such" in reference to the names of the twenty-one persons who are to be drawn as jurors.

In describing the boundaries of the proposed Corporation, although your Committee have satisfied themselves that it begins at the waters edge, yet it is not so expressed in the bill submitted for their consideration.

All which is respectfully submitted.

(Signed)

Z. BURNHAM,  
CHAIRMAN.

*Legislative Council Committee Room,  
21st day of December, 1832.*

Ordered, that the said bill, together with the report of the Select Committee on same, be referred to a Committee of the whole House on Wednesday next.

Petition of Archibald McDonald & others, read,

Pursuant to the order of the day, the petition of Archibald McDonald, agent for certain Merchants and others, of Cobourg and Port Hope, praying for an Act incorporating them under the name and firm of the Saint Lawrence Inland Marine Assurance Company, with a capital of fifty thousand pounds currency, was read.

Prince Edward division bill re-committed

Pursuant to the order of the day, the House was again put into a Committee of the whole on the Bill entitled, "An Act to explain and repeal part of an Act passed in the first year of His present Majesty's reign entitled, 'An Act to erect the county of Prince Edward into a separate District.'"

The Honorable Mr. Burnham took the Chair.

After some time the House resumed.

Amendment reported

The Chairman reported that the Committee had taken the said Bill into consideration, had made an amendment thereto, which they recommended to the adoption of the House.

Ordered, that the report be received, and,

Read first time

The amendment was then read by the Clerk as follows:—

The amendment

Press, 2. Line 4.—After "debt" expunge "or otherwise according to the true intent and meaning of the said Act."

Read 2nd time and adopted

The said amendment being read a second time, and the question of concurrence put thereon, it was agreed to by the House; and it was,

Ordered, that the same be engrossed, and the said Bill as amended read a third time on Wednesday next.

Report of the select Committee upon Spalding and others naturalization bill presented

The Honorable Mr. Wells, from the Select Committee to whom was referred the Bill entitled, "An Act to extend to certain persons the civil and political rights of natural born Subjects," presented their Report.

Ordered, that the Report be received, and,

Read

The same was then read by the Clerk as follows:—

The Select Committee to whom was referred the Bill entitled, "An Act to extend to certain persons the civil and political rights of natural born subjects," respectfully report:

The Report

That the said bill enumerates twelve persons to be benefitted by the same; four only of whom have sent in petitions to your Honorable House; but your Committee have had submitted to them copies of the petitions of the remaining eight, as laid before the House of Assembly, certified by the Clerk thereof, all of which are headed as addressed to both Houses of the Legislature, and it therefore may be fairly inferred that the parties have only erred through ignorance, in not addressing each House separately.

Your Committee, without giving an opinion as to the policy of granting the ample benefits conferred by this bill, which they leave to be discussed by your Honorable House, beg leave to confine their report upon certain obscurities and apparent omissions in the phraseology of the bill, and which they conceive may be more concisely pointed out by proposing the following amendments:

Press. 2. line 1.—Expunge "and"

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Press. 2. line 1.—After “heretofore” insert “or now or hereafter.”

“ “ 3.—Insert “to be and.”

“ “ 6.—After “years” insert “within this Province without having been absent therefrom more than two months at any one time.”

“ “ 11.—After “mentioned” expunge “to His”

“ “ 12.—Expunge “Majesty, His Heirs and Successors”

“ “ 13.—After “the” expunge “same” and insert “oath or affirmation required”

“ “ 19.—Insert at the end of the line “within this Province.”

Press. 3. line 1.—Insert “provided nevertheless that the last four words of the oath are not to be required in cases of affirmation.”

Your Committee feel it to be their duty to point out to your Honorable House, that this bill seems to embrace two distinct objects; the first clause simply confers the right of holding and transferring lands; the second to give all the rights and privileges of natural born subjects; but whether it be intended by the bill to make it optional with the persons named therein to avail themselves only of the former right your Committee are at a loss to determine; for although the third clause imposes an oath upon all the said persons, yet as it does not express that such oath must be taken before any of the rights above referred to can be enjoyed, it would seem to imply that the right of holding and transferring of lands is to be immediately conferred upon the passing of this bill, and if so, the taking of the oath may be avoided altogether, as no period is named for making it compulsory in both cases.

In closing this report your Committee cannot but lament that the Legislature has not yet deemed it expedient to require that a certain sum, which may be deemed equivalent to cover the expense of passing these private bills, should not be required from the parties to be benefitted by the passing of such Acts, as is the practice under the like cases in the Imperial Parliament.

All which is respectfully submitted.

(Signed,)

JOSEPH WELLS,

CHAIRMAN.

*Legislative Council Committee Room,*

*21st December, 1832.*

Ordered, that the said Bill, together with Report of the Select Committee thereon, be referred to a Committee of the whole House on Monday next.

On motion made and seconded, the House adjourned until Wednesday next, at eleven House adjourns  
of the clock, A. M.

WEDNESDAY, 26th DECEMBER, 1832.

The House met pursuant to adjournment.

House meets

PRESENT,

*The Honorable JOHN B. ROBINSON, SPEAKER,*

*The Honorable Messrs. BURNHAM,*

*The Honorable Messrs. POWELL,*

“ “ HAMILTON,

“ “ GORDON,

“ “ JAMES KERBY,

“ “ McDONELL,

“ “ GRANT.

Members present

*Prayers were read.*

The Minutes of Friday last were read.

Pursuant to the order of the day, the Bill entitled, “An Act to establish a Market in the Town of Brockville,” was read a third time and passed: Brockville Market  
Bill, read 3rd time,  
and passed

Whereupon the Speaker signed the same; and it was, Bill signed

Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House, that the Legislative Council have passed this Bill without amendment. Assembly acquainted  
of same

A deputation from the Commons House of Assembly brought up and delivered at the Bar of this House, a Message in the following words, and then withdrew. Message from As-  
sembly

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Wednesday, 26th December, 1832.

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MR. SPEAKER,

The Commons House of Assembly has acceded to the request of the the Honorable the Legislative Council for a conference on the Bill sent up from this House entitled, "An Act to incorporate a Joint Stock Company for the construction of a Harbor at the mouth of the Twenty Mile Creek on Lake Ontario," and have appointed four of its Members who will be ready to meet the conferrees on the part of the Honorable the Legislative Council for that purpose, at the time and place appointed.

(Signed,)

ARCHIBALD McLEAN,  
SPEAKER.

*Commons House of Assembly,*

*21st day of December, 1832.*

Pursuant to the order of the day, the Bill entitled, "An Act to explain and repeal part of an Act passed in the first year of His present Majesty's reign, entitled, 'An Act to erect the County of Prince Edward into a separate District,'" was as amended read a third time; and

The question being put, whether this Bill, as amended should pass, it was carried in the affirmative :

Whereupon the Speaker signed the amendments ; and it was,

Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House, that the Legislative Council have passed this Bill with amendments, to which they desire the concurrence of the Commons House of Assembly.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled "An Act incorporating a Joint Stock Company for the manufacture of Salt, at Saint Catharines, in the Niagara District."

The Honorable Mr. Gordon took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, and had made some amendments thereto, which they recommended to the adoption of the House.

The Honorable and Venerable the Archdeacon of York, and the Honorable Mr. Baldwin enter.

Ordered, that the above report be received, and,

The amendments were then read by the Clerk as follows :

Press. 1, line 10.—After "An Act for making" expunge "for making"

At the end of the first clause, insert "Provided always, that the said corporation shall not have power to hold any more or other real Estate than may be required by them for the site of their works, or for any machinery connected therewith, or for such stores, warehouses or other buildings, as may be requisite for carrying on the proper business of the said corporation : and provided also, that it shall not be lawful for the said corporation to carry on the business of Banking."

The said amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House ; and it was,

Ordered, that they be engrossed, and the said Bill as amended read a third time to-morrow.

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill entitled, "An Act to repeal part of, amend and reduce to one Act of Parliament the several Laws now in force in this Province for the recovery of small debts, and to extend the jurisdiction of the Court of Requests within the same."

The Honorable Mr. Gordon took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again this day.

Ordered, that the report be received, and leave granted accordingly.

Ordered, that the Committee of conference on the part of this House be instructed, that the Legislative Council have desired this conference with the Commons House of Assembly on the subject matter of a Bill entitled, "An Act to incorporate a joint stock Company for the construction of a Harbor at the mouth of the twenty mile Creek, on Lake Ontario," in order that they may direct the attention of the Assembly to what the Council conceives an

Acceding to a Conference on Twenty mile Creek Harbour bill

Prince Edward division bill, as amended, read 3rd time and passed

Amendments signed, and sent to Assembly for concurrence

Saint Catharines Salt Bill committed

Amendments reported

Members enter

Above amendments read 1st time

Read 2nd time and adopted

Court of Requests Bill, re-committed

Reported, and leave asked to sit again

Leave granted

Instructions to Conference upon Twenty mile Creek Harbor bill

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SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

oversight in the rate of tolls to be levied upon boats and vessels from twelve tons and upwards, whereby vessels of any size which may be admitted into that Harbor will be liable to a tonnage duty of two shillings per ton to the full extent of her admeasurement, which the Council thinks it could not have been the design of the Assembly to have imposed.

Pursuant to order, the House was again put into a Committee of the whole, upon the Bill entitled, "An Act to repeal part of, amend and reduce to one Act of Parliament, the several laws now in force in this Province for the recovery of small debts, and to extend the jurisdiction of the Court of Requests within the same."

Court of Requests bill, re-committed

The Honorable Mr. Gordon took the Chair.

A message being announced the Chairman left the chair, and the House formed.

Message from Assembly, A Bill brought up

A deputation from the Commons House of Assembly brought up a Bill, to which they requested the concurrence of this House, and then withdrew.

The House was again put into a Committee of the whole upon the Bill, entitled, "An Act to repeal part of, amend and reduce to one Act of Parliament, the several laws now in force in this Province for the recovery of small debts, and to extend the jurisdiction of the Court of Requests within the same."

Court of Requests Bill, re-committed

The Honorable Mr. Gordon took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again to-morrow.

Reported and leave asked to sit again

Ordered, that the report be received, and leave granted accordingly.

Leave granted

His Honor the Speaker reported to the House, that a Deputation from the Commons House of Assembly had brought up a Bill entitled, "An Act to define the limits of the town of Hamilton, in the Gore District, and to establish a Police and public market therein," to which they requested the concurrence of this House.

Speaker reports the receipt of Hamilton town limits bill from Assembly

The said Bill was then read; and it was,

Read first time

Ordered, that the same be read a second time to-morrow.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill, entitled, "An Act to extend to certain persons the Civil and Political Rights of Natural-born Subjects," together with the Report of the Select Committee on same.

Spalding and others naturalization bill committed

The Honorable Mr. McDonell took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill and Report of the Select Committee into consideration, had made some progress therein, and asked leave to sit again to-morrow.

Reported and leave asked to sit again

Ordered, that the Report be received, and leave granted accordingly,

Leave granted

On motion made and seconded the House adjourned until to-morrow, at twelve of the clock, at noon.

House adjourns,

THURSDAY, 27th DECEMBER, 1832.

The House met pursuant to adjournment.

House meets,

PRESENT,

*The Honorable* JOHN B. ROBINSON, SPEAKER,

*The Honorable Messrs.* BALDWIN,

*The Honorable Messrs.* CLARK,

" " HAMILTON,

" " GORDON,

" " JAMES KERBY,

" " McDONELL,

" " GRANT.

" " BURNHAM,

Members present,

*Prayers were read.*

The Minutes of yesterday were read.

The order of the day being read for a third reading of the Bill, entitled, "An Act incorporating a Joint Stock Company, for the manufacture of Salt at St. Catharines, in the Niagara District," as amended, it was

Order of the day read for reading Saint Catharines Salt Bill, as amended, a 3rd time

Ordered to be discharged, and that the House be again put into a Committee of the whole upon the said Bill, presently.

Same discharged

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Bill re-committed	The House was then put into a Committee of the whole on the same, accordingly. The Honorable Mr. Gordon took the Chair. After some time the House resumed.
Further amendments reported	The Chairman reported that the Committee had gone through the said Bill, and had made some further amendments thereto, which they recommended to the adoption of the House. Ordered that the report be received.
Upper Canada Bank Bill brought up from Assembly	A Deputation from the Commons House of Assembly brought up a Bill, entitled, "An Act to explain the provisions of an Act passed in the last Session of the Legislature, entitled, 'An Act for altering and amending the Charter of the President, Directors, and Company of the Bank of Upper Canada, and for increasing the number of shares to be held in the Capital Stock of the said Company,'" to which they requested the concurrence of this House and then withdrew.
Read 1st time	The said Bill was read ; and it was, Ordered, that the same be read a second time to-morrow.
Further amendments to Saint Catharines Salt Bill, read 1st time	The further amendments made in and to the Bill, entitled, "An Act to incorporate a Joint Stock Company for the manufacture of Salt, at Saint Catharines, in the Niagara District," were then read by the Clerk, as follows :—
The amendments	Press. 1, Line 6.—After "incorporated," insert "for the promotion of that object." Press. 2, Line 21.—After "directed," insert "shall be Directors." Press. 3, Lines 3 & 4.—Expunge "Majority of the Directors," and insert in place thereof, "the remaining Directors or Director." Press. 4, Line 4.—After "time," insert "when he shall be."
Read 2nd time, and adopted	The said further amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House, and it was Ordered, that they be engrossed, and the Bill as further amended read a third time this day.
Saint Catharines Bank Bill re-committed	Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill, entitled, "An Act to incorporate certain persons under the style and title of the President, Directors, and Company, of the Saint Catharines Bank, in the Niagara District," and the report of the Select Committee on same ; together with the petition of George Adams, and others, inhabitants of Saint Catharines, in the District of Niagara and vicinity, praying for an Act to authorise the establishment of a Bank at Saint Catharines aforesaid, with a capital of one hundred thousand pounds. The Honorable Mr. Grant took the Chair. After some time the House resumed.
Reported and leave asked to sit again	The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again on Thursday next.
Leave granted	Ordered, that the report be received and leave granted accordingly.
A Member enters,	The Honorable Mr. Crookshank enters.
Prescott Police Bill committed	Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill, entitled, "An Act to establish a Police in the Town of Prescott, in the Johnstown District," together with the report of the Select Committee on same. The Honorable Mr. Clark took the Chair. After some time the House resumed.
Reported Committee had risen	The Chairman reported that the Committee had taken the said Bill into consideration, and had risen. Ordered, that the report be received
Hamilton town limits Bill read 2nd time	Pursuant to the order of the day, the Bill, entitled, "An Act to define the limits of the Town of Hamilton, in the Gore District, and to establish a Police and Public Market therein," was read a second time, and it was Ordered, that the House be put into a Committee of the whole, to-morrow, to take the same into consideration.
Spalding and others, Naturalization Bill re-committed	Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill, entitled, "An Act to extend to certain persons the Civil and Political

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rights of Natural-born Subjects," together with the report of the Select Committee on same.

The Honorable Mr. McDonell took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill and report of the Select Committee into consideration, had made some progress therein, and asked leave to sit again to-morrow.

Reported, and leave  
asked to sit again

Ordered, that the report be received, and leave granted accordingly.

Leave granted

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill, entitled, "An Act to repeal part of, amend, and reduce to one Act of Parliament, the several Laws now in force in this Province, for the recovery of small debts, and to extend the Jurisdiction of the Court of Requests within the same."

Court of Requests  
Bill re-committed

The Honorable Mr. Gordon took the Chair.

After some time the House resumed.

The Honorable Mr. Dunn enters.

A Member enters

The Chairman reported that the Committee had taken the said Bill into consideration, and had made some amendments thereto, which they recommended to the adoption of the House.

Amendments reported  
by above committee

Ordered, that the report be received ; and,

The said amendments were then read by the Clerk as follows :—

Read 1st time

Press 1, Line 23.—Expunge "by writing under his hand and seal of office."

Line 24.—After "same," insert the words "under his hand and seal of office."

24.—After "Court," insert "of Justice."

Press. 2, Line 2.—After "Commissioners," expunge to the words "Provided always," and insert, "for the time being, or any two or more of them shall have power and authority, and are hereby authorised, empowered and required, to hear and determine all matters of debt or contract, when the demand doth not exceed the sum of ten pounds, and to give and pronounce such judgment and decree therein, respectively, and to award execution thereupon, with such costs as are hereinafter specified, against the goods and chattels of all and every the person and persons against whom they shall give or pronounce any judgment or decree as to them shall seem just in Law or Equity, and that the acts, orders, judgments, and decrees of the said Commissioners, shall be final between the parties thereto."

" 2, " 14.—Expunge "cause the same to," and insert "shall."

" " " 22.—After "person," insert "or persons."

" " " 23 & 24.—Expunge "twenty-five," and insert "ten."

" " " 26.—Expunge "a Commissioner."

" 3, " 1.—Expunge "of the said Court," and insert "the Clerk of the said Court, who shall be appointed as hereinafter mentioned."

" " " 8.—Expunge "twenty-five," and insert "ten."

" " " 16.—After "resident," insert "and provided also, that the Court shall in no case give judgment against a Defendant for a larger sum than forty shillings, unless it shall be proved to them that he has been personally served with the Summons issued in such cause."

" " " After the fifth clause in the bill, insert "6. And be it further enacted by the authority aforesaid, that no Barrister, Attorney-at-Law, or Solicitor, being served with process of the said Court, shall be allowed to plead or maintain any privilege against the process, authority, jurisdiction or judgment thereof; nor shall any Barrister, Attorney-at-Law, or Solicitor, have or maintain any privilege of bringing in a superior Court an Action upon any cause of Action, which from its nature shall be properly cognizable in the Court of Requests."

" " " Expunge the sixth clause.

" " " 25.—Expunge "sold or drank," and insert "drunk."

After the seventh clause in the bill, insert "Provided also, and be it  
O

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further enacted by the authority aforesaid, that nothing in this Act contained shall extend to give jurisdiction to any Court of Requests to take cognizance of any cause involving the right or title to real estate."

Press. 4, Line 2.—Expunge "suing," and insert "shall sue."

" " " 12.—After "Court," insert "which confession may be in the form hereinafter set forth; and that judgment shall not be entered up on any such confession in a case where no Summons has been sued out by the Plaintiff, until such Plaintiff shall have made an affidavit, to be endorsed on or annexed to the confession, declaring that the Defendant before giving that confession, did truly and bona fide owe him the amount therein specified."

" " " 15.—After "shall," expunge "commit wilful or corrupt perjury, and be thereof duly convicted according to Law, such person or persons shall" and insert, "wilfully and corruptly forswear themselves, such person or persons shall on conviction."

Press. 5.—Expunge the thirteenth Clause, and insert "13, And for the better discovery of the truth and the more solemn determination of matters and causes which shall be depending in the said Court,—Be it further enacted by the authority aforesaid, that it shall and may be lawful for the said Commissioners, or any two or more of them assembled in Court as aforesaid, and they are hereby authorised and empowered to administer or cause to be administered, an oath or oaths to the Plaintiff or Plaintiffs, Defendant or Defendants, respectively, and to such Witness or Witnesses as shall be produced by each party, and also to all or any of the Officers of the said Court, and to all other persons whatsoever, for or concerning any business relative thereto, and to take the affirmation or affirmations of such Plaintiff or Plaintiffs, Defendant or Defendants, Witness or Witnesses, or other persons as aforesaid, who are or shall be of the people called Quakers, or of such other denomination of Christians as are allowed to give evidence on their affirmation, Provided always, that although the Court may for their better satisfaction and for the discovery of the truth, require the Plaintiff or Defendant to be examined on oath or affirmation, they shall in no case give judgment for either party in any cause for more than Forty Shillings, or allow or disallow any set off to a greater amount than Forty Shillings on the mere oath or affirmation of the Plaintiff or Defendant, respectively, nor without sufficient evidence to warrant such judgment independent of such oath or affirmation."

Press. 5, Line 22.—After "of" insert, "the Court of Requests within."

" 6, Line 2.—After "Clerk," insert "who shall be subject to be removed from his office by the Commissioners or a majority of them, for the time being, and."

" " " " —Expunge "office," and insert "duty."

" " " 4.—Expunge "shall faithfully keep a," and insert "to keep a faithful."

" " " 6.—After "and" insert "which Clerk."

" " " 12.—After "duty," insert "that is to say, shall enter into the covenant hereinafter mentioned, binding himself without limitation, as to amount, with two or more sureties, to such amounts severally as shall together make up one hundred pounds, such sureties to be persons sufficiently responsible, in the judgment of the Commissioners."

" " " 14.—After "Act," insert "which Bailiff or Bailiffs shall give security in the same manner and to the same amount as the Clerk of such Court, and shall hold his office during the pleasure of the Commissioners, who, or a majority of them, may in their discretion, remove such Bailiff and appoint another in his stead."

" " " 25.—After "against" expunge "us," and insert "the sureties."

Press. 7, Line 1.—Expunge "against A. B. in the whole."

" " " 14.—After "Equity," insert "not exceeding in amount the sum to which their Jurisdiction is limited, Provided always, that nothing herein contained, shall prevent the bringing any action upon such covenant in a superior

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Court, for a cause of action beyond the Jurisdiction of the Court of Requests."

Press. 8, Line 3.—After "Commissioners," insert "unless they shall find such failure to have occurred with the assent of, or upon a previous understanding with the Defendant."

" " " 5.—Expunge "shall appear by the evidence of a Witness or Witnesses sworn at the trial, or by the Judgment of the Court," and insert "shall be proved to the satisfaction of the Court."

" " " 9.—After "Costs," insert "Provided always, that no set off shall be allowed to be given in evidence before such Commissioners which shall exceed the amount of ten pounds, and Provided always, that if the Plaintiff shall contest such set off, it shall be incumbent on the Commissioners to suspend judgment, and to admit both parties on the next or other subsequent Court day, to produce evidence respecting the same, unless the Defendant shall satisfy the Commissioners by evidence on oath, that he did four days before the return of the summons issued against him, serve the Plaintiff with a Statement of the particulars of his set off, signed by the Defendant, in which case the Commissioners may on the first day appointed for the trial, hear and determine the same, confining the set off to the items specified in such Bill of particulars."

" " " 13.—After "division," insert "but no costs shall be allowed for such witness against the opposite party, unless the Commissioners shall find that his evidence was necessary to make out the case of the party calling him."

" " " " —Expunge the twenty-second Clause, and insert "Twenty-two, And whereas it is customary among the people of this Province, to contract for the payment of a certain specified amount, or of certain sums in produce or labour, or in some manner otherwise than in money, and doubts may arise with the Commissioners acting under this Act, whether they can adjudge such amount or sums to be paid in money; Be it therefore enacted by the authority aforesaid, that in any such case after the day is passed in which the produce or goods should have been delivered, or other thing should have been done, it shall be in the power of the Court, if they find it just in other respects, to give judgment for the amount in money as if the debt or agreement had been for money."

" " " " —Expunge the twenty third and twenty fourth Clauses.

Press. 10, Line 15.—After "District," insert "and the Clerk of the Court from whence the same issued may direct another Execution for the amount due to the Bailiff of the same division, or the Bailiff of the division in which the Execution is to be enforced—Provided always, that the Bailiff of the division in which Judgment was entered shall not be compelled to go out of his division, nor shall the cost of travelling from one division to another be taxed against the person against whom the Execution shall be issued."

" " " 21.—After "case," insert "and also in the case of any Judgment against the Clerk or Baliff, for moneys received by him and not paid over."

" " " " —After the twenty-eighth clause, insert "29. And be it further enacted by the authority aforesaid, that no Bailiff shall proceed to the sale of any effects taken by virtue of any Writ of Execution issued by a Court of Requests, unless public notice in writing be given at least eight days before such sale, at the most public place in the Town or Township where such effects may have been taken in Execution, of the time and place where such effects are to be exposed to sale."

" 11, " 1.—After "Requests," insert "unless it shall be shewn to the Court or to a Judge thereof in vacation, that from the nature of the Plaintiff's evidence or the situation of his Witnesses, he could not have proved his case in

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the Court of Requests, or unless in the action in the superior Court the Defendant shall have been arrested."

- Press. 12.—Between the third and fourth lines insert "To ———, the Defendant."
- " " " 11.—Expunge "one of the Commissioners aforesaid," and insert "A. B. Clerk of the said Court."
- " " " 13.—Expunge "A. B. Clerk of said Court."
- " " " 24.—Expunge "Esquire, one of the Commissioners aforesaid," and insert "A. B. Clerk of the said Court."
- " " " 26.—Expunge "A. B. Clerk of the said Court."
- " 13, " 12.—Expunge "Esquire, Commissioner," and insert "A. B. Clerk of the said Court."
- " " " 13.—Expunge "A. B. Clerk of the said Court."
- " " " 16.—Expunge "Constables," and insert "Bailiffs."
- " " " " —After the last form in the Bill, insert "Form of the oath to be administered to a Witness: 'The evidence you shall give to this Court, touching the matter in question, shall be the truth, the whole truth, and nothing but the truth—So help you God.'"

Read 2nd time, and adopted

The said amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House; and it was,

Ordered, that they be engrossed, and the Bill as amended read a third time to-morrow.

Saint Catharines Salt Bill as further amended, read 3rd time and passed.

Pursuant to order, the Bill entitled "An Act incorporating a Joint Stock Company, for the manufacture of Salt at St. Catharines, in the Niagara District," was as further amended, read a third time, and—

The question being put, whether this Bill, as further amended should pass, it was carried in the affirmative:

Amendments signed, and sent to Assembly for concurrence

Whereupon the Speaker signed the amendments; and it was, Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House, that the Legislative Council have passed this Bill with amendments, to which they desire the concurrence of the Commons House of Assembly.

House adjourns,

On motion made and seconded the House adjourned until to-morrow, at twelve of the clock, at noon.

FRIDAY, 28th DECEMBER, 1832.

House meets,

The House met pursuant to adjournment.

PRESENT,

Members present,

<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Honorable Messrs.</i> BURNHAM,
<i>The Honorable Messrs.</i> ALLAN,	" " BALDWIN,
" " GORDON,	" " HAMILTON,
" " McDONELL,	" " JAMES KERBY,

*Prayers were read.*

The Minutes of yesterday were read.

Court of Requests bill as amended, read 3rd time and passed

Pursuant to the order of the day, the Bill entitled, "An Act to repeal part of, amend and reduce to one Act of Parliament the several Laws now in force in this Province for the recovery of small debts, and to extend the jurisdiction of the Court of Requests within the same," was as amended, read a third time, and—

The question being put, whether this Bill as amended should pass, it was carried in the affirmative:

Amendments signed, and sent to Assembly for concurrence

Whereupon the Speaker signed the amendments; and it was, Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House, that the Legislative Council have passed this Bill with amendments, to which they desire the concurrence of the Commons House of Assembly.

Upper Canada Bank bill read 2nd time

Pursuant to the order of the day, the bill entitled "An Act to explain the provisions of an Act passed in the last Session of the Legislature, entitled, 'An Act for altering and amending the Charter of the President, Directors, and Company of the Bank of Upper Canada,

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and for increasing the number of shares to be held in the Capital Stock of the said Company," was read a second time, and it was

Ordered, that the House be put into a Committee of the whole, to-morrow, to take the same into consideration.

The order of the day for the House to be put into a Committee of the whole, upon the Bill entitled, "An Act to define the limits of the Town of Hamilton, in the Gore District, and to establish a Police and public Market therein" being read, it was

Ordered to be discharged, and that the same do stand upon the order of the day for Tuesday next.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill, entitled, "An Act to extend to certain persons the Civil and Political Rights of Natural-born Subjects," together with the Report of the Select Committee on same.

The Honorable Mr. McDonell took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, and had made some amendments thereto, which they recommended to the adoption of the House.

Ordered, that the report be received, and

The amendments were then read by the Clerk as follows :

Press. 1, Line 2.—Expunge "Fredoric," and insert "Frederic."

" " " 18.—Expunge "Fredoric," and insert "Frederic."

" " " 24.—Expunge "Fredoric," and insert "Frederic."

" 2, " 1.—After heretofore," insert "or now or hereafter."

" " " 3.—After "therein," insert "to be and."

" " " 6.—After "years," insert "within this Province, without having been absent more than two months at any one time."

" " " 7.—Expunge "Fredoric," and insert "Frederic."

" " Lines 11 & 12.—Expunge "to His Majesty, His Heirs and Successors."

" " " 13.—Expunge "same by," and insert "oath contained in."

" " " 16.—Expunge "Fredoric," and insert "Frederic."

" " " 19.—After "birth," insert "within this Province."

" " " 25.—After "thereon," expunge the remainder of the oath to "So help me God."

The said amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House ; and it was,

Ordered, that the forty-fourth rule be dispensed with as respects this Bill, and that the said amendments be engrossed, and the Bill, as amended, read a third time this day.

Pursuant to order, the Bill (as amended) was read a third time accordingly, and

The question being put, whether this Bill (as amended) should pass, it was carried in the affirmative.

Whereupon the Speaker signed the amendments ; and it was,

Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House, that the Legislative Council have passed this Bill with amendments, to which they desire the concurrence of the Commons House of Assembly.

On motion made and seconded, the House adjourned until Monday next, at twelve of the clock, at noon.

MONDAY, 31st DECEMBER, 1832.

The House met pursuant to adjournment.

PRESENT,

*The Honorable* JOHN B. ROBINSON, SPEAKER,

*The Honorable Messrs.* DICKSON,

" " ALLAN,

" " JONES,

" " GORDON,

" " McDONELL,

*The Honorable Messrs.* BURNHAM,

" " BALDWIN,

" " HAMILTON,

" " JAMES KERBY,

" " CROOKS,

" " GRANT.

Members present

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Wednesday, 2nd January, 1833.

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*Prayers were read.*

The Minutes of Friday last were read.

Upper Canada Bank  
bill committed

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled "An Act to explain the provisions of an Act passed at the last Session of the Legislature, entitled "An Act for altering and amending the Charter of the President, Directors and Company of the Bank of Upper Canada, and for increasing the number of Shares to be held in the Capital Stock of the said Company."

The Honorable Mr. Dickson took the Chair.

After some time the House resumed.

Reported, and leave  
asked to sit again in  
three months

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again this day three months.

Leave granted

Ordered, that the report be received and leave granted accordingly.

Petition of John D  
Smith, and others,  
brought up

The Honorable Mr. McDonell brought up the Petition of John D. Smith, of Port Hope, in the Newcastle District; which was laid on the table.

Petition of Allan Mc  
Pherson, and others,  
brought up

The Honorable Mr. Gordon brought up the Petition of Allan McPherson, and others, Inhabitants of the County of Lenox, in the Midland District; which was laid on the table.

Petition of James G  
Strobridge, brought  
up

The Honorable Mr. Jones brought up the Petition of James Gordon Strobridge, late Contractor for the Burlington Bay Canal; which was laid on the table.

Leave of absence  
granted to the Hon-  
orable Mr Grant

The Honorable Mr. Grant prayed that he might have leave of absence for the remainder of the Session, and it was—

Ordered, that he take leave for that time accordingly.

House adjourns

On motion made and seconded, the House adjourned until Wednesday next, at one of the clock, P. M.

WEDNESDAY, 2nd JANUARY, 1833.

House meets

The House met pursuant to adjournment.

PRESENT,

Members present

<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Honorable Messrs.</i> McDONELL,
<i>The Honorable Messrs.</i> DICKSON,	" " BURNHAM,
" " CROOKSHANK,	" " HAMILTON,
" " JONES,	" " JAMES KERBY,
" " GORDON,	" " CROOKS.

*Prayers were read.*

The Minutes of Monday last were read.

Hamilton town limits  
bill. committed

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill, entitled, "An Act to define the limits of the Town of Hamilton, in the Gore District, and to establish a Police and Public Market therein."

The Honorable Mr. Jones took the Chair.

Message from As-  
sembly  
A Bill brought up

A message being announced, the Chairman left the chair, and the House formed.

A deputation from the Commons House of Assembly brought up a Bill, to which they requested the concurrence of this House, and then withdrew.

A Member enters  
A Bill brought up

The Honorable and Venerable the Archdeacon of York enters.

A deputation from the Commons House of Assembly brought up a Bill, to which they requested the concurrence of this House, and then withdrew.

Hamilton town limits  
bill, re-committed

The House was then again put into a Committee of the whole, upon the Bill, entitled "An Act to define the limits of the Town of Hamilton, in the Gore District, and to establish a Police and Public Market therein."

The Honorable Mr. Jones took the Chair.

After some time the House resumed.

Reported and leave  
asked to sit again

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again to-morrow.

Leave granted

Ordered, that the report be received, and leave granted accordingly.

Thursday, 3rd January, 1833.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

His Honor the Speaker reported to the House, that a Deputation from the Commons House of Assembly had brought up a Bill, entitled "An Act to authorise the erection of Mill Dams upon the River Thames, in the London District;" and also a Bill, entitled "An Act to incorporate a Company under the style and title of the British America Life and Fire Assurance Company," to which they requested the concurrence of this House.

Speaker reports receipt of River Thames Mill-dam bill, and British America Life and Fire Assurance bill from Assembly

The Bill, entitled "An Act to authorise the erection of Mill Dams upon the River Thames, in the London District; was read, and it was—

River Thames Mill-dam bill, read 1st time

Ordered, that the same be read a second time to-morrow.

The Bill, entitled "An Act to incorporate a Company under the style and title of the British America Life and Fire Assurance Company," was read.

British America Life and Fire Assurance bill, read 1st time

Pursuant to the order of the day, the Petition of John D. Smith, of Port Hope, in the District of Newcastle, praying that the Legislative Council will refuse to concur in the Bill for extending the Jurisdiction of the Port Hope Harbor and Wharf Company; also the Petition of Allan McPherson, and others, Inhabitants of the County of Lenox, in the Midland District, praying for an Act granting a sum of money for the erection of a Bridge across the Napanee River; and also the Petition of J. G. Strobridge, late Contractor of the Burlington Bay Canal, praying for an Act authorising the payment of £548 17s. 11d, being the interest due to him upon the amount awarded by the Arbitrators appointed for that purpose, were read.

Petition of John D. Smith, of Allan McPherson, and others, and of James G. Strobridge, read

Pursuant to the order of the day, the Bill, entitled "An Act to incorporate certain persons under the name and title of the Saint Lawrence Inland Marine Assurance Company," was read a second time, and it was—

Saint Lawrence inland marine assurance bill, read 2nd time

Ordered, that the House be put into a Committee of the whole, on Friday next, to take the same into consideration.

The Honorable Mr. Hamilton gave notice that on Friday next he would move that this House be again put into a Committee of the whole, upon the Bill entitled "An Act to establish a Police in the Town of Prescott, in the Johnstown District."

Notice of a motion for re-committing Prescott Police bill

The Honorable Mr. James Kerby prayed that he might have leave of absence for the remainder of the Session, and it was—

Leave of absence granted to the Hon. Mr. James Kerby

Ordered, that after to-morrow he take leave for that time accordingly.

On motion made and seconded, the House adjourned.

House adjourns

THURSDAY, 3d JANUARY, 1833.

The House met pursuant to adjournment.

House meets

PRESENT,

*The Honorable* JOHN B. ROBINSON, SPEAKER,  
*The Honorable Messrs.* ALLAN,  
" " JONES,  
" " GORDON,  
" " McDONELL,

*The Honorable Messrs.* BURNHAM,  
" " HAMILTON,  
" " JAMES KERBY,  
" " CROOKS.

Members present

*Prayers were read.*

The minutes of yesterday were read.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the Bill, entitled "An Act to incorporate certain persons under the style and title of the President, Directors and Company of the Saint Catharines Bank, in the Niagara District."

Saint Catharines Bank Bill re-committed

The Honorable Mr. Gordon took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again this day three months.

Reported and leave asked to sit again in three months

Ordered, that the Report be received, and leave granted accordingly.

Leave granted

A Deputation from the Commons House of Assembly returned the Bill, entitled "An Act to repeal part of, amend and reduce to one Act of Parliament, the several laws now in force in this Province for the recovery of small debts, and to extend the jurisdiction of the Court of Requests within the same," and acquainted this House that the Commons House

Court of Requests bill as amended, returned by Assembly acceded to

Friday, 4th January, 1833.

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of Assembly had concurred in the amendments made by the Legislative Council, in and to the same.

Hamilton town limits bill re-committed

Pursuant to the order, of the day the House was again put into a Committee of the whole, upon the Bill, entitled "An Act to define the limits of the Town of Hamilton, in the Gore District, and to establish a Police and Public Market therein."

The Honorable Mr. Jones took the Chair.

After some time the House resumed.

Reported and leave asked to sit again

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again to-morrow.

Leave granted

Ordered, that the report be received and leave granted accordingly.

A Member enters

The Honorable and Venerable the Archdeacon of York enters.

River Thames Mill-dam bill, read 2nd time

Pursuant to the order of the day, the Bill, entitled "An Act to authorise the erection of Mill-Dams upon the River Thames, in the London District," was read a second time, and it was—

Ordered, that the House be put into a Committee of the whole to-morrow, to take the same into consideration.

House adjourns

On motion made and seconded the House adjourned.

FRIDAY, 4th JANUARY, 1833.

House meets

The House met pursuant to adjournment.

PRESENT,

Members present

<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Honorable Messrs.</i> McDONELL,
<i>The Honorable Messrs.</i> DICKSON,	" " BURNHAM,
" " CROOKSHANK,	" " BALDWIN,
" " JONES,	" " HAMILTON,
" " GORDON,	" " CROOKS,

*Prayers were read.*

The Minutes of yesterday were read.

Saint Lawrence Inland Marine Assurance bill, committed

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill entitled, "An Act to incorporate certain persons under the name and title of the Saint Lawrence inland Marine Assurance Company,"

The Honorable Mr. Burnham took the Chair.

Message from Assembly

A message being announced the Chairman left the chair, and the House formed.

A Bill brought up

A deputation from the Commons House of Assembly brought up a Bill, to which they requested the concurrence of this House; and likewise the Bill entitled, "An Act incorporating a Joint Stock Company for the manufacture of Salt, at Saint Catharines, in the Niagara District;" also, the Bill, entitled, "An Act to extend to certain persons the Civil and Political rights of Natural-born Subjects;" and also, the Bill entitled, "An Act to explain and repeal part of an Act passed in the first year of His present Majesty's reign entitled, 'An Act to erect the county of Prince Edward into a separate District,'" as amended by this House; which amendments the Commons House of Assembly had agreed to: the Deputation then withdrew.

A Member enters

The Honorable Mr. Allan enters.

Saint Lawrence Inland Marine Assurance bill re-committed

The House was again put into a Committee of the whole upon the Bill, entitled, "An Act to incorporate certain persons under the name and title of the Saint Lawrence Inland Marine Assurance Company."

The Honorable Mr. Burnham took the Chair.

After some time the House resumed.

Reported

The Chairman reported that the Committee had taken the said Bill into consideration, and recommended that the same be referred to a Select Committee of three Members with power to send for persons and papers, and to report thereon by amendment or otherwise.

Ordered, that the Report be received, and,

Referred to a Select Committee

Ordered, that the said Bill be referred to a Select Committee of three Members, with power to send for persons and papers, and to report thereon by amendment or otherwise, and

Monday, 7th January, 1833.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

Ordered, that the Honorable Messieurs Jones, Hamilton, and Crooks do compose the same. Members composing same

His Honor the Speaker reported to the House, that a deputation from the Commons House of Assembly had brought up a Bill, entitled, "An Act to authorise the Executrix and Executors to the estate of the late Thomas Stoyell, to carry into effect the provisions contained in his last Will and Testament," to which they requested the concurrence of this House. Speaker reports the receipt of Stoyell's estate bill from Assembly

The said Bill was then read. Read 1st time

Pursuant to Notice, it was moved and seconded, Motion for re-committing Prescott Police bill

That this House be again put into a Committee of the whole, on Monday next, upon the Bill, entitled, "An Act to establish a Police in the Town of Prescott, in the Johnstown District,"

The question of concurrence being put, it was then

Ordered, that this House be again put into a Committee of the whole, on Monday next, upon the said Bill accordingly. Adopted

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill, entitled, "An Act to define the limits of the Town of Hamilton, in the Gore District, and to establish a Police and Public Market therein." Hamilton town limits bill, re-committed

The Honorable Mr. Jones, took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, and had made some amendments thereto, which they were ready to submit whenever the House would be pleased to receive them. Amendments reported

Ordered, that the report be received on Monday next.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill, entitled, "An Act to authorise the erection of Mill-dams upon the River Thames, in the London District." River Thames Mill-dam bill, committed

The Honorable Mr. Baldwin took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, and recommended that a Message be sent to request that the Commons House of Assembly will be pleased to communicate to the Legislative Council the proofs and documents upon which this Bill is founded. Reported

Ordered, that the Report be received, and,

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House that the Legislative Council request that the Commons House of Assembly will be pleased to communicate the proofs and documents upon which the Bill, entitled "An Act to authorise the erection of Mill-Dams upon the River Thames, in the London District," is founded. and Assembly requested to furnish the proofs and documents upon which the Bill was founded

On motion made and seconded, the House adjourned until Monday next, at one of the clock, P. M. House adjourns

MONDAY, 7th JANUARY, 1833.

The House met, pursuant to adjournment. House meets

PRESENT,

<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Honorable Messrs.</i> GORDON,	
<i>The Honorable Messrs.</i> DICKSON,	" " HAMILTON,	Members present
" " ALLAN,	" " ADAMSON,	
" " JONES,	" " CROOKS.	

*Prayers were read.*

The minutes of Friday last were read.

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill entitled, "An Act to establish a Police in the Town of Prescott, in the Johnstown District." Prescott Police bill re-committed

Q

Monday, 7th January, 1833.

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The Honorable Mr. Allan took the Chair.

After some time the House resumed.

Reported, and leave  
asked to sit again

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again on Monday next.

Leave granted

Ordered, that the Report be received and leave granted accordingly.

Report of the Com-  
mittee of the whole  
upon Hamilton town  
limits bill, presented

Pursuant to order, the Honorable Mr. Jones, from the Committee of the whole upon the Bill, entitled "An Act to define the limits of the Town of Hamilton, in the Gore District, and to establish a Police and Public Market therein," presented their report.

Amendments to the  
bill read 1st time

The amendments made to the said Bill were then read by the Clerk as follows:

In the Title, Line 2.—Expunge "Gore," and after "District," insert "of Gore."

Press. 1, Line 2.—Expunge "Gore," and after "District," insert "of Gore."

The amendments

- " " " 21.—After "say," expunge the remainder of the clause, and insert "commencing at the North East corner of broken lot number thirteen, in the first Concession of the Township of Barton, at the water's edge of Burlington Bay; thence along the shore of the said Bay to the North West corner of lot number sixteen; thence Southerly, along the allowance for road between lots number sixteen and seventeen to the allowance for road in rear of the third Concession; thence Easterly, along the said allowance to the allowance for road between lots number thirteen and twelve; thence along the said allowance to Burlington Bay to the place of beginning, including the whole of the said allowance for roads and that part of the Harbor lying in front of the said Town."
- " 2, " 17.—Expunge "inhabitants," and insert "inhabitant householders."
- " " " 19.—Expunge "of," and insert "for."
- " " " 21.—After "Ward," expunge the remainder of the clause, and insert "who shall severally be possessed for their own use and benefit of a dwelling house and lot of ground within the Ward in which they shall so vote, such dwelling house and lot of ground being by them held in freehold, or who being subjects of His Majesty, and male inhabitant householders within the said ward at the time of such Election, shall bona fide have paid within one year next before the Election, one years rent for the dwelling house or dwelling houses, if they shall within one year have changed their place of residence within the said Ward in which they shall have resided, at the rate of five pounds per annum or upwards."
- " 3, " 7.—After "Constable," expunge to "and," in the ninth line, and insert "and a Bailiff or Constable, or other person appointed for that purpose by the Sheriff of the said District, shall severally preside at the first Election for each of the other three Wards; that is to say, each respectively shall preside at the first Election for such Ward as the Sheriff shall direct."
- " " " 18.—After "in," insert "each of the Wards of."
- " " " " .—Expunge "four Members," and insert "choosing a Member."
- " " " 19.—Expunge "the Town," and insert "such Ward."
- " " " 22.—After "aforesaid," insert "And be it further enacted by the authority aforesaid, that before any person shall proceed to hold an Election under this Act, he shall take the following oath, which any Justice of the Peace for the District of Gore shall have authority to administer; that is to say—'I do solemnly swear, that I will faithfully and impartially, to the best of my ability, discharge the duty of presiding officer at the Election which I am about to hold for a Member of the Board of Police in the Town of Hamilton—So help me God.'"

"And be it further enacted by the authority aforesaid, That the officer presiding at any Election under this Act shall have authority and he is hereby required, at the request of any person qualified to vote at such Election, to examine on oath or affirmation (when the party is allowed to affirm) any candidate for the office of Member of the said Corporation, respecting his qualification to be elected to the said office;

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and shall also have authority and is hereby required upon such request as aforesaid, to examine on oath or affirmation, (when the party is allowed to affirm) any person tendering his vote at the Election, respecting his right to vote; and that the oath to be administered for either of the said purposes, shall and may be in the form following:—‘ You shall true answer make to all such questions as the officer presiding at this Election shall put to you, respecting your qualification to be elected at this Election (or respecting your qualification to vote at this Election, as the case may be)—So help you God:’—and the affirmation to be taken shall be according to the common form of an affirmation to the same effect.”

“ And be it further enacted by the authority aforesaid, That if any person being examined upon oath or affirmation under this Act, in regard to his qualification to vote or to be elected, shall wilfully forswear himself, he shall be deemed guilty of wilful and corrupt perjury, and on conviction thereof, shall suffer as in other cases of wilful and corrupt perjury.”

“ And be it further enacted by the authority aforesaid, That if the Election of any Member of the Board of Police aforesaid shall be complained of, either on the ground of want of qualification in the person returned, or on the ground that such person had not a majority of legal votes at such Election, it shall be the duty of the Sheriff, after the first Elections to take place under this Act, upon receiving within forty-eight hours after the termination of the Election a written requisition, signed by any three Inhabitants of the Town, having a right to vote at such Election, to appoint a time and place within the Town or Ward for which the Election was held, for entering upon a scrutiny into the matters complained of, and that such time shall be within six days after the Election, and the Sheriff shall have power to summon witnesses and to take evidence on oath respecting the matters to be enquired into, and shall determine upon the validity of the Election or return, as shall appear to him to be right according to the evidence; and in case an Election shall be declared void, but it shall not appear proper to the Sheriff for any cause to amend the return by substituting the name of any other person as entitled to have been returned at such Election, then he shall, after giving eight days notice thereof, hold a new Election of a Member to serve according to this Act; and that if after any Election to be holden after a Board of Police under this Act shall have been completely organized, a requisition, signed as aforesaid, shall, within forty-eight hours after the termination of such Election, be served upon the President or any other Member of the Corporation; it shall be lawful for the said Corporation, and they are hereby required to appoint a time for entering upon a scrutiny of the matters complained of at any place within the said Town, which time shall be within six days after the Election; and the Corporation, or such Member or Members thereof as shall not be individually concerned in the questions to be determined, shall have power to summon witnesses and to take evidence on oath respecting the matters to be inquired into, and shall determine upon the validity of the Election or return, as shall appear to be right according to the evidence: and in case an Election shall be declared void, but it shall not appear proper for any cause to amend the return by substituting the name of any other person as entitled to have been returned at such Election, then the Corporation shall issue their precept for a new Election, as in other cases under this Act.”

“ And be it further enacted by the authority aforesaid, That before the Sheriff or any Member of the said Corporation shall enter upon any such trial or scrutiny as aforesaid, he shall take an oath in the following

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form, before some one of the Justices of the Peace for the District of Gore, that is to say:—‘I do solemnly swear, that I will truly and impartially, to the best of my judgment, try and determine the merits of the complaint against the Election of A. B.—So help me God.’

“ And be it further enacted by the authority aforesaid, That any witness who being duly summoned to attend upon such trial or scrutiny, shall wilfully neglect or refuse to attend, shall, on conviction before any one of His Majesty’s Justices of the Peace for the District of Gore, having been duly summoned to answer such complaint, be liable to be imprisoned on the commitment of such Justice in the Common Gaol of the District, for a time not exceeding one month; and if any witness shall, upon any trial or scrutiny, wilfully and corruptly swear falsely, he shall be deemed guilty of wilful and corrupt perjury.”

Press. 3, Line 26.—After “be,” insert “at such time and place within the said Town as the Sheriff of the said District shall appoint, being.”

- “ “ “ 27.—Expunge from “Election,” to “and.”
- “ 4, “ 6.—Expunge “the Bailiff,” and insert “any one of the Bailiffs.”
- “ “ “ 12.—After “declare,” insert “that person elected who shall have.”
- “ 5 “ 3.—After “Corporation,” insert “during his absence from the said Town, or who at the time of the Election shall openly give notice to the officer presiding that he will not accept the office.”
- “ “ “ 4.—Expunge “without his knowledge or consent.”
- “ “ “ 10.—After “Bailiff,” insert “of the Ward for which the Member whose office shall have become vacant was chosen.”
- “ “ “ “.—Expunge “Town,” and insert “Ward.”
- “ “ “ 12.—Expunge “or,” and insert “and.”
- “ 9, “ 4.—After “which,” insert “new street or protraction of a street.”
- “ 10, “ 11.—After the words “majority of the,” expunge the remainder of the clause, and insert “Justices of the Peace for the District of Gore shall determine at any Court of General Quarter Sessions of the Peace, to be holden after the passing of this Act:—Provided always, nevertheless, that such determination shall be made on the second day of the sitting of the Court at the Sessions in which it shall be made, and when not less than ten Magistrates shall be present, and—Provided also, that the plot or piece of ground required for a Market as aforesaid, shall not be of less extent than one acre, and shall be either such ground, if any there be, which has been hitherto reserved for the site of a Market, or such ground as any proprietor or proprietors shall voluntarily convey for that purpose to the said Corporation, either gratuitously or for a consideration to be paid by the said Corporation.”
- “ “ “ 25.—Expunge “as is.”
- “ 11, “ 5.—After “Wards,” insert “or in case of an Election of a fifth Member.”
- “ “ “ 6.—After “vote, expunge the remainder of the clause, and insert “whether he shall be otherwise duly qualified to vote in such Ward or not, and that except in case of the votes being equal, it shall not be lawful for the persons presiding at any Election under this Act to vote at such Election.”

“ And be it further enacted by the authority aforesaid, That if any action or suit shall be brought against any person or persons, for any matter or thing done in pursuance of this Act, such action or suit shall be brought within six calendar months next after the fact committed and not afterwards, and the defendant or defendants in such action or suit may plead the general issue only, and give this act and the special matter in evidence on the trial.”

Read 2nd time, and adopted

The said amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House; and it was,

8th, 9th, &amp; 10th January, 1833.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

Ordered, that they be engrossed, and the said Bill, as amended, read a third time tomorrow.

The Honorable Mr. Gordon brought up the Petition of J. Muirhead, and others, Inhabitants of the District of Niagara; which was laid on the table.

Petition of J Muirhead, and others brought up

Ordered, that the Clerk of this House be authorised to purchase for the use of Members, a full and complete set of Bouchette's Maps, &c. of the Canadas.

Clerk authorised to purchase a set of Bouchette's maps &c of the Canadas House adjourns

On motion made and seconded, the House adjourned.

TUESDAY, 8TH JANUARY, 1833.

The House met pursuant to adjournment.

House meets

PRESENT,

<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Honorable Messrs.</i> HAMILTON,	Members present
<i>The Honorable Messrs.</i> DICKSON,	" " ADAMSON,	
" " JONES,	" " CROOKS,	
" " GORDON,		

*Prayers were read.*

The Minutes of yesterday were read.

Pursuant to the order of the day, the Bill, entitled, "An Act to define the limits of the Town of Hamilton, in the Gore District, and to establish a Police and Public Market therein," was as amended read a third time, and the

Hamilton town limits bill as amended, read 3rd time, and passed

Question being put, whether this Bill, as amended should pass, it was carried in the affirmative:

Whereupon the Speaker signed the amendments; and it was,

Amendments signed

Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House, that the Legislative Council have passed this Bill with amendments, to which they desire the concurrence of the Commons House of Assembly.

and sent to Assembly for concurrence

On motion made and seconded, the House adjourned.

House adjourns,

WEDNESDAY, 9th JANUARY, 1833.

At two of the clock, P. M. there were

PRESENT,

<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Honorable Messrs.</i> JONES,	Members present,
<i>The Honorable Messrs.</i> DICKSON,	" " HAMILTON,	
" " CROOKSHANK,	" " ADAMSON,	

The Speaker adjourned the House for want of a quorum.

No quorum

THURSDAY, 10th JANUARY, 1833.

The House met pursuant to adjournment.

House meets

PRESENT,

<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Honorable Messrs.</i> McDONELL,	Members present
<i>The Honorable Messrs.</i> DICKSON,	" " BALDWIN,	
" " JONES,	" " HAMILTON,	
" " GORDON,	" " ADAMSON,	

*Prayers were read.*

The minutes of Tuesday and yesterday were read.

Pursuant to the order of the day, the Petition of J. Muirhead, and others, inhabitants of the District of Niagara, praying for an Act authorising an extension of gaol limits throughout the Province, was read.

Petition of J Muirhead, and others, read

The Honorable Mr. Hamilton brought up the Petition of David Smart, and others, inhabitants of Port Hope, in the Newcastle District, which was laid on the table.

Petition of David Smart, and others brought up

R

11th &amp; 14th January, 1833.

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On motion made and seconded, it was—

British America Life and Fire Assurance bill, ordered to be read a 2nd time

Ordered, that the Bill, entitled "An Act to incorporate a Company under the style and title of the British America Life and Fire Assurance Company," be read a second time, and

Ordered, that the said Bill do stand upon the order of the day for Monday next.

House adjourns

On motion made and seconded the House adjourned.

FRIDAY, 11th JANUARY, 1833.

House meets

The House met pursuant to adjournment.

PRESENT,

Members present

*The Honorable* JOHN B. ROBINSON, SPEAKER,*The Honorable Messrs.* JONES,*The Honorable Messrs.* DICKSON,

" " GORDON,

" " CROOKSHANK,

" " McDONELL,

" " ALLAN,

" " ADAMSON,

*Prayers were read.*

The Minutes of yesterday were read.

House adjourns

On motion made and seconded, the House adjourned until Monday next, at one of the clock, P. M.

MONDAY, 14th JANUARY, 1833.

House meets

The House met pursuant to adjournment.

PRESENT,

Members present

*The Honorable* JOHN B. ROBINSON, SPEAKER,*The Hon. & Ven. The* ARCHDEACON OF YORK,*The Honorable Messrs.* CLARK,*The Honorable Messrs.* ALLAN,

" " DICKSON,

" " GORDON,

" " POWELL,

" " McDONELL,

" " CROOKSHANK.

" " BALDWIN,

*Prayers were read.*

The Minutes of Friday last were read.

Prescott Police bill re-committed

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill, entitled, "An Act to establish a Police in the Town of Prescott, in the Johnstown District."

The Honorable Mr. Clark took the Chair.

After some time the House resumed.

Reported, and leave asked to sit again

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again on Thursday next.

Leave granted

Ordered, that the Report be received, and leave granted accordingly.

British America Life and Fire Assurance bill, read 2nd time

Pursuant to the order of the day, the Bill, entitled "An Act to incorporate a Company under the style and title of the British America Life and Fire Assurance Company," was read a second time, and it was

Ordered, that the House be put into a Committee of the whole, to-morrow, to take the same into consideration.

Petition of David Smart, and others, read

Pursuant to the order of the day, the Petition of David Smart, and others, inhabitants of Port Hope, in the Newcastle District, praying that the Port Hope Harbour and Wharf Company may not receive any further immunities or privileges, and that their Act of incorporation may be amended, was read.

Message from Assembly

A Deputation from the Commons House of Assembly brought up and delivered at the Bar of this House, a message in the following words, and then withdrew.

MR. SPEAKER,

Acquainting this House that no documents had been submitted to the Assembly on the subject of the River Thames Mill-dam bill

The Commons House of Assembly informs the Honorable the Legislative Council, that no documents have been submitted to this House on the subject of the Bill, entitled, "An Act to authorise the erection of Mill-dams upon the River Thames, in the London District," but that the Bill was passed by the Assembly on the representation of some of its Members, and

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SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

proof of the application having been notified, as required by its rules, to the parties who may be affected by it.

(Signed)

ARCHIBALD McLEAN,  
SPEAKER.

*Commons House of Assembly,  
12th day of January, 1833.*

On motion made and seconded, it was

Ordered, that the House be again put into a Committee of the whole upon the Bill, entitled "An Act to authorise the erection of Mill Dams upon the River Thames, in the London District;" and

Bill ordered to be re-committed

Ordered, that the same do stand upon the order of the day for to-morrow.

The Honorable Mr. Crooks enters.

A Member enters

On motion made and seconded, the House adjourned.

House adjourns

TUESDAY, 15th JANUARY, 1833.

The House met pursuant to adjournment.

House meets

PRESENT,

*The Honorable JOHN B. ROBINSON, SPEAKER.*  
*The Honorable Messrs. CLARK,*  
" " DICKSON,  
" " ALLAN,

*The Honorable Messrs. GORDON,*  
" " McDONELL,  
" " BALDWIN,  
" " CROOKS.

Members present

*Prayers were read.*

The minutes of yesterday were read.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill, entitled, "An Act to incorporate a Company under the style and title of the British America Life and Fire Assurance Company."

British America Life and Fire Assurance Bill committed

The Honorable Mr. Allan took the Chair.

A message being announced, the Chairman left the chair, and the House formed.

Message from Assembly  
A Member enters

The Honorable Mr. Wells enters.

A deputation from the Commons House of Assembly brought up a Bill, to which they requested the concurrence of this House;—the same Deputation returned the bill sent down from this House, entitled, "An Act to provide for the apprehending of fugitive offenders from Foreign Countries, and delivering them up to Justice," and acquainted this House that the Commons House of Assembly had passed the same, without amendment.

Foreign Felons apprehension bill returned from Assembly passed

The House was then again put into a Committee of the whole upon the Bill, entitled, "An Act to incorporate a Company under the style and title of the British America Life and Fire Assurance Company."

British America Fire and Life Assurance Bill, re-committed

The Honorable Mr. Allan took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and recommended that it be referred to a Select Committee of three Members, to report thereon.

Reported

Ordered, that the report be received, and

Ordered, that the said Bill be referred to a Select Committee of three Members to report thereon, and

And referred to a Select Committee

Ordered, that the Honorable Messrs. Clark, Dickson, and Crooks, do compose the same.

Members composing same

His Honor the Speaker, reported to the House that a Deputation from the Commons House of Assembly had brought up a Bill, entitled, "An Act granting to His Majesty a sum of money, to be raised by debenture, for the improvement of the Navigation of the River Saint Lawrence," to which they requested the concurrence of this House.

Speaker reports the receipt of Saint Lawrence Navigation bill from Assembly

The said Bill was then read, and it was

Read 1st time

Ordered, that the same be read a second time on Friday next.

Pursuant to the order of the day, the House was again put into a Committee of the whole

River Thames Mill-dam bill re-committed

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upon the Bill, entitled, "An Act to authorise the erection of Mill-dams upon the River Thames, in the London District."

The Honorable Mr. Baldwin took the Chair.

After some time the House resumed.

Reported

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and recommended that the same be referred to a Select Committee of two Members, to report thereon.

Ordered, that the Report be received, and,

And referred to a Select Committee

Ordered, that the said Bill be referred to a Select Committee of two Members, to report thereon, and

Members composing same  
Petition of William Wallis, and others,

Ordered, that the Honorable Messrs. Baldwin and Crooks do compose the same.

of George Sharp, and others,  
and of Richard Bullock, brought up

The Honorable Mr. Crooks brought up the Petition of William Wallis, and others, Mechanics and Freeholders of the village of Port Hope, and its vicinity; also the Petition of George Sharp, and others, Inhabitants and Freeholders of the county of Durham; and also the Petition of Richard Bullock, President of the Port Hope Harbour and Wharf Company, which were laid on the table.

House adjourns

On motion made and seconded, the House adjourned.

WEDNESDAY, 16TH JANUARY, 1833.

House meets

The House met pursuant to adjournment.

PRESENT,

Members present

*The Honorable* JOHN B. ROBINSON, SPEAKER,  
*The Honorable Messrs.* CLARK,  
" " DICKSON,  
" " CROOKSHANK,

*The Hon. & Ven. the* ARCHDEACON OF YORK,  
*The Honorable Messrs.* McDONELL,  
" " BALDWIN,  
" " CROOKS.

*Prayers were read.*

The Minutes of yesterday were read.

Grand River Navigation bill,

A deputation from the Commons House of Assembly brought up a Bill, entitled "An Act to repeal part of and amend an Act passed in the second year of His present Majesty's reign, entitled 'An Act to incorporate a Joint Stock Company to improve the Navigation of the Grand River;'" and also a Bill, entitled "An Act to repeal and reduce into one Act, the several laws now in force establishing District Courts and regulating the practice thereof, and also to extend the powers and jurisdiction of said District Courts, and further to regulate the practice of the said District Courts in this Province," to which they requested the concurrence of this House, and then withdrew.

and District Court bill brought up from Assembly

Grand River Navigation bill, read 1st time

The Bill, entitled "An Act to repeal part of and amend an Act passed in the second year of His present Majesty's reign, entitled 'An Act to incorporate a Joint Stock Company to improve the Navigation of the Grand River,'" was read, and it was—

Ordered, that the same be read a second time to-morrow.

District Court bill read 1st time

The Bill, entitled "An Act to repeal and reduce into one Act the several laws now in force establishing District Courts and regulating the practice thereof, and also to extend the powers and jurisdiction of said District Courts, and further to regulate the practice of the said District Courts in this Province," was read, and it was—

Ordered, that the same be read a second time on Monday next, and—

and ordered to be printed  
House adjourns

Ordered, that the said Bill in the mean time be printed for the use of Members.

On motion made and seconded, the House adjourned.

THURSDAY, 17TH JANUARY, 1833.

House meets

The House met, pursuant to adjournment.

PRESENT,

Members present

*The Honorable* JOHN B. ROBINSON, SPEAKER.  
*The Honorable Messrs.* CLARK,  
" " DICKSON,  
" " ALLAN,

*The Honorable Messrs.* McDONELL,  
" " BALDWIN,  
" " CROOKS.

Thursday, 17th January, 1833.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

*Prayers were read.*

The minutes of yesterday were read.

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill, entitled "An Act to establish a Police in the Town of Prescott, in the Johnstown District." Prescott Police bill, re-committed

The Honorable Mr. Clark took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again on Monday next. Reported and leave asked to sit again

Ordered, that the report be received and leave granted accordingly. Leave granted

A deputation from the Commons House of Assembly brought up and delivered at the Bar of this House, a Message in the following words, and then withdrew:— Message from Assembly

MR. SPEAKER,

The Commons House of Assembly has passed an Address to His Majesty, on the subject of the Act passed by the Legislature of Lower Canada, imposing a Tax on Emigrants and Passengers from the United Kingdom, landing at either of the Ports of Lower Canada, to which the concurrence of the Honorable the Legislative Council is requested. Transmitting an address to the King, upon the Emigrant tax, for the concurrence of this House

(Signed)

ARCHIBALD McLEAN,  
SPEAKER.

Commons House of Assembly, }  
17th day of January, 1833. }

The Address was then read as follows: Same read 1st time

*To the King's Most Excellent Majesty.*

MOST GRACIOUS SOVEREIGN,

The Commons of Upper Canada, in Provincial Parliament assembled, most respectfully represent, that the Legislature of your Majesty's Colony of Lower Canada, in their last Session, passed an Act imposing a Tax or Duty upon all Passengers or Emigrants arriving in the Ports of Quebec or Montreal from any Port in the United Kingdom; that the said Act is to be in force until the first day of May 1834, and the Tax it imposes is ten shillings of the currency of that Province, or nine shillings sterling upon every adult Passenger or Emigrant, not embarking under the sanction of His Majesty's Government, or four shillings and sixpence sterling upon each Passenger or Emigrant who shall embark under such sanction, reducing the amount to be charged with respect to children under a certain age. The Address

It was not without astonishment that your Majesty's subjects in Upper Canada observed the Legislature of the neighbouring Colony, suddenly, and as we must think inconsiderately, adopting a measure which is so manifestly repugnant to the rights of the people of this Province, that we could not have conceived it would have been entertained for a moment.

We are not now ignorant of the fact, that the principles of the measure of which we complain, if not the particular details, had received the previous sanction of your Majesty's Government; but we are not on that account the less convinced, that what is manifestly wrong will be amended, since a long experience of the liberality and justice of your Majesty's Government, forbids us to entertain the apprehension that an erroneous course will be the less readily abandoned, on account of its happening to have been originally entered upon under a suggestion from the Colonial Department. We do not doubt that in recommending a Tax to be imposed at Quebec, upon all Passengers or Emigrants arriving there, it was the intention of your Majesty's Government to afford some relief to the distress, to which it was believed the great mass of Emigrants must necessarily be exposed on their first arrival; and we have as little doubt, that it was the desire of your Majesty's Government to extend this relief, by a measure which would not bear injuriously upon the interests of this Province, and which could not be justly complained of as illegal.

Inadvertently, we doubt not, an Act has been passed which is plainly exceptionable on both grounds: if instead of being passed by the Legislature of Lower Canada, the Act we

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complain of, had proceeded from the Imperial Parliament, we humbly conceive that it could not have been regarded in any other light than as a plain and direct violation of the Statute passed in the eighteenth year of the reign of your Majesty's late Royal Father, entitled "An Act for removing all doubts and apprehensions concerning Taxation by the Parliament of Great Britain, in any of the Colonies, Provinces and Plantations in North America and the West Indies, and for repealing so much of an Act made in the seventh year of the reign of His present Majesty, as imposes a duty on Tea imported from Great Britain into any Colony or Plantation in North America, or relates thereto;" which Statute has been repeatedly adverted to and recognized in more recent Acts of the Imperial Parliament, and in none more expressly than in that Act which conferred upon us the Constitution we enjoy. The declaration which had been so explicitly made, is there again recited: "That the King and Parliament of Great Britain will not impose any Duty, Tax, or Assessment whatever, payable in any of His Majesty's Colonies in North America, except only such duties as it may be expedient to impose for the regulation of commerce; the net produce of such duties to be always paid and applied to the use of the Colony in which the same shall be respectively levied, in such manner as other duties collected by the authority of the general Assemblies of such Colonies are ordinarily paid and applied." Even before that Act was passed, it was never, that we are aware, attempted by the British Parliament to impose a Tax upon British subjects passing into the Colonies, and since the passing of that Act, it certainly could be less justified, as it would be a forced construction that would include among duties imposed for the regulation of commerce, a Poll Tax upon Emigrants, and even upon the Inhabitants of a Colony, returning to it after a temporary absence in England.

And it is further to be observed, that if such a construction could be maintained, and if the imposition of such a Tax by the Imperial Parliament could be justified, notwithstanding the British Statute referred to, it most certainly can admit of no doubt, that such an Act would directly violate the provisions of that Statute, if it authorised the duties levied under it to be appropriated and applied in any other manner, than the duties collected under the authority of the Legislature of the Colony. If therefore an Act imposing a duty upon Emigrants, could be passed by the Imperial Parliament, on the principle, that it would come within the exceptions specified, it would clearly be an infringement upon that Statute, if it did not conform to its provisions in respect to the appropriation, and if it did conform to them, then we should have under it the same share of the duties levied upon Emigrants at Quebec as we receive of those duties which are imposed upon merchandize. It being clear, therefore, as we apprehend, that even the Imperial Parliament could not by such an Act have imposed such a duty without departing from all precedent, and without acting in disregard of the Statute passed for removing all doubts and apprehensions concerning Taxation by the Parliament of Great Britain; we cannot understand upon what principle the Legislature of the Colony, which unfortunately intervenes between us and the sea, can assume and exercise the power. We know, that for the protection of our trade against arbitrary and grievous exactions, it is rendered impossible by the Imperial Statute (3rd Geo. 4th, cap. 119) to lay a duty upon goods landed at Quebec, without first desiring our concurrence. It would be clearly contrary to that Statute, to Tax the baggage of Passengers or Emigrants by an Act passed as this has been, and if a Poll Tax upon such of our fellow subjects or of ourselves, as may land at Quebec, was not expressly placed within the same prohibition, we are satisfied it can only have been omitted because the possibility of imposing such a duty was never contemplated, or because it must have been felt that if it could be imposed, it must necessarily be governed by the restrictions applied to duties upon merchandize. We take it for granted, however, that the idea had never then been entertained, that the Legislature of Lower Canada could subject to a duty, British subjects passing through her Territory to this Province; and we hold it to be indisputable, that the rights of such British subjects, on the one hand, and of this Province on the other, are directly infringed by such an imposition. If the power to impose upon Passengers and Emigrants any amount of Tax, and for any purpose be conceded to the Legislature of Lower Canada, then clearly they may by the same Constitutional right impose upon Passengers and Emigrants, any other amount of Tax for any other purpose, and if they can do any thing of this kind at the recommendation of the Colonial Department, they

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SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

can clearly do the same without that recommendation, since that can only apply to the consideration of their motives and of their discretion, not of their power.

It might, and we cheerfully admit that it does in this instance, relieve that Legislature from any imputation of being actuated by an unfriendly disregard of our rights or interests, but it cannot make their Act legal, if it be otherwise illegal; nor can it make it less the duty of the Government and people of this Province to remonstrate against a stretch of power, of so dangerous a tendency.

That one Colony cannot exercise a power, which implies a right to exclude from another Colony the fellow subjects of the same Sovereign, we think must be too clear to admit of much argument.

If the Legislature of Lower Canada has the power to enact, that no person can come from Great Britain through Quebec to this Province, unless he pays ten shillings, they may equally enact that he shall not come unless he pays one hundred pounds, and they might repel from their shores, the thousands of industrious and able bodied persons, who desire annually to resort to these Provinces, as we conceive they have a natural right to do. But it seems to us unnecessary to insist more strongly upon this point, for clearly if the Legislature of Lower Canada can exclude from that Province, all who do not pay whatever duty they may please to impose, we have on the same principles the same right to enact that our fellow subjects of Great Britain, after they may have landed in Lower Canada, shall not come here, but must continue in that Province, or return to their own Country, or seek refuge in a Foreign Land; against any Colony that should assume such a power of exclusion, doubtless the voice of reprobation would be instantly raised, and she would be unhesitatingly condemned as having set herself against the clearest rights of the subjects of the Empire at large. But between such a measure and the Act of which we complain, there would be no other difference, than in the amount of the duty which it would be necessary to impose for the purpose of exclusion, a difference which is merely one of degree, and not one which can take the case out of the same principle.

We are convinced, that a deliberate consideration of the question must necessarily result in the conviction, that in passing the Act against which we now respectfully remonstrate, the Legislature of Lower Canada have done what they could not legally do, and what they therefore ought not to have done. We are fully assured that such an Act could not have received the sanction of your Majesty's Secretary of State for the Colonies upon mature deliberation, and that having received that sanction, it is nevertheless unconstitutional and improper.

With much earnestness therefore we humbly entreat your Majesty, that in the exercise of your Royal Prerogative, your Majesty will be graciously pleased to disallow this Act. It is limited, as we are aware, to a short period of time, but we cannot but apprehend that if it be suffered to remain in force, according to the terms of its provisions, a precedent will be established by it, which may lead to unpleasant embarrassments hereafter, while on the other hand, its decided disallowance will leave no doubt resting upon a point, which it is highly important to the tranquillity of these Provinces should be settled and clearly understood.

We humbly submit, that there are strong reasons besides for desiring that the Act should not be allowed to operate in the ensuing season. It occasions a most invidious distinction to the prejudice of British subjects, for while the Citizens of the United States of America are not only allowed to come into either Province, exempt from any Duty or Tax upon their persons, but are entitled by a British Statute to import furniture and utensils, free of duty, to a considerable amount, and while the Inhabitants, poor and rich, of every Foreign Country in the world may freely resort to these Colonies; the natives of Great Britain or Ireland, are met on their arrival by the inhospitable exaction of a Tax upon their persons, which it may be far from convenient to them to pay. It is well known that the imposition of any duty tends to enhance the price or charge of the commodity or service to which it is attached, in a degree beyond the mere amount of the duty, and doubtless this effect will be felt in this instance in the increased charge for passage money.

With respect to those Emigrants whose means are so scanty that they are barely able to transport themselves to Quebec, on their way to this Province, it is cruel to exact a sum which they can but too ill spare, and with respect to those Emigrants who are in more comfortable circumstances, and able to bear the charges of their voyage and of establishing

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themselves and their families in a new Country, it is certainly not reasonable that a deduction should be made from their means in particular, to form a fund, from which they neither require nor will receive any assistance, and which is applicable to the relief of distress, which they have no hand in creating, and which certainly ought not to be so much a charge upon their benevolence as upon the benevolence of those who have been many years settled in the Country, and who are therefore more at ease in their circumstances.

If the stream of Emigration terminated in Lower Canada, instead of passing through it, the operation of the Tax would be more just and reasonable, in respect to the objects to which it is appropriated; but it is to be observed, that of those who pay it, by far the greater number press forward without delay and expend their remaining means in reaching this Province, leaving behind them the Tax which they have paid into the Treasury of Lower Canada, and ceasing to have any further connexion with that Province or with its charitable Institutions; and we imagine, that of those who do receive in Lower Canada the benefit of any portion of the fund created by this Tax, much the greater number are assisted by it in no other way than by being pushed forward as expeditiously as possible to this Province, and when they have once arrived within its limits, any distress to which casualties or poverty or idleness may subject them, must be relieved, and is relieved by the charity of individuals, unaided by the public fund, to which the Emigrants of all classes have been made to contribute, on their landing at Quebec.

(Signed) ARCHIBALD McLEAN,  
SPEAKER.

*Commons House of Assembly,  
17th day of January, 1833.*

Ordered, that the above Address be read a second time to-morrow.

Petition of William Wallis, and others, of George Sharp, and others, and of Richard Bullock, read

Pursuant to the order of the day, the Petition of William Wallace, and others, Mechanics and Freeholders of the Village of Port Hope and its vicinity, praying for protection to the Port Hope Harbour and Wharf Company; also the Petition of George Sharp, and others, Inhabitants and Freeholders of the County of Durham; and also the Petition of Richard Bullock, President of the Port Hope Harbour and Wharf Company, with prayers to the like effect, were read.

Grand River Navigation bill, read 2d time

Pursuant to the order of the day, the Bill, entitled "An Act to repeal part of and amend an Act passed in the second year of His present Majesty's reign, entitled 'An Act to incorporate a Joint Stock Company to improve the Navigation of the Grand River,'" was read a second time, and it was—

Ordered, that the House be put into a Committee of the whole, to-morrow, to take the same into consideration.

House adjourns

On motion made and seconded, the House adjourned.

FRIDAY, 18th JANUARY, 1833.

House meets

The House met pursuant to adjournment.

PRESENT,

Members present

<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER.	<i>The Honorable Messrs.</i> McDONELL,
<i>The Honorable Messrs.</i> CLARK,	" " ELMSLEY,
" " DICKSON,	" " BALDWIN,
" " ALLAN,	" " CROOKS.

*Prayers were read.*

The minutes of yesterday were read.

River St. Lawrence Navigation bill read a second time

Pursuant to the order of the day, the Bill, entitled "An Act granting to His Majesty a sum of money to be raised by debenture, for the improvement of the Navigation of the River Saint Lawrence," was read a second time, and it was—

Forty-fourth rule dispensed with

Ordered, that the forty-fourth rule of this House be dispensed with as it regards this Bill, and that the House be put into a Committee of the whole this day, to take the same into consideration.

Friday, 18th January, 1833.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

A deputation from the Commons House of Assembly returned the Bill, entitled "An Act to define the limits of the Town of Hamilton, in the Gore District, and to establish a Police and Public Market therein;" and acquainted this House that the Commons House of Assembly had acceded to the amendments made by the Legislative Council, in and to the same.

Hamilton town limits bill (as amended) acceded to by Assembly

Pursuant to the order of the day, the address of the Commons House of Assembly to the King, transmitted to this House for concurrence, on the subject of taxing Emigrants coming from the United Kingdom, was read a second time, and it was—

Address to the King on Emigrant Tax read second time

Ordered, that the forty-fourth rule of the House be dispensed with as it regards the same, and that the House be put into a Committee of the whole, this day, to take the same into consideration.

Forty-fourth rule dispensed with

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill, entitled, "An Act to repeal part of, and amend an Act passed in the second year of His present Majesty's Reign, entitled, 'An Act to incorporate a Joint Stock Company to improve the Navigation of the Grand River.'"

Grand River Navigation bill committed

The Honorable Mr. Crooks took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and recommended that it be referred to a Select Committee of three Members, with power to send for persons and papers, and to report thereon.

Reported

Ordered, that the Report be received, and,

Ordered that the said Bill be referred to a Select Committee of three Members, with power to send for persons and papers, and to report thereon, and

And referred to a Select Committee

Ordered, that the Honorable Messrs. Allan, McDonell, and Elmsley, do compose the same.

Members composing same

Pursuant to order, the House was put into a Committee of the whole upon the Bill, entitled, "An Act granting to His Majesty a sum of money, to be raised by Debenture, for the improvement of the Navigation of the River Saint Lawrence."

River St. Lawrence Navigation bill committed

The Honorable Mr. Elmsley took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again, on Monday next.

Reported and leave asked to sit again

Ordered, that the Report be received and leave granted accordingly, and

Leave granted

Ordered, that in the mean time, the said Bill be printed for the use of Members.

Bill ordered to be printed

Pursuant to order, the House was put into a Committee of the whole upon the address of the Commons House of Assembly to the King, transmitted to this House for concurrence, on the subject of taxing Emigrants coming from the United Kingdom.

Address to the King on Emigrant Tax committed

The Honorable Mr. Dickson took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the address, and recommended the same without amendment, to the adoption of the House.

Reported

Ordered, that the report be received; and

Adopted

Ordered, that the said address be read a third time on Monday next.

The Honorable Mr. Baldwin from the Select Committee to whom was referred the Bill entitled "An Act to authorise the erection of Mill-Dams upon the River Thames, in the London District," presented their report.

Report of the Select Committee on the River Thames Mill-dam bill, presented

Ordered, that the Report be received, and,

The same was then read by the Clerk as follows:

Same read

The Committee of the Honorable the Legislative Council, to whom was referred the Bill from the Assembly, entitled, "An Act to authorise the erection of Mill-dams upon the River Thames, in the London District," beg leave to report,

That having had access to information from several Gentlemen of respectability, residing in that part of the Province, and who are intimately acquainted with the River Thames, where the Mill-dams are proposed to be built, are satisfied, that if not carried higher than is mentioned in the said Bill, no land will be flooded; consequently, the Clauses of the said Bill providing for the appointment of Arbitrators to value damage done to lands injured by their

The Report

Saturday, 19th January, 1833.

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erection, become altogether useless and unnecessary. Your Committee have therefore expunged them from the Bill,—but in order more effectually to guard the interests of individuals, they have limited the height of said Dams, so as that they shall not flood or otherwise injure any lands lying upon the said River above them.

They have also deemed it necessary to amend the preamble of the Bill, so as to comport more nearly with its provisions when so altered.

Your Committee have further deemed it their duty to recommend to Your Honorable House, provision to be made, that in case of the Navigation being obstructed by the contemplated erections, the Act shall become void; also a proviso that no toll shall be levied for passing the said Locks.

Much as Your Committee value the advantage which the public, as well as individuals will derive from the building of additional Mills in this part of the Province, (which their enquiry leads them to believe are much wanted) yet they deem it of still greater importance to preserve open for the purposes of Navigation, a River of so much consequence as the Thames, the only outlet of a rich and flourishing Country, and which must shortly, from the great and rapid increase of its population, become one of the finest settlements in it.

In addition therefore to the precautions taken to protect the public interests by the clauses above recommended for adoption by your Honorable House, they have added one, reserving to the Legislature the right any time hereafter, when in their opinion the public interests shall require it, either to amend or repeal the said Act.

All which is respectfully submitted.

(Signed)

A. BALDWIN,  
CHAIRMAN.

*Legislative Council Chamber,*  
13th day of January, 1833.

Ordered, that the same, together with the Bill, be referred to a Committee of the whole House on Monday next.

Niagara Quarter Sessions repeal bill brought in

The Honorable Mr. Clark brought in a Bill to repeal the laws now in force respecting the times of sitting of the General Quarter Sessions in the District of Niagara.

Read 1st time

The said Bill was read; and it was—

Ordered, that the same be read a second time on Monday next.

Members summoned

Ordered, that the Members in Town be summoned to attend in their places on Monday next.

House adjourns

On motion made and seconded, the House adjourned.

SATURDAY, 19th JANUARY, 1833.

House meets

The House met pursuant to adjournment.

PRESENT,

Members present

<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Honorable Messrs.</i> ELMSLEY,
<i>The Honorable Messrs.</i> CLARK,	“ “ BALDWIN,
“ “ DICKSON,	“ “ CROOKS.
“ “ McDONELL,	

*Prayers were read.*

The Minutes of yesterday were read.

Messages from Lieutenant Governor

Three Messages from His Excellency the Lieutenant Governor were delivered by Mr. Secretary Rowan, who being retired, the Speaker read the same, and they were again read by the Clerk as follows:—

J. COLBORNE,

On the subject of a Despatch from His Majesty's Secretary of State for the Colonies, relative to grievances, said to exist in this Province,

The Lieutenant Governor acquaints the Legislative Council, that he has received a Despatch containing the opinion and comments of His Majesty's Secretary of State for the Colonies, upon the subject of the grievances said to exist in this Province, and for the redress of which various Petitions have been addressed to His Majesty, and referring to statements communicated to the Secretary of State by Mr. McKenzie.

Monday, 21st January, 1833.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

The Lieutenant Governor will forward the whole of these Documents to the Legislative Council, so soon as they can be copied.

GOVERNMENT HOUSE,  
19th January, 1833.

J. COLBORNE,

The Lieutenant Governor transmits to the Legislative Council, copies of such Reports of District and Common Schools as have been received since last year.

Transmitting District and common School reports

GOVERNMENT HOUSE,  
19th January 1833.

J. COLBORNE,

The Lieutenant Governor transmits to the Legislative Council, the accompanying copy of a Report from the Commissioners of the Burlington Bay Canal, on the state and completion of that work; and also of a Petition from Mr. William J. Kerr, which is recommended to the favorable consideration of the Legislative Council.

Transmitting the copy of a report from the commissioners of the Burlington Bay Canal, and a petition from Mr Wm J Kerr

GOVERNMENT HOUSE,  
19th January, 1833.

Ordered, that an Address be presented to the Lieutenant Governor, respectfully thanking him for his several Messages of this day, and assuring His Excellency that the Legislative Council will not fail to give the latter subject their earnest attention; and—

Address of thanks to be presented to Lieutenant Governor therefor

Ordered, that the Honorable Messieurs Clark and Crooks be appointed the Committee for that purpose.

Committee appointed

On motion made and seconded, the House adjourned until Monday next, at one of the clock, P. M.

House adjourns

MONDAY, 21st JANUARY, 1833.

The House met pursuant to adjournment.

House meets

PRESENT,

*The Honorable* JOHN B. ROBINSON, SPEAKER,

*The Honorable Messrs.* DUNN,

*The Honorable Messrs.* BABY,

“ “ ALLAN,

“ “ CLARK,

“ “ JONES,

“ “ DICKSON,

“ “ McDONELL,

“ “ CROOKSHANK.

“ “ ELMSLEY,

*The Hon. & Ven. The* ARCHDEACON OF YORK,

“ “ BALDWIN,

*The Honorable Messrs.* WELLS,

“ “ CROOKS.

“ “ CAMERON,

*The Hon. & Rt. Rev.* BISHOP MACDONELL.

“ “ MARKLAND,

Members present

*Prayers were read.*

The Minutes of Saturday were read.

Pursuant to the order of the day, the Address of the Commons House of Assembly to the King, transmitted to this House for concurrence, on the subject of Taxing Emigrants coming from the United Kingdom, was read a third time and passed.

Address to the King upon the emigrant tax read 3d time and passed

Whereupon the Speaker signed the same; and it was,

same signed,

Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House, that the Legislative Council have passed the said Address.

And Assembly acquainted thereof

Pursuant to the order of the day, the Bill, entitled “An Act to repeal and reduce into one Act, the several laws now in force establishing District Courts and regulating the practice thereof, and also to extend the powers and jurisdiction of said District Courts, and further to regulate the practice of the said District Courts in this Province,” was read a second time; and it was—

District Court Bill read 2nd time

Ordered, that the House be put into a Committee of the whole to-morrow, to take the same into consideration.

The order of the day for the House to be again put into a Committee of the whole upon the Bill, entitled, “An Act to establish a Police in the Town of Prescott, in the Johnstown District,” being read, it was—

Order of the day read for re-committing Prescott Police bill,

Monday, 21st January, 1833.

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Same discharged

Ordered to be discharged, and that the same do stand upon the order of the day for Thursday next.

River St. Lawrence  
Navigation bill  
re-committed

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the Bill, entitled, "An Act granting to His Majesty a sum of money, to be raised by debenture, for the improvement of the Navigation of the River Saint Lawrence."

The Honorable Mr. Elmsley took the Chair.

After some time the House resumed.

Reported

The Chairman reported that the Committee had gone through the said Bill, and recommended the same without amendment to the adoption of the House.

Adopted

Ordered, that the Report be received, and,

Ordered, that the said Bill be read a third time on Thursday next.

River Thames Mill  
dam bill re-committed

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the Bill, entitled "An Act to authorise the erection of Mill Dams upon the River Thames, in the London District."

The Honorable Mr. Baldwin took the Chair.

After some time the House resumed.

Amendments reported,

The Chairman reported that the Committee had taken the said Bill into consideration, and had made some amendments thereto, which they recommended to the adoption of the House.

Ordered, that the report be received, and

Read 1st time,

The said amendments were then read by the Clerk as follows :

Press. 1, Line 3.—After the name "Hunt," insert "in the Township of Westminster."

" " " 19.—After the word "sites," expunge the remainder of the preamble, and insert "of such height as will not flood or otherwise injure any lands lying above the same."

The amendments

1st Enacting Clause.—After the word "same," in the twentieth line, expunge the remainder of the Bill, and insert "That it shall and may be lawful for any person or persons, having first obtained permission by an instrument under his or their hands and seals, from the proprietor or proprietors, his or their heirs and assigns, to erect one Dam upon each or either of the above mentioned sites, of such height only as will not flood or otherwise injure any lands lying above the same : Provided always, that such Dam or Dams shall be construed with suitable Locks for the safe and convenient passage of such Boats or other Craft as are now or may hereafter be in use upon the said River ; and also inclined planes, of not less than forty feet in length and thirty feet in width, and good and sufficient aprons for the safe passage of Rafts and the ascent of Fish, and to maintain and keep the same in good repair, free from toll or other charge, as long as the said Dam or Dams shall exist.

"2. And be it further enacted by the authority aforesaid, that if the passage aforesaid shall at any time be obstructed for the period of twenty days successively, the grant hereby intended to be made shall be absolutely void."

"3. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the Legislature of this Province, at any time hereafter, when in their opinion the public interest shall require it, either to amend or repeal this Act."

The said amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House ; and it was,

Ordered, that they be engrossed, and the said Bill, as amended, read a third time to-morrow.

Pursuant to the order of the day, the Bill to repeal the laws now in force respecting the times of sitting of the General Quarter Sessions in the District of Niagara, was read a second time, and it was—

Niagara Quarter  
Sessions repeal bill  
read 2nd time

22nd & 23rd January, 1833.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

Ordered, that the House be put into a Committee of the whole, to-morrow, to take the same into consideration.

The Honorable Mr. Jones brought up the Petition of Willet Casey, and others, Inhabitants and Freeholders of this Province; which was laid on the table.

Petition of Willet Casey and others, brought up

On motion made and seconded, the House adjourned.

House adjourns

TUESDAY, 22nd JANUARY, 1833.

The House met pursuant to adjournment.

House meets

PRESENT,

*The Honorable* JOHN B. ROBINSON, SPEAKER.

*The Honorable Messrs.* JONES,

*The Honorable Messrs.* CLARK,

“ “ McDONELL,

“ “ DICKSON,

“ “ ELMSLEY.

“ “ ALLAN,

“ “ BALDWIN,

Members present

*Prayers were read.*

The Minutes of yesterday were read.

Pursuant to the order of the day, the Bill entitled, “An Act to authorise the erection of Mill-dams upon the River Thames, in the London District,” was, as amended, read a third time; and,

River Thames Mill-dam bill (as amended) read 3d time and passed

The question being put, whether this Bill, as amended, should pass, it was carried in the affirmative:

Whereupon the Speaker signed the amendments; and it was,

Amendments signed

Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House, that the Legislative Council have passed this Bill with amendments, to which they desire the concurrence of the Commons House of Assembly.

Sent to Assembly for concurrence

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill, entitled “An Act to repeal and reduce into one Act the several laws now in force establishing District Courts and regulating the practice thereof, and also to extend the powers and jurisdiction of said District Courts, and further to regulate the practice of the said District Courts in this Province,”

District Court Bill committed

The Honorable Mr. Elmsley took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again on Friday next.

Reported and leave asked to sit again

Ordered, that the Report be received, and leave granted accordingly.

Leave granted

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill to repeal the laws now in force respecting the times of sitting of the general Quarter Sessions, in the District of Niagara.

Niagara Quarter Sessions bill committed

The Honorable Mr. Dickson took the Chair.

After some time the Chairman left the chair, and the House formed.

House forms

On motion made and seconded, the House adjourned.

House adjourns

WEDNESDAY, 23rd JANUARY, 1833.

The House met pursuant to adjournment.

House meets

PRESENT,

*The Honorable* JOHN B. ROBINSON, SPEAKER.

*The Hon. & Ven. the* ARCHDEACON OF YORK,

*The Honorable Messrs.* CLARK,

*The Honorable Messrs.* JONES,

“ “ DICKSON,

“ “ McDONELL,

“ “ CROOKSHANK,

“ “ CROOKS,

Members present

*Prayers were read.*

The Minutes of yesterday were read.

U

Wednesday, 23rd January, 1833.

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Petition of Willet Casey and others read

Pursuant to the order of the day, the petition of Willet Casey, and others, inhabitants and freeholders of this Province, praying for a more equal distribution of the property of persons dying intestate, was read.

Report of the Select Committee upon British America Life and Fire Assurance Bill presented

The Honorable Mr. Clark, from the Select Committee to whom was referred the Bill entitled "An Act to Incorporate a Company under the style and title of the British America Life and Fire Assurance Company," presented their report.

Ordered, that the report be received, and,

Same read

The same was then read by the Clerk as follows :—

The Committee of the Honorable the Legislative Council to whom was referred the bill from the Assembly entitled, "An Act to incorporate a Company under the style and title of the British America Life and Fire Assurance Company," beg leave to report—

That waiving all considerations of the effects of such an Institution, or the benefit to be derived to the Inhabitants of Upper Canada, by the early adopting a system complicated in the detail, and onerous in the management, your Committee directed their attention solely to the examination of the several clauses, in making them as nearly conformable as possible to the general provisions of Joint Stock Companies already in operation in this Province.

The Report

The first amendment, therefore, which your Committee beg leave to recommend for adoption by your Honorable House, is, to insert the names of all the Petitioners, instead of the few mentioned in the bill, from a conviction that however respectable in private life, yet your Committee fear they are not sufficiently well known in distant parts of the Province, nor is it believed they possess sufficient capital to give confidence in an Institution of the kind; whereas by the insertion of the names of all the Petitioners, the difficulties alluded to must in a great measure vanish, as they are amongst the most respectable and wealthy in the Province. Your Committee would also remark, that the phraseology of the bill does not agree with its title, which is the "Life and Fire," whereas throughout the bill it is called the "Fire and Life": your Committee would therefore recommend that the title of the bill should be altered so as to conform to the language used in its different clauses; also, that the word "Company" should be substituted throughout for "Institution." The words "life and Fire" are also omitted in the preamble.

In the first enacting clause, the word "be" is used instead of "become"; and in the seventh clause, there is an obscurity as to the manner of voting, and no provision for voting in a ratio proportioned to the shares which each Stockholder may be entitled to vote upon; and in the tenth clause, no provision is made in case the votes at any time should be equal.

In the sixteenth clause no limit is fixed for calling in instalments, either as to time or amount, which might operate injuriously to the interest of stockholders.

Your Committee would further recommend to your Honorable House to amend the Bill by inserting a clause limiting its use, should it become a law, otherwise the Province might be long without an institution which, in their opinion, cannot fail greatly to promote its prosperity, should the present applicants fail to procure sufficient funds to carry it into effect.

To meet these objects your Committee have framed clauses.

All which is most respectfully submitted.

(Signed)

THOMAS CLARK,  
CHAIRMAN.

*Committee Room, Legislative Council,  
January, 23, 1833.*

Ordered, that the said Bill, together with the above Report of the Select Committee thereon, be referred to a Committee of the whole House to-morrow.

Members in town summoned

Ordered, that the Members in Town be summoned to attend in their places to-morrow.

Kingston Bank Bill brought up from Assembly

A deputation from the Commons House of Assembly brought up a Bill, entitled, "An Act to alter and amend the provisions of an Act passed in the last Session of the Provincial Parliament, entitled "An Act to incorporate certain persons under the style and title of the Commercial Bank of the Midland District," to which they requested the concurrence of this House. The same Deputation returned the Bill, entitled "An Act to reduce the number of cases in which capital punishment may be inflicted; to provide other punishment for offences which shall no longer be capital after the passing of this Act; to abolish the privilege called

Capital punishment bill returned by Assembly, with amendments

Wednesday, 23rd January, 1833.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

benefit of Clergy, and to make other alterations in certain criminal proceedings before and after conviction;" and acquainted this House, that the Commons House of Assembly had made certain amendments thereto, to which they desired the concurrence of the Legislative Council, and withdrew.

A Deputation from the Commons House of Assembly brought up a Bill, entitled "An Act relating to the bailing and commitment, removal and trial of Prisoners in certain cases," to which they requested the concurrence of this House, and then withdrew.

A deputation from the Commons House of Assembly brought up a Bill, entitled "An Act to continue an Act passed in the eleventh year of the reign of His late Majesty King George the Fourth, entitled "An Act to revive and continue with certain modifications an Act passed in the fifty-ninth year of His late Majesty's reign, entitled 'An Act to alter the laws now in force for granting Licences to Innkeepers, and to give to the Justices of the Peace in General Quarter Sessions assembled for their respective Districts, authority to regulate the duties hereafter to be paid on such Licences," to which they requested the concurrence of this House, and then withdrew.

The Bill, entitled "An Act to alter and amend the provisions of an Act passed in the last Session of the Provincial Parliament, entitled "An Act to incorporate certain persons under the style and title of the Commercial Bank of the Midland District," was read; and it was—

Ordered, that the same be read a second time to-morrow.

A deputation from the Commons House of Assembly brought up a Bill, entitled "An Act to afford relief to the sufferers who sustained loss during the late war with the United States of America; also a Bill, entitled "An Act for amending the law of evidence in certain cases;" also a Bill entitled "An Act for the more convenient recovery of Estreats," to which they requested the concurrence of this House, and then withdrew.

The amendments made by the Commons House of Assembly, in and to the Bill, entitled "An Act to reduce the number of cases in which capital punishment may be inflicted; to provide other punishment for offences which shall no longer be capital after the passing of this Act; to abolish the privilege called benefit of Clergy, and to make other alterations in certain criminal proceedings before and after conviction," were read as follows:

Amendments made by the Commons House of Assembly, in and to the Bill sent down from the Honorable the Legislative Council, entitled "An Act to reduce the number of cases in which capital punishment may be inflicted; to provide other punishment for offences which shall no longer be capital after the passing of this Act; to abolish the privilege called benefit of Clergy, and to make other alterations in certain criminal proceedings before and after conviction."

Press. 2.—Expunge the seventh clause.

" 8.—Expunge the twentieth clause.

" "—Expunge the twenty-first clause, and insert "And be it further enacted by the authority aforesaid, that when any person shall be convicted of murder and executed therefor, the body of such murderer shall be delivered by the Sheriff or his Deputy and his Officers, to a Surgeon, for the purpose of being dissected and anatomised."

" " Line 3, from the bottom.—Expunge the word "hereby."

" 9, " 7.—After the word "anatomized," expunge the remainder of the clause.

" 11, After the last clause, insert "And be it further enacted by the authority aforesaid, that judgment of death shall in no case be carried into execution in less than one month after conviction and sentence passed."

Ordered, that the said amendments be read a second time to-morrow.

The Bill, entitled "An Act relating to the bailing and commitment, removal and trial of Prisoners in certain cases," was read; and it was—

Ordered, that the said Bill be read a second time on Monday next, and—

Ordered, that in the mean time it be printed for the use of Members.

The Bill, entitled "An Act to continue an Act passed in the eleventh year of the reign of His late Majesty King George the Fourth, entitled 'An Act to revive and continue with certain modifications an Act passed in the fifty-ninth year of His late Majesty's reign, entitled

Prisoners commitment bill brought up from Assembly

Tavern Licence bill brought up from Assembly

Kingston Bank bill read 1st time,

Second War Loss bill brought up from Assembly

Also Evidence Law amendment bill, and Estreats recovery bill

Amendments of Assembly to Capital Punishment bill read first time

The amendments

Prisoners commitment bill read 1st time

And ordered to be printed.

Tavern Licence bill read first time

Thursday, 24th January, 1833.

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'An Act to alter the laws now in force for granting Licenses to Innkeepers, and to give to the Justices of the Peace in General Quarter Sessions assembled for their respective Districts, authority to regulate the duties hereafter to be paid on such Licenses,' was read; and it was, Ordered, that the said Bill be read a second time to-morrow.

Second War Loss Relief bill read first time

The Bill, entitled "An Act to afford further relief to the sufferers who sustained loss during the late War with the United States of America," was read; and it was— Ordered, that the said Bill be read a second time to-morrow.

Evidence Law amendment bill read first time

The Bill, entitled "An Act for amending the law of evidence in certain cases," was read; and it was—

Ordered, that the said Bill be read a second time to-morrow.

Estreats recovery bill read 1st time

The Bill, entitled "An Act for the more convenient recovery of Estreats," was read; and it was—

Ordered, that the said Bill be read a second time to-morrow.

First War Loss relief bill ordered to be re-committed

Ordered, that the House be again put into a Committee of the whole, on the Bill, entitled "An Act to repeal certain parts of an Act passed in the eleventh year of the reign of His late Majesty, entitled 'An Act for the relief of the sufferers who sustained loss during the late War with the United States of America;'" and also of a certain other Act passed in the same year, entitled "An Act to authorise the Receiver General of the Province to raise by debenture, on the credit of certain duties therein mentioned, a sum of money for the relief of the sufferers during the late War with the United States, and for affording further relief to the said sufferers," and that the same do stand upon the order of the day for to-morrow.

House adjourns

On motion made and seconded, the House adjourned.

THURSDAY, 24TH JANUARY, 1833.

House meets

The House met, pursuant to adjournment.

PRESENT,

Members present

<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER.	<i>The Honorable Messrs.</i> DUNN,
<i>The Honorable Messrs.</i> BABY,	" " ALLAN,
" " CLARK,	" " JONES,
" " DICKSON,	" " McDONELL,
" " CROOKSHANK,	" " ELMSLEY,
<i>The Hon. &amp; Ven. the</i> ARCHDEACON OF YORK,	" " BALDWIN,
<i>The Honorable Messrs.</i> WELLS,	" " CROOKS,
" " CAMERON,	<i>The Hon. &amp; Rt. Rev.</i> BISHOP MACDONELL.
" " MARKLAND,	

*Prayers were read.*

The minutes of yesterday were read.

Saint Lawrence Navigation bill read third time and passed

Pursuant to the order of the day, the Bill, entitled "An Act granting to His Majesty a sum of money to be raised by debenture, for the improvement of the Navigation of the River Saint Lawrence," was read a third time and passed.

Same signed,

Whereupon the Speaker signed the same; and it was,

Assembly acquainted thereof

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House that the Legislative Council have passed this Bill without amendment.

Prescott Police bill re-committed

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill, entitled, "An Act to establish a Police in the Town of Prescott, in the Johnstown District."

The Honorable Mr. Clark took the Chair.

After some time the House resumed.

Reported, and leave asked to sit again

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again on Monday next.

Leave granted

Ordered, that the report be received and leave granted accordingly.

British America Life and Fire Assurance bill re-committed

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill, entitled "An Act to incorporate a Company under the style and title of the British America Life and Fire Assurance Company."

The Honorable Mr. Allan took the Chair.

Thursday, 24th January, 1833.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, and had made some amendments thereto, which they were ready to submit whenever the House would be pleased to receive the same. Amendments reported,

Ordered, that the report be received to-morrow.

Pursuant to the order of the day, the Bill, entitled "An Act to alter and amend the provisions of an Act passed in the last Session of the Provincial Parliament, entitled 'An Act to incorporate certain persons under the style and title of the Commercial Bank of the Midland District,'" was read a second time; and it was— Kingston Bank bill read 2nd time

Ordered, that the House be put into a Committee of the whole to-morrow, to take the same into consideration.

Pursuant to the order of the day, the amendments of the Commons House of Assembly, made in and to the Bill sent down from this House, entitled "An Act to reduce the number of cases in which capital punishment may be inflicted; to provide other punishment for offences which shall no longer be capital after the passing of this Act; to abolish the privilege called benefit of Clergy, and to make other alterations in certain criminal proceedings before and after conviction," were read a second time; and it was— Amendments of Assembly to Capital punishment Bill, read 2d time

Ordered, that the House be put into a Committee of the whole to-morrow, to take the same into consideration.

Pursuant to the order of the day, the Bill, entitled "An Act to continue an Act passed in the eleventh year of the reign of His late Majesty King George the Fourth, entitled 'An Act to revive and continue with certain modifications an Act passed in the fifty-ninth year of His late Majesty's Reign, entitled 'An Act to alter the laws now in force for granting Licences to Innkeepers, and to give to the Justices of the Peace in General Quarter Sessions assembled for their respective Districts, authority to regulate the duties hereafter to be paid on such Licences,'" was read a second time, and it was— Tavern Licence bill read 2d time

Ordered, that the House be put into a Committee of the whole to-morrow, to take the same into consideration.

Pursuant to the order of the day, the Bill, entitled "An Act to afford further relief to the sufferers who sustained loss during the late War with the United States of America," was read a second time; and it was— Second War Loss Relief bill read second time

Ordered, that the House be put into a Committee of the whole to-morrow, to take the same into consideration.

Pursuant to the order of the day, the Bill, entitled "An Act for amending the law of Evidence in certain cases," was read a second time; and it was— Evidence Law amendment bill read second time

Ordered, that the House be put into a Committee of the whole to-morrow, to take the same into consideration.

Pursuant to the order of the day, the Bill entitled "An Act for the more convenient recovery of Estreats," was read a second time; and it was— Estreats recovery Bill read second time

Ordered, that the House be put into a Committee of the whole to-morrow, to take the same into consideration.

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the bill entitled "An Act to repeal certain parts of an Act passed in the eleventh year of the reign of His late Majesty, entitled 'An Act for the relief of the sufferers who sustained loss during the late War with the United States of America;'" and also of a certain other Act passed in the same year, entitled "An Act to authorise the Receiver General of the Province to raise by debenture, on the credit of certain duties therein mentioned, a sum of money for the relief of the sufferers during the late War with the United States, and for affording further relief to the said sufferers." First War Loss Relief Bill re-committed

The Honorable Mr. Crookshank, took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the Bill, and recommended the same, without amendment, to the adoption of the House. Reported

Ordered, that the Report be received, and,

Ordered, that the said Bill be read a third time to-morrow. Adopted

Friday, 25th January, 1833.

THIRD SESSION 11th PROVINCIAL PARLIAMENT, 3d WILLIAM IV.

Report of the Select  
Committee upon  
Grand River Naviga-  
tion bill presented

The Honorable Mr. Allan, from the Select Committee to whom was referred the Bill, entitled, "An Act to repeal part of, and amend an Act passed in the second year of His present Majesty's Reign, entitled, 'An Act to incorporate a Joint Stock Company to improve the Navigation of the Grand River,'" presented their Report.

Read

Ordered, that it be received, and the same was read by the Clerk as follows :

The Report

The Select Committee of the Legislative Council, to whom was referred the Bill, entitled "An Act to repeal part of and amend an Act passed in the second year of His present Majesty's reign, entitled 'An Act to incorporate a Joint Stock Company to improve the Navigation of the Grand River'"—beg leave to Report :

That having had plans of the Grand River laid before your Committee, and having explanations made of the object of the Bill now before your Honorable House, your Committee are satisfied that the repeal of the clause will be attended with good effect, that it will reduce the depth of water to three feet instead of five, to the Mohawk Castle, and save much excavation and expense without being injurious to the Navigation by Boats and Rafts, and from the Mohawk Castle upwards, leaves the provisions of the Statute operative and binding on the Company. Therefore your Committee recommend to your Honorable House the passing of the Bill without amendment.

All which is respectfully submitted.

(Signed)

WILLIAM ALLAN,

CHAIRMAN.

*Legislative Council Committee Room,  
January, 23rd, 1833.*

Ordered, that the said Bill and the above Report be referred to a Committee of the whole House to-morrow.

Committee appointed  
to prepare Address to  
Lieutenant Governor,  
requesting him to  
transmit the joint  
Address upon the  
Emigrant Tax

Ordered, that a Select Committee be appointed to prepare an Address to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to transmit the Joint Address on the subject of the Tax by Lower Canada on Emigrants to the Secretary of State for the Colonies, in order that it may be laid at the foot of the Throne, and—

Members composing  
the same  
House adjourns,

Ordered, that the Honorable Messrs. Dickson and Crookshank do compose the same.

On motion made and seconded, the House adjourned.

FRIDAY, 25th JANUARY, 1833.

House meets

The House met pursuant to adjournment.

PRESENT,

Members present

*The Honorable JOHN B. ROBINSON, SPEAKER,*

*The Honorable Messrs. ALLAN,*

*The Honorable Messrs. CLARK,*

" " JONES,

" " DICKSON,

" " McDONELL,

" " CROOKSHANK.

" " CROOKS.

*Prayers were read.*

The Minutes of yesterday were read.

Order of the day  
read for third reading  
of first War Loss  
Relief bill

The order of the day for a third reading of the Bill, entitled "An Act to repeal certain parts of an Act passed in the eleventh year of the reign of His late Majesty, entitled 'An Act for the relief of the sufferers who sustained loss during the late War with the United States of America,'" and also of a certain other Act passed in the same year, entitled "An Act to authorise the Receiver General of the Province to raise by debenture, on the credit of certain duties therein mentioned, a sum of money for the relief of the sufferers during the late War with the United States, and for affording further relief to the said sufferers," being read ; it was—

Same discharged

Ordered that the same be discharged, and that it do stand upon the order of the day for Monday next.

District Court Bill  
re-committed

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill, entitled "An Act to repeal and reduce into one Act, the several laws now in force establishing District Courts and regulating the practice thereof, and also to extend the powers and jurisdiction of said District Courts, and further to regulate the practice of the said District Courts in this Province."

Friday, 25th January, 1833.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

The Honorable Mr. Dickson took the Chair.

A message being announced, the Chairman left the Chair and the House formed.

Message from  
Assembly

A deputation from the Commons House of Assembly brought up a Bill, to which they requested the concurrence of this House and then withdrew.

A bill brought up

The House was then again put into a Committee of the whole, upon the Bill, entitled "An Act to repeal and reduce into one Act the several laws now in force establishing District Courts and regulating the practice thereof, and also to extend the powers and jurisdiction of said District Courts, and further to regulate the practice of the said District Courts in this Province."

District Court bill  
re-committed

The Honorable Mr. Dickson took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again this day three months.

Reported, and leave  
asked to sit again in  
three months

Ordered, that the report be received, and leave granted accordingly.

Leave granted

His Honor the Speaker reported to the House, that a deputation from the Commons House of Assembly had brought up a Bill, entitled, "An Act to authorise the Magistrates of the Eastern District to borrow a further sum of money for the completion of the Gaol and Court House in the said District, and for enclosing the same; and also to empower the said Magistrates to continue the assessments already imposed for building the said Gaol and Court House, until the money so borrowed shall be repaid, with the interest," to which they requested the concurrence of this House.

Speaker reports the  
receipt of Eastern  
District Gaol and  
Court House Loan  
bill from Assembly

The said Bill was then read, and it was—

Read 1st time,

Ordered, that the same be read a second time to-morrow.

Pursuant to the order of the day, the Honorable Mr. Allan, from the Committee of the whole House upon the Bill, entitled "An Act to incorporate a Company under the style and title of the British America Life and Fire Assurance Company," reported that the Committee had taken the said Bill into consideration, and had made some amendments thereto, which they recommended to the adoption of the House.

Amendments to  
British America Life  
and Fire Assurance  
Bill presented

Ordered, that the Report be received, and,

The said amendments were then read by the Clerk as follows :

Read 1st time

In the Title.—Expunge "Life and Fire," and insert "Fire and Life."

The amendments

Press. 1, Line 2.—Expunge the words "and divers others," and insert "Thomas Wallis, Richard H. Oates, Wm. Stennett, Alex. Erskine, Geo. Munro, William Proudfoot, James King, Alex. Wood, John Strachan, Thos. Mercer, Jones, James Cull, R. B. Sullivan, A. W. Hart, Gamble & Birchall, Christopher A. Hagerman, W. B. Jarvis, John Rolph, R. A. Parker, Samuel P. Jarvis, Watkins & Harris, R. C. Ferrier, S. Washburn, John Ross, J. Baby, J. M. Strange, John Kitson, S. Cockburn, S. P. Hurd, J. G. Chewett, B. H. Bonycastle, G. W. Haughton, Thomas Bell, M. McNamara, James Such, George A. Barber, John H. Dunn, Alexander Hamilton, Peter Deihl, John Bishop, Sen'r., H. J. Boulton, C. J. Baldwin, J. Elmsley."

" " " 3.—After "America," insert "Fire and Life."

" " " 4.—Expunge "Institution," and insert "Company."

" " " 15.—Expunge "be," and insert "become."

" " " 18.—After the word "America," insert "Fire and Life."

" " " 19.—Expunge "Institution," and insert "Company."

" 2, " 1.—After "America," insert "Fire and Life."

" 3, " 5.—After the words "in person," insert "and all Elections shall be by ballot, and."

" " " 5.—After the word "each," expunge the remainder of the line, and insert "Stockholders shall be entitled to a number of votes, proportioned to the number of shares which he or she shall have held in his or her own name, at least three months prior to the time of voting, according to the following ratio, that is to say, at the rate of one vote for each share not exceeding four, five votes for six shares, six votes for eight shares, seven votes

Friday, 25th January, 1833.

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for ten shares, and one vote for every five shares above ten, and no proxies admitted of any person living out of the Province of Upper Canada."

Press. 4, Line 9.—After the word "vote," add "and in case of an equality of votes, the presiding officer shall give the casting vote, over and above his proper vote, as a Director."

" 5, " 21.—After the word "or," insert "Assurance."

" 6, " 3.—After the word "that," insert "no instalment shall exceed ten per centum upon the Capital Stock, nor be called for nor become payable in less than sixty days after public notice shall have been given in at least two Newspapers at the seat of Government."

" 8, " 20.—After "Institution," expunge the remainder of the clause.

" 9, " 17.—Add to the Bill, "And be it further enacted by the authority aforesaid, that this present Act of Incorporation shall in nowise be forfeited for non user at any time before the first day of January 1835."

Read 2nd time and adopted

The said amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House, and it was—

Ordered, that the House be again put into a Committee of the whole, on Monday next, to take the said Bill into further consideration.

Kingston Bank Bill committed

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill, entitled "An Act to alter and amend the provisions of an Act passed in the last Session of the Provincial Parliament, entitled "An Act to incorporate certain persons under the style and title of the Commercial Bank of the Midland District,"

The Honorable Mr. Clark took the Chair.

After some time the House resumed.

Reported

The Chairman reported that the Committee had gone through the Bill, and recommended the same without amendment to the adoption of the House.

Adopted

Ordered, that the Report be received, and—

Ordered, that the said Bill be read a third time to-morrow.

Amendments of Assembly to Capital Punishment bill committed

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the amendments made by the Commons House of Assembly, in and to the Bill sent down from this House, entitled "An Act to reduce the number of cases in which capital punishment may be inflicted; to provide other punishment for offences which shall no longer be capital after the passing of this Act; to abolish the privilege called benefit of Clergy, and to make other alterations in certain criminal proceedings before and after conviction."

The Honorable Mr. Dickson took the Chair.

After some time the House resumed.

Reported and a conference recommended

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and recommended that a conference be desired with the Commons House of Assembly on same.

Ordered, that the report be received, and—

A conference ordered

Ordered, that a conference be desired with the Commons House of Assembly on the said Bill accordingly, and—

Conferrees appointed

Ordered, that the Honorable Messrs. Dickson and Jones, be appointed the Conferrees on the part of this House for that purpose; and,

Assembly acquainted of same

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House that the Legislative Council desire a conference with the Commons House of Assembly, on the subject matter of the amendments made by that House in and to the Bill sent down from the Legislative Council, entitled "An Act to reduce the number of cases in which capital punishment may be inflicted; to provide other punishment for offences which shall no longer be capital after the passing of this Act; to abolish the privilege called benefit of Clergy, and to make other alterations in certain criminal proceedings before and after conviction," and have appointed the Honorable Messieurs Dickson and Jones to be a Committee on the part of this House, who will be ready to meet a Committee on the part of the Commons House of Assembly on Monday next, at one of the clock, P. M., in the Committee Room of the Legislative Council for that purpose.

Friday, 25th January, 1833.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill, entitled "An Act to continue an Act passed in the eleventh year of the reign of His late Majesty King George the Fourth, entitled 'An Act to revive and continue with certain modifications an Act passed in the fifty-ninth year of His late Majesty's reign, entitled 'An Act to alter the laws now in force for granting Licenses to Innkeepers, and to give to the Justices of the Peace in General Quarter Sessions assembled for their respective Districts, authority to regulate the duties hereafter to be paid on such Licences."	Tavern Licence bill committed
The Honorable Mr. Crookshank took the Chair.	
After some time the House resumed.	
The Chairman reported that the Committee had gone through the said Bill, and recommended the same without amendment, to the adoption of the House.	Reported
Ordered, that the report be received; and	Adopted
Ordered, that the said Bill be read a third time to-morrow.	
Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill, entitled, "An Act to afford further relief to the sufferers who sustained loss during the late War with the United States of America."	Second War Loss Relief bill committed
The Honorable Mr. Allan took the Chair.	
After some time the House resumed.	
The Chairman reported that the Committee had gone through the said Bill, and recommended the same without amendment to the adoption of the House.	Reported
Ordered, that the Report be received, and,	Adopted
Ordered, that the said Bill be read a third time on Monday next.	
Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill, entitled, "An Act for amending the Law of Evidence in certain cases."	Evidence Law amendment bill committed
The Honorable Mr. Crooks took the Chair.	
After some time the House resumed.	
The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again, on Tuesday next.	Reported and leave asked to sit again
Ordered, that the Report be received and leave granted accordingly, and	Leave granted
Ordered, that the Members in Town be summoned to attend in their places on that day.	Members summoned
The Honorable Mr. Dickson from the Select Committee appointed to draft an address to His Excellency the Lieutenant Governor, praying that his Excellency will be pleased to transmit the joint address on the subject of the Tax by Lower Canada on Emigrants, to the Secretary of State for the Colonies, in order that it may be laid at the foot of the Throne, reported a draft thereof, which he read in his place; and,	Report of the Select Committee appointed to draft an Address to Lieutenant Governor, requesting him to transmit the joint Address upon the Emigrant Tax
The same being again read by the Clerk, the question of concurrence was put thereon, which was carried in the affirmative, and it was,	Draft read 1st time
Ordered, that the address be engrossed, and the same read a third time on Monday next.	Read second time and adopted
The Honorable Mr. Crooks from the Select Committee, to whom was referred the Bill, entitled "An Act to incorporate certain persons under the name and title of the Saint Lawrence Inland Marine Assurance Company," presented their report.	Report of the Select Committee upon St. Lawrence Inland Marine Assurance bill presented
Ordered, that it be received, and	
The same was then read by the Clerk as follows:—	Read
The Committee of the Honorable the Legislative Council, to whom was referred the Bill from the Assembly, entitled, "An Act to incorporate certain persons under the name and title of the Saint Lawrence Inland Marine Assurance Company," beg leave to report,	The Report
That at first sight it appeared to Your Committee, the title of the said bill was inappropriate, inasmuch as the word "Marine" seemed to contemplate insurance upon the Ocean; in the course of their investigation, they have been satisfied however, that this Province may be benefited by Insurance being made upon its productions even beyond its limits, say to any port in the Gulph of St. Lawrence, Halifax, or Newfoundland, hence the word "Marine" may be used with propriety, and moreover, it will distinguish this Company from one already in operation upon the Saint Lawrence, got up by individuals, called the Saint Lawrence Assurance Company.	

Monday, 28th January, 1833.

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In the third Clause no provision is made that the Directors of the said Company shall be subjects of His Majesty, an omission which Your Committee deem essential to be supplied.

In the second Clause, the number of shares which any individual may hold, in the first instance, is fixed at one hundred, a number, as Your Committee think, too great in proportion to the whole number proposed in the Bill; more particularly as they may be increased to any extent, if after two months the whole number is not subscribed for in that time. Your Committee therefore recommend their being reduced to fifty.

In the sixth Clause it is provided, that each share shall entitle its holder to one vote, which is at variance with all the Acts passed by this Legislature for the incorporation of Joint Stock Companies, and would, should it become the law of the land, give the power to a few large Stockholders to control the operation of the Company intended to be incorporated by this bill. Your Committee are therefore of opinion, that the Elections appointed to be held should be in the ratio established in similar Companies. In the Bill submitted for the consideration of Your Committee, should it become a Law, no provision is made for the forfeiture of the Charter in case of non user by a fixed time, nor reserving to the Legislature the power to alter or amend the same at any future time, should the interest of the Province require it; we have therefore prepared Clauses embracing these objects, as well as the proposed amendments in the Bill, which they respectfully submit for the consideration of Your Honorable House.

(Signed)

JAMES CROOKS,  
CHAIRMAN.

*Committee Room, Legislative Council,*  
24th January, 1833.

Ordered, that the said Bill, together with the above mentioned report of the Select Committee thereon, be referred to a Committee of the whole House to-morrow.

House adjourns

On motion made and seconded, the House adjourned until Monday next at eleven of the clock, A.M.

MONDAY, 28th JANUARY, 1833.

House meets

The House met pursuant to adjournment.

PRESENT,

Members present	<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Honorable Messrs.</i> McDONELL,
	<i>The Honorable Messrs.</i> CLARK,	" " ELMSLEY,
	" " DICKSON,	" " BALDWIN,
	" " ALLAN,	" " CROOKS.
	" " JONES,	

*Prayers were read.*

The Minutes of Friday were read.

Kingston Bank Bill  
read 3d time

Pursuant to the order of the day, the Bill entitled, "An Act to alter and amend the provisions of an Act passed in the last Session of the Provincial Parliament, entitled, 'An Act to incorporate certain persons under the style and title of the Commercial Bank of the Midland District,'" was read a third time, and it was

Amendment ordered

Ordered, that the Bill be amended as follows:—

The amendment

In the title, Line 3.—Before "Commercial," insert "President, Directors, and Company of the."

Read 2nd time and  
adopted

The said amendment being read a second time, and the question of concurrence put thereon, it was agreed to by the House, and it was

Ordered, that it be engrossed, and the said Bill as amended read a third time this day.

Tavern Licence bill  
read 3rd time and  
passed

Pursuant to the order of the day, the Bill entitled, "An Act to continue an Act passed in the eleventh year of the reign of His late Majesty King George the Fourth, entitled, 'An Act to revive and continue with certain modifications an Act passed in the fifty-ninth year of His late Majesty's reign, entitled, 'An Act to alter the laws now in force for granting Licenses to Innkeepers, and to give to the Justices of the Peace in General Quarter Sessions

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assembled for their respective Districts, authority to regulate the duties hereafter to be paid on such Licenses," was read a third time and passed.

Whereupon the Speaker signed the same; and it was,

Same signed

Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House, that the Legislative Council have passed this Bill without amendment.

Assembly acquainted thereof

Pursuant to the order of the day, the Bill entitled, "An Act to repeal certain parts of an Act passed in the eleventh year of the reign of His late Majesty, entitled 'An Act for the relief of the sufferers who sustained loss during the late War with the United States of America;' and also of a certain other Act passed in the same year, entitled, "An Act to authorise the Receiver General of the Province to raise by debenture, on the credit of certain duties therein mentioned, a sum of money for the relief of the sufferers during the late War with the United States, and for affording further relief to the said sufferers," was read a third time and passed.

First War Loss Relief Bill read 3rd time and passed

Whereupon the Speaker signed the same; and it was,

Bill signed

Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House, that the Legislative Council have passed this Bill, without amendment.

And Assembly acquainted of same

Pursuant to the order of the day, the Bill entitled, "An Act to afford further relief to the sufferers who sustained loss during the late War with the United States of America," was read a third time and passed.

Second War Loss Relief bill read third and passed

Whereupon the Speaker signed the same; and it was,

Bill signed

Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House, that the Legislative Council have passed this Bill, without amendment.

And Assembly acquainted thereof

A Deputation from the Commons House of Assembly brought up a Bill, entitled, "An Act to incorporate a Joint Stock Company for the construction of a Harbour at the mouth of the Twenty Mile Creek, on Lake Ontario," to which they requested the concurrence of this House, and then withdrew.

Second Twenty Mile Creek Harbour bill brought up from Assembly

The said Bill was then read; and it was—

read first time

Ordered, that the same be read a second time to-morrow.

The Honorable and Venerable the Archdeacon of York enters.

A Member enters

A Deputation from the Commons House of Assembly brought up a Bill, entitled, "An Act to make perpetual an Act passed in the thirty-third year of the Reign of His Majesty King George the third, entitled, 'An Act to provide for the appointment of Returning Officers of the several Counties of this Province, and to make provisions respecting the duties of Returning Officers and expenses attending Elections,'" to which they requested the concurrence of this House. The same Deputation returned the Bill entitled, "An Act to revive and continue an Act passed in the fifty-fifth year of the Reign of King George the third, entitled, "An Act to repeal an Act passed in the fifty-fourth year of His Majesty's Reign, entitled, 'An Act to supply in certain cases, the want of county Courts in this Province, and to make further provision for proceeding to Outlawry in certain cases therein mentioned,'" and acquainted this House that the Commons House of Assembly had passed the same, with amendments, to which they desired the concurrence of the Legislative Council:—the Deputation then withdrew.

Returning Officers regulation bill brought up from Assembly

Outlawry revival bill returned by Assembly amended

The Bill, entitled, "An Act to make perpetual an Act passed in the thirty-third year of the Reign of His Majesty King George the third, entitled, 'An Act to provide for the appointment of Returning Officers of the several counties of this Province, and to make provisions respecting the duties of Returning Officers, and expenses attending Elections.'" was read; and it was

Returning Officers regulation bill read first time

Ordered, that the same be read a second time to-morrow.

The amendments of the Commons House of Assembly made in and to the Bill sent down from this House, entitled, "An Act to revive and continue an Act passed in the fifty-fifth year of the Reign of King George the third, entitled, 'An Act to repeal an Act passed in the fifty-fourth year of His Majesty's Reign, entitled, 'An Act to supply in certain cases, the want of county Courts in this Province, and to make further provision for proceeding to Outlawry in certain cases therein mentioned,'" were then read by the Clerk, as follows:—

Amendments of Assembly to Outlawry revival bill read first time

Amendments made by the Commons House of Assembly in and to the Bill sent down from the Honorable the Legislative Council, entitled, "An Act to revive and continue an Act

The amendments

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passed in the fifty-fifth year of the Reign of King George the third, entitled, 'An Act to repeal an Act passed in the fifty-fourth year of His Majesty's reign, entitled, 'An Act to supply in certain cases, the want of county Courts in this Province, and to make further provision for proceeding to Outlawry in certain cases therein mentioned.'

After the word "notwithstanding," insert, "2. And be it further enacted, by the authority aforesaid, that this Act shall be, and continue in force for the space of six years, and from thence to the end of the next ensuing Session of Parliament, and no longer."

Ordered, that the above amendments be read a second time to-morrow.

Address to Lieut. Governor, praying him to transmit the Joint Address to the King upon the Emigrant Tax, read third time and passed

Pursuant to the order of the day, the address to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to transmit the joint address on the subject of the Tax by Lower Canada on Emigrants, to the Secretary of State for the Colonies, in order that it may be laid at the foot of the Throne, was read a third time, and passed.

Same signed

Whereupon the Speaker signed the same; and it is as follows:—

The Address

*To His Excellency SIR JOHN COLBORNE, Knight, Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's Forces therein, &c. &c. &c.*

MAY IT PLEASE YOUR EXCELLENCY.

We, His Majesty's dutiful and loyal Subjects, the Legislative Council and Commons House of Assembly, have passed an humble address to His Majesty on the subject of the Tax imposed by the Legislature of Lower Canada on Emigrants arriving in the Ports of that Province from the United Kingdom, which we pray Your Excellency will be pleased to transmit to the Principal Secretary of State for the Colonies, in order that it may be laid at the foot of the Throne.

Sent to Assembly for concurrence

Ordered, that the foregoing address be sent to the Commons House of Assembly, by the Master in Chancery, for the concurrence of that House.

Kingston Bank bill, as amended, read 3rd time and passed

Pursuant to order, the Bill, entitled, "An Act to alter and amend the provisions of an Act passed in the last Session of the Provincial Parliament, entitled "An Act to incorporate certain persons under the style and title of the Commercial Bank of the Midland District," was, as amended read a third time, and the question being put whether this Bill as amended should pass, it was carried in the affirmative.

Amendments signed

Whereupon the Speaker signed the amendments, and it was

And sent to Assembly for concurrence

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House that the Legislative Council have passed this Bill with amendments, to which they desire the concurrence of the Commons House of Assembly,

Eastern District Gaol and Court House Loan bill read 2d time

Pursuant to the order of the day, the Bill, entitled, "An Act to authorise the Magistrates of the Eastern District, to borrow a further sum of money for the completion of the Gaol and Court-house in said District, and for enclosing the same, and also to empower the said Magistrates to continue the Assessments already imposed for building the said Gaol and Court-house, until the money so borrowed shall be repaid, with the interest thereon," was read a second time, and it was

Forty-fourth rule dispensed with

Ordered, that the forty-fourth rule be dispensed with as it regards this Bill, and that the House be put into a Committee of the whole, this day, to take the same into consideration.

Prisoners Commitment bill read 2d time

Pursuant to the order of the day, the Bill, entitled "An Act relating to the bailing and commitment, removal and trial of Prisoners in certain cases," was read a second time; and it was—

Ordered, that the House be put into a Committee of the whole, to-morrow, to take the same into consideration.

British America Life and Fire Assurance bill re-committed

Pursuant to the order of the day, the House was put again into a Committee of the whole upon the Bill, entitled "An Act to Incorporate a Company under the style and title of the British America Life and Fire Assurance Company."

The Honorable Mr. Allan took the Chair.

After some time the House resumed.

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The Chairman reported that the Committee had taken the said Bill into consideration, and had made some further amendments thereto, which they were ready to submit whenever the House would be pleased to receive them. Further amendments reported

Ordered, that the report be received to-morrow.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill, entitled "An Act for the more convenient recovery of Estreats." Estreats recovery Bill committed

The Honorable Mr. McDonell took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again on Friday next. Reported, and leave asked to sit again

Ordered, that the Report be received, and leave granted accordingly. Leave granted

The Honorable Messieurs Crookshank and Wells enter. Members enter

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill, entitled "An Act to repeal part of and amend an Act passed in the second year of His present Majesty's reign, entitled 'An Act to incorporate a joint Stock Company to improve the Navigation of the Grand River,'" together with the Report of the Select Committee on same. Grand River Navigation bill re-committed

The Honorable Mr. Crooks took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said Bill, and recommended the same without amendment to the adoption of the House. Reported

Ordered that the Report be received; and—

Ordered, that the said Bill be read a third time on Wednesday next. Adopted

The order of the day being read for the House to be again put into a Committee of the whole, upon the Bill, entitled "An Act to establish a Police in the Town of Prescott, in the Johnstown District," it was— Order of the day read for re-committing Prescott Police bill

Ordered, that the same be discharged. Same discharged

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill, entitled "An Act to incorporate certain persons under the name and title of the Saint Lawrence Inland Marine Assurance Company," together with the Report of the Select Committee on same. St. Lawrence Inland Marine Assurance bill re-committed

The Honorable Mr. Wells took the Chair.

A message being announced the Chairman left the Chair, and the House formed.

A deputation from the Commons House of Assembly brought up and delivered at the Bar of this House, a Message in the following words, and then withdrew. Message from Assembly

MR. SPEAKER,

The Commons House of Assembly accedes to the request of the Honorable the Legislative Council, for a conference on the subject matter of the amendments made by this House, in and to the Bill sent down from the Honorable the Legislative Council, entitled "An Act to reduce the number of cases in which capital punishment may be inflicted; to provide other punishment for offences which shall no longer be capital after the passing of this Act; to abolish the privilege called benefit of Clergy, and to make other alterations in certain criminal proceedings before and after conviction," and have appointed four of its Members, who will be ready to meet the conferrees on the part of the Honorable the Legislative Council for that purpose, at the time and place appointed. Acceding to a conference on the amendments to Capital Punishment bill

(Signed)

ARCHIBALD McLEAN,

SPEAKER.

*Commons House of Assembly,*

*28th day of January, 1833.*

Ordered, that the Committee of Conference on the part of this House be instructed to represent that the Legislative Council has requested this conference with the House of Assembly upon the amendments made to the Bill sent from the Legislative Council, entitled "An Act to reduce the number of cases in which capital punishment may be inflicted; to provide Instructions to the conferrees on the part of this House

Z

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other punishment for offences which shall no longer be capital after the passing of this Act; to abolish the privilege called benefit of Clergy, and to make other alterations in certain criminal proceedings before and after conviction," for the purpose of acquainting the Assembly with the difficulties which the Legislative Council finds in concurring in that amendment, which provides that sentence of death shall in no case be carried into effect within one month from the time of passing such sentence.

In considering the details of the Bill, which is intended to effect a great mitigation in the criminal law of this Province, the Council gave particular attention to that provision of the existing law which renders it incumbent upon the Judge, in cases of murder, involving no doubt upon the law or upon the evidence, to appoint the execution of the convict to take place on the day next but one after the sentence passed, unless it be Sunday, and then on the Monday following. The apparent rigor of that provision led naturally to the consideration whether it could be properly dispensed with, but discussion and mature reflection brought the Council to the conclusion that it was better not to depart from the existing law in this particular.

After an experience of eighty years since the Statute of 28th Geo. 2d was passed, which ordained the above mentioned regulation in cases of murder, the Parliament of the United Kingdom have thought it proper to retain it, and to re-enact it expressly while making alterations in other parts of the criminal law. It will be observed, that the Statute is so far cautiously expressed, that in cases of any doubt upon the law of the case, the passing of the sentence may be suspended, and the Judge has also the discretionary power to respite the execution of it for any cause, a discretion which it will be readily believed would be gladly exercised wherever a recommendation to mercy could be conscientiously made.

The direction constitutes the general rule, admitting of exceptions, which in practice are not unfrequently made, the intention of the law being, that in cases of wilful murder, where the guilt is clear, the sentence of death shall certainly be executed, and the desire being to make the example of so awful a punishment more effectual by providing for its certain and prompt execution, while the circumstances of the crime are fully and strongly impressed upon the public mind.

The Council cannot but observe with pain, that in this Province cases of murder have of late years been numerous, considering the number of our population, and they therefore hesitated to adopt a relaxation in respect to this heinous crime, which might deprive the laws of any portion of their power in restraining the sanguinary passions of desperate men.

Nevertheless, though such is the present inclination of the Council, they would feel a strong disposition to defer to the judgment of the Assembly in any question of this nature; and therefore, if it had been proposed simply to repeal the provision of 28th Geo. 2d, and by this means to place the crime of murder on the same footing as other capital crimes, so far as regards the time of executing the sentence, the Council would scarcely, as they now apprehend, have resisted such a change, though their judgment did not lead them to propose it.

But the amendment, as it stands, seems to the Council to be a very material and extensive departure from the principles of our criminal law, and one of which there may be much reason to question the expediency. Instead of a provision limiting the Court to a short period in one crime only, and that of the most atrocious character, but allowing nevertheless a full discretion to act according to circumstances, the amendment would substitute a provision compelling the Court to appoint a somewhat distant day in all cases of conviction, and allowing for the exercise of no discretion as to any crime, or under any circumstances whatever, thus placing the law on a footing entirely different from that on which it has ever rested, either before or since the Statute of 28th Geo. 2nd.

The Council have, in their recollection, several cases in which such a provision would in their judgment have been productive of evil. They deem it prudent to consider that High Treason in time of War, or the crimes of Murder or Arson, may be committed under circumstances that may call for a prompt execution of the law to restore peace and security, and in those cases of murder in which there are no extenuating circumstances, the Council are not sure that it can properly be regarded as the more humane course to keep the convict inevitably for the space of a month with the certain and awful prospect of an ignominious death

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constantly before his eyes, and with the hard condition of being fed solely on bread and water, against which there can be no relief as the Bill now stands, as it is only in case of a respite beyond the day named in the sentence that a power is given to relax in this particular.

The Council forbear to enter into several other considerations which have seemed to them to demand attention in deliberating upon this question, but they think it may not be unimportant to refer to a case which occurred in the Eastern part of this Province some years ago, in which four very desperate offenders were convicted of a murder and robbery under aggravated circumstances, whose detention for a month under sentence of death would have seriously endangered the lives of others and might not improbably have led to fatal consequences; at all events, to avoid such danger and to insure their safe custody during that time, a degree of rigour would have been necessary under the circumstances that would have rendered their protracted existence a source of miserable suffering to them.

Having stated these reasons which induce the Council to think the amendment inexpedient in its present shape, the Council trust that the Assembly will not at present press its adoption or the adoption of the alterations necessarily connected with it, and if further reflection shall lead the Assembly to prefer placing convicts for murder on the same footing as persons convicted of other capital crimes, the Council will not be disposed to resist a distinct proposition of that kind on any future occasion.

The House was then again put into a Committee of the whole upon the Bill, entitled, "An Act to incorporate certain persons under the name and title of the Saint Lawrence Inland Marine Assurance Company," together with the report of the Select Committee on same.

St. Lawrence Inland Marine Assurance bill re-committed

The Honorable Mr. Wells took the Chair.

A message being announced the Chairman left the chair and the House formed.

A message from His Excellency the Lieutenant Governor, was delivered by Mr. Secretary Rowan, who being retired, the Speaker read the same, and it was again read by the Clerk as follows:—

Message from the Lieutenant Governor

J. COLBORNE,

The Lieutenant Governor, in transmitting to the Legislative Council the accompanying despatch to which he referred in his late message, requests that it may be returned to him, as in consequence of the pressure of public business, no copy of it has been retained in his office.

Transmitting a Despatch from Lord Goderich, on the subject of grievances said to exist in this Province

*Government House,*

28th January, 1833.

The House was then again put into a Committee of the whole upon the Bill, entitled, "An Act to incorporate certain persons under the name and title of the Saint Lawrence Inland Marine Assurance Company." together with the report of the Select Committee on same.

Saint Lawrence Inland Marine Assurance bill re-committed

The Honorable Mr. Wells took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, and had made some amendments thereto, which they were ready to submit whenever the House would be pleased to receive the same.

Amendments reported

Ordered, that the report be received to-morrow.

Pursuant to order, the House was put into a Committee of the whole upon the Bill, entitled, "An Act to authorise the Magistrates of the Eastern District, to borrow a further sum of money for the completion of the Gaol and Court-house in said District, and for enclosing the same; and also to empower the said Magistrates to continue the Assessments already imposed for building the said Gaol and Court-house, until the money so borrowed shall be paid, with the interest thereon."

Eastern District Gaol and Court House Loan bill committed

The Honorable Mr. Elmsley took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said Bill, and recommended the same without amendment to the adoption of the House.

Reported

Ordered, that the Report be received, and—

Adopted

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Ordered, that the said Bill be read a third time to-morrow.  
On motion made and seconded, the House adjourned.

House adjourns

TUESDAY, 29th JANUARY, 1833.

House meets

The House met pursuant to adjournment.

PRESENT,

Members present	<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Honorable Messrs.</i> JONES,
	<i>The Honorable Messrs.</i> CLARK,	“ “ McDONELL,
	“ “ DICKSON,	“ “ ELMSLEY.
	“ “ CROOKSHANK,	“ “ BALDWIN,
	“ “ WELLS,	“ “ CROOKS,

*Prayers were read.*

The minutes of yesterday were read.

Committee appointed to present the Lieut. Governor with an Address, thanking him for his Message of yesterday

Ordered that an address be presented to His Excellency the Lieutenant Governor respectfully thanking His Excellency for his message of yesterday, transmitting a despatch from His Majesty's Secretary of State for the Colonies, and

Members composing same

Ordered, that the Honorable Messieurs Wells and Allan be appointed a Committee to present the same.

Report of the Select Committee upon North Gwillimbury Survey bill presented

The Honorable Mr. Wells, from the Select Committee to whom was referred the Bill, entitled, "An Act to establish the side lines between certain Lots in the Township of North Gwillimbury, in the Home District," presented their report.

Ordered, that the report be received, and—

Read

The same was then read by the Clerk as follows :—

The Select Committee to whom was referred a Bill sent up from the House of Assembly, entitled, "An Act to establish the side lines between certain Lots in the Township of North Gwillimbury,"

Respectfully Report :

The Report

That in consequence of no Petition having been laid on the table of Your Honorable House, from the parties interested in the object of the Bill, Your Committee delayed entering upon its merits until they satisfactorily ascertained that it was through ignorance that the said parties had omitted to submit to the Legislative Council a Duplicate of the Petition which they had laid before the House of Assembly.

This latter has been since submitted to Your Committee by one of the Members of that House, together with the proof of Notice in the Gazette, as required by the Legislative Council in all matters of a local nature, which can possibly affect the rights of others.

Your Committee then examined the Surveyor General upon the subject matter of the Bill, and as after a due investigation into the merits of the case, that Officer declared "that no evil could arise from granting the prayer of the Petitioners;"—Your Committee have no hesitation in recommending to Your Honorable House, the adoption of this Bill without amendment.

All which is respectfully submitted.

(Signed)

JOSEPH WELLS,  
CHAIRMAN.

*Committee Room, Legislative Council,  
January, 29th, 1833.*

Ordered, that the above Bill, together with the Report of the Select Committee thereon, be referred to a Committee of the whole House to-morrow.

Members enter

The Honorable Messieurs Baby, Markland, and Allan enter.

On motion made and seconded, it was—

Lord Goderich's Despatch on the subject of grievances said to exist in this Province ordered to be read

Ordered, that the Despatch of His Majesty's Secretary of State for the Colonies transmitted yesterday, by His Excellency the Lieutenant Governor, be read, and

Same read

The same was then read by the Clerk accordingly, which is as follows :—

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SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

Duplicate, }  
No. 162. }

DOWNING-STREET,  
8th November, 1832.

Sir,

During several months past I have been in occasional communication with Mr William Mackenzie, upon the subject of the grievances said to exist in Upper Canada, and for redress of which various Petitions have been addressed to His Majesty.

As Mr. Mackenzie has been the bearer of these Petitions to this Country, I have gladly availed myself of his residence here, to obtain such information as it is in his power to give, respecting the opinion and wishes of that portion of the inhabitants of the Province by whom he has been deputed to act; and although I have adhered to the general rule of declining to explain the views of His Majesty's Government on questions of Canadian Policy, to any person except the Governor of the Province, I have been anxious to afford Mr. Mackenzie the most ample opportunity of doing justice to the case which he laid before me. The Despatch.

From the voluminous mass of that gentleman's correspondence I have selected three documents, which profess to embody the entire substance of that case as it affects the present condition of Upper Canada; of these documents I have the honor to enclose copies for your information.

I propose in this despatch to follow Mr. Mackenzie through those parts of his statement respecting the representation of the Inhabitants in the House of Assembly, which appear to me essential to the consideration of the practical questions he has undertaken to agitate:— But confining myself to what I consider as really relevant, I shall necessarily pass over in silence some details which have been introduced, with no perceptible tendency to elucidate the subjects in discussion, and much invective and sarcasm which would have been far more conveniently spared. It is with no intentional disrespect to Mr. Mackenzie, that I remark, that he has adopted a style and method of composition, singularly ill adapted to bring questions of so much intricacy and importance to a definite issue; but however discursive may be his papers, or however acrimonious their tone, I am not on that account disposed to withhold my attention from any useful suggestions they may contain for the public good.

I am the more induced to devote to this discussion such leisure as I can command, because I am solicitous that the comparatively small body of persons whom Mr. Mackenzie represents should have no reason to think that their complaints had been overborne by the contrary declarations of the much more numerous bodies opposed to them.

Mr. Mackenzie indeed would have himself understood as speaking the sentiments of the entire population of Upper Canada, excepting only a few public Functionaries whose interests are opposed to those of the people at large.

It is not necessary, however, to have a very long experience of public controversies of this nature to be aware of the levity with which such pretensions are continually advanced upon the slightest and most inadequate grounds.

Almost all complaints, the most opposite and contradictory not excepted, which reach this office, are nearly as a matter of course preferred in the name of the collective society; and it becomes necessary to distinguish carefully, in such cases, between mere rhetorical embellishments, and statements made in the cautious and measured tone of truth.

Now in the present instance I find that Mr. Mackenzie's views are supported by forty-four petitions, which have been signed on the whole by 12075 persons.—On the other hand I have before me no less than thirty-three petitions from the different Counties, Districts, Towns and Townships of the Province, signed by 26,854 persons who concur in expressing their cordial satisfaction in those laws and institutions which the other sort of petitioners have impugned. Such a body is far too numerous, and many of the individuals composing it are far too considerable in their station and character to justify the supposition that they can be in a state of dependance on the Local Government, or controlled by any unworthy influence in their public conduct. I am driven to the dilemma of either supposing this great mass of the people of Upper Canada ignorant or corrupt, or of concluding that a very small minority of the whole population concur in Mr. Mackenzie's views: The former supposition is as impro-

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bable as it is offensive—The latter, however contradictory to Mr. Mackenzie's assertions, is verified by many of the particular facts which he has advanced or admitted; but tho' I conceive this gentleman's constituents to be opposed by the general current of public opinion, I do not in the slightest degree mean to dispute their collective or individual respectability, and there is no class of the Canadian people, however small, nor individual amongst them, however obscure his station, to whose petitions His Majesty does not require that the most exact and respectful attention should be given.

I shall, in the first place, advert to the paper to which Mr. Mackenzie has given the title of "Observations on the state of the representation of the people of Upper Canada, in the Legislature of that Province." In performing this task however, I must decline to pursue the discussion into those redundant and misplaced details with which Mr. Mackenzie has encumbered it. Thus, for example, I shall pass over in silence whatever is stated respecting the case of Mr. Stuart, the Attorney General of the adjoining Province, and the state of the borough of William Henry, for the representation of which, in the Assembly, Mr. Stuart was a candidate; neither shall I enquire into the justice of the reproaches with which Mr. Mackenzie assails the conduct of former administrations, both in this kingdom and Upper Canada, upon occasions which have long since passed away, and questions now become wholly obsolete. I can address you only for some practical purpose, nor is there any measure suggested by the Petitioners or their Agent with a view to which, such a retrospect seems to me either necessary or desirable. I must add, that if it were fit to review the past history of the Province, it would be impracticable to assume Mr. Mackenzie's paper as the basis of such an enquiry, since it is drawn up in an utter disregard of method, and in such a manner as to render the difficulty of distinguishing between assertion and proof, deliberate statements and the exaggerations permitted to an advocate, almost insuperable. I shall limit myself to the single consideration, whether he has brought to light any grievances, for which His Majesty, in the legitimate exercise of the authority or influence of His Government, can be called upon to remedy.

The great object of Mr. Mackenzie's censure is the Election Law, which was passed by the Lieutenant Governor, Council, and Assembly of Upper Canada, in the year 1820. I might, perhaps not without reason, raise a preliminary objection to the discussion of that subject at all. If the Election Laws of the Province require amendment, the change must originate not with the Executive Government, but with the popular branch of the Local Legislature. Any interference of the Ministers of the Crown would be reprobated probably by Mr. Mackenzie himself, and certainly by his brother journalists, as an unconstitutional encroachment. If therefore I advert to the question at all it is because, in the prospect that such a discussion will be provoked by the Petitioners, I think it fit that you should be apprised of the views which His Majesty's Government entertain on this subject, that you may not be destitute of a rule for your guidance in the acceptance or rejection of any bill which may be passed by the Legislative Council and Assembly for the amendment of the Election Laws.

If I have found occasion to lament the redundancies, I cannot less regret the deficiencies of Mr. Mackenzie's documents. He has travelled through this protracted discussion without finding himself called upon to notice, still less to refute the arguments by which it has been usual to vindicate the Constitution of the Provincial House of Assembly. Yet it is impossible that he can be ignorant of them, nor credible that he should regard them as deficient, at least in plausibility. An ignorant reader of his papers might be left with the impression that the question was altogether new, and that the existing Constitution had never been vindicated on the principles and on the example of the most free and independent governments. How utterly remote this is from the fact, is clear to every man whose attention has been given to the affairs of Upper Canada, for the last few years. Mr. Mackenzie has, therefore, imposed on me the necessity of drawing a general outline of that defence of the law of 1820, which he has passed over in silence, but which is far too important to be disregarded by any fair and impartial inquirer.

It is a fact familiar to all who are conversant with the Legislative History of North America, either in the United States or in the British Possessions, that a problem of no light difficulty has continually arisen respecting the distribution of the Elective Franchise amongst

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the Inhabitants resident in different parts of the same State or Province. The surface of the country is generally divided for political purposes into sections of nearly equal areas, but those Counties or Townships which are in the immediate vicinity of the Capital, or which are intersected by great Navigable Streams, or bounded by Lakes, are peopled with far greater rapidity than the more remote districts. Hence it has frequently happened that a single metropolitan or trading county has contained a population exceeding in wealth and number many newly settled counties of similar dimensions. Accordingly when capital and numbers have been made the exclusive basis of the representation, one portion of the State or Province has acquired an influence in the Legislature which has reduced to comparative insignificance the weight of all the other divisions of the country. The favoured District has thus been able through its representatives, to throw upon the less fortunate sections a most unequal weight of taxation, and to refuse to them a fair participation in the benefits of the judicial and other institutions, to the support of which the revenue was applied.—Local interests have predominated over the general interests, and discontents have been engendered, threatening the stability of the Government, and tending to an abrupt severance of one part of the State or Province from the rest.

In the State of Maine, as I am informed, this difficulty was so sensibly felt as to have led to the introduction of the system adopted in Upper Canada in the year 1820. In apportioning the elective franchise among the Inhabitants, the Legislature did not confine its attention exclusively to the question of property and of numbers, but introduced a new element into the calculation. They considered that a small number of persons occupying one county might reasonably claim as large a share in the Representation as a much larger and wealthier body, occupying another county of equal dimensions. By this method Members were drawn from every part of the Province: the local wants of every part were explained, and the interests of each vindicated. In a densely peopled country like great Britain, possessing such internal communication as to secure the immediate diffusion of intelligence from one end of the kingdom to the other, this precaution might be the less necessary, since no part is so remote or inaccessible as not to be rapidly reached by information of every projected law, or as to be destitute of the means of making an early protest against any measure injurious to its welfare. Yet even in this kingdom, where the subject has within the last two years undergone the most public and rigid scrutiny, no one, so far as I am aware, has seriously advanced the opinion that the Representation of the metropolis should bear to that of the country at large, the proportion which the wealth or population of London bears to that of England collectively.

Such a principle would have given to the metropolitan Districts between forty and fifty members, a scheme which I need scarcely say would have been rejected by the entire body of the people, as altogether unequal, though resting upon a foundation of the most perfect nominal equality.

It appears, however, to have been perceived by the Upper Canada Assembly, in the year 1820, that by simply adopting the rule to which I have referred, they might extricate the Province from one difficulty at the expense of another yet more considerable. A county might contain a very inconsiderable body of persons for some time after it was first redeemed from the wilderness, and thus a choice of members might virtually be committed to a very few electors, who might themselves be subject to some unworthy influence. It was therefore required that no county should be represented in the Assembly by a distinct Member until the inhabitants numbered one thousand, at least. But with the foresight which is perceptible in every part of this law; it seems to have been perceived that there was considerable danger in leaving any body of new settlers wholly unrepresented; and to obviate that inconvenience, the inhabitants of each county, whilst yet below the required number, were authorised to vote in the least populous adjoining county.

Thus without being betrayed into a sacrifice of the substance of good government by a superficial attention to a merely nominal equality, the Legislature of Upper Canada, in the year 1820, justified the confidence reposed in them by the constitution. They were too conversant with the real business of life to suppose that a great social system could be practically carried on without advancing a little beyond the most obvious and elementary maxims, or that

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the inevitable intricacy of the public affairs of the Province could be met without some degree of complexity in its political institutions. They therefore embraced in their law provisions for the protection of all classes, however obscure and remote from the notice of the local Government, for the control of that undue influence which mere wealth and density of population would, otherwise, have exercised, and for the gradual enlargement of the representative body as the constituency should itself increase.

I cannot suppose that a gentleman who has taken so active a part in the affairs of the Province as has fallen to the share of Mr. Mackenzie, should have been really unapprised of considerations so familiar to every man acquainted with the subject as that to which I have adverted, though as a controversial writer he may perhaps have not consulted all for the momentary success of this argument, in suppressing all allusion to them.

I proceed to the next objection which Mr. Mackenzie has made to the Act of 1820, which, in his own language is, that it created a "borough interest." In less invidious terms the fact appears to be that it gave one member to every town in which the Quarter Sessions of the District might be holden, and which contained, at least, one thousand inhabitants. Those towns were, therefore, placed in precisely the same predicament as the counties of the Province. Now if Mr. Mackenzie's principle, that wealth is the proper criterion, be just, this civic representation was wisely established, for it can scarcely be denied that one thousand persons inhabiting the same town will, generally, be the proprietors of a larger collective capital than a rural population of the same extent. If the principle of numbers be correctly assumed by Mr. Mackenzie, then, also, it follows that the towns were rightly enfranchised, since it is in the Towns that the most rapid enlargement of population usually takes place, and since if members had been refused to them on the ground of paucity of numbers, a similar refusal must have been extended to all the newly settled counties. But I greatly understate the argument. A town possessing a thousand inhabitants will yield a much larger number of actual voters than a county equally populous, supposing the qualification to be, in either case, of equal amount. In the one case the franchise is exercised with the greatest facility, and in the other at an expense of time and labour which, comparatively, few will incur. Nor can I forget that, in every part of the world, a civic population is more intelligent and more disposed to watch over public subjects, than a rural population of equal numbers; because the first enjoy the constant advantage of mutual intercourse and co-operation in public affairs, of which the latter are in a great measure destitute. It is not at all surprising that so enlightened a people as are the great body of the inhabitants of Upper Canada should have expressed in very strong terms their dissent from the views which Mr. Mackenzie thus advocates; or that a people so conspicuous for their zeal for civil liberty should be so decidedly opposed, as by their petitions they appear to be, to plans which would sacrifice its substance to a very superficial theory.

It is further objected that the law of 1820, placed the projected University in the list of constituent bodies, and from the terms of the charter subsequently issued, it is inferred that the University was to become what is termed "a nomination borough, under the special patronage of the Church and State." I should scarcely have anticipated that any man, and least of all a man devoted to literary pursuits, would have denied the propriety of giving a representation to the principal seat of learning in the Province. It would be superfluous to expatiate on the importance of institutions for the education of youth in literature, science and religion, especially in a newly settled country, and I am well assured that neither in the Council nor Assembly could a single gentleman be found who would not gladly receive as a colleague, a person representing the collective body of Literary and Scientific men in Upper Canada, or who would not gladly support, by that distinguished honour, the cause of sound learning.

You will observe that I do not here refer to an University constituted in the manner proposed by the original charter of incorporation. Every man in Canada, however, knows, nor could Mr. Mackenzie have been ignorant, that so far from any anxiety having been felt by the King's Government to maintain that charter against the wishes of the great majority of the people, every possible measure has been taken to refer to their representatives the decision of the question, in what form and upon what principles the College should be founded.

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It is indeed Mr. Mackenzie's fortune to be opposed to a large majority of the House of Assembly; but it can scarcely be expected that in deference to any individual, or to the small, though respectable, minority for whom he acts, the King's Government should entertain the slightest distrust of the wisdom or fairness of the resolutions which it may be the pleasure of the Assembly to adopt on this or any other subject.

It is next made the subject of complaint that the law as interpreted by the Court of King's Bench entitles the County Members only to wages, and that the efforts of successive Houses to ensure a certain degree of pecuniary independence to the new Village representation has been rendered ineffectual by the Legislative Council. On what grounds the objections of the Council may rest I am not distinctly apprised. I might indeed conjecture their reason to have been that Counties could with difficulty find representatives within themselves on other terms, while Towns will always possess commercial and other inhabitants to whom a temporary residence at the seat of Government would be attended with no inconvenience. I have no right to interfere with the deliberations of the Council, but I am able to signify to you His Majesty's pleasure that you should not oppose any objection to any law which may be presented for your acceptance, for placing the Town and the County Representatives on the same footing in this respect.

It is made a subject of complaint that in the year 1821, attempts were made, first to deprive the land-owners of the honor of assessing themselves to pay their members wages, and secondly to establish the right of voting in persons possessing a licence for the occupation of Crown Lands without having actually received a grant, and that the last of these schemes was revived in 1827. I will not pause to investigate the propriety of measures which were never carried beyond an ineffectual attempt. It is enough for me to know that upon subjects strictly within their cognizance, the House of Assembly adopted a decision by which any such projects were frustrated. Whether they were well judged or otherwise the King's Government are not in any sense responsible for them, and the discussion of public affairs would be utterly interminable if every unsuccessful motion made several years ago in either House of the Provincial Legislature, were to be made the subject of censure and inquiry, at any distance of time.

The remark that various religious bodies are excluded from the elective franchise because their members cannot conscientiously take an oath, raises a question which well deserves serious consideration. You will call upon the Law Officers of Upper Canada to report what is the law on this subject; and you will have the goodness to acquaint me whether you perceive any practical objections to placing the various denominations of christians mentioned by Mr. Mackenzie on the same footing, in this respect, as the Society of Friends. I shall be happy to introduce a bill into Parliament for amending this part of the Constitutional Act of 1791, unless there should appear to be some difficulty in that measure which does not occur to me at present.

Mr. Mackenzie then objects to the law which requires that every member of the House of Assembly should possess an unincumbered estate in land assessed at £80 or upwards.— This regulation he attributes to Officers of the Government. On what grounds they are entitled to the credit, or responsible for the discredit of having originated this law, does not appear, nor does that question seem to myself of much importance. I will not digress into the discussion of the great general principle involved in this enactment. Should any bill for the amendment of it be reserved for His Majesty's consideration, I can only state, that the most careful attention will be bestowed upon the subject.

It is, however, not to be overlooked, that the Government are said to have retained in their own hands the possession of all the uncleared territory, that they might thus avail themselves of the last mentioned law, and qualify a favorite whenever it might be deemed expedient. I might perhaps not unreasonably express my surprise that Mr. Mackenzie, acting as the delegate of so many persons in Canada, should have passed over in silence the fact that His Majesty had been graciously pleased, upon my humble advice, to interdict the gratuitous disposal of the Crown Lands, and to render them all the subject of public competition, to the utter exclusion of any such favoritism as is thus deprecated.

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If the law which disqualifies any British Subjects from voting at elections till the expiration of seven years after their return from a residence in a foreign country, be still in force, I subscribe to Mr. Mackenzie's opinion, that it cannot be too soon repealed; and you will adopt all constitutional means in your power for promoting the repeal of it. On this subject I concur in Mr. Mackenzie's reasoning, however much I may be disposed to think that the weight of his arguments would have been enhanced had he confined himself to the use of language more in accordance with the ordinary tone of official communications than that which he has chosen to employ.

I must entirely decline, as perfectly irrelevant to any practical question, the enquiry whether at a comparatively remote period, prosecutions against the Editors of Newspapers were improperly instituted or not. It is needless to look beyond Mr. Mackenzie's journal to be convinced that there is no latitude which the most ardent lover of free discussion ever claimed for such writers, which is not enjoyed with perfect impunity in Upper Canada.

The law of 1818, which prohibited public meetings, is again made a subject of remonstrance, although it was repealed two years afterwards. To what end such complaints are preferred, I am wholly at a loss to surmise. Yet it is not unimportant to remark, that the Assembly which repealed this Statute was, if I mistake not, the same which enacted the Election Law, and that the zeal which they avowedly exhibited for the liberties of the people in the one case, is scarcely consistent with the imputations made by Mr. Mackenzie against their motives in the other.

It is not a little singular that in the present year I should receive a lengthened repetition of the complaints upon the alien question which came before me in the year 1827, when I formerly held the seals of this department. Mr. Mackenzie describes the instructions which I then issued "as just and equitable," and as having "removed one grand cause of discontent." I do not feel therefore, that after the adoption of a measure so characterized, I can be again required to enter upon a detail of the very grievances for which it is admitted that an effectual remedy has been provided.

In following the order adopted by Mr. Mackenzie, I next reach a statement that the Local Government encourage dependent persons holding offices at pleasure, and "debarred by the laws of England from being concerned at Elections, to use the great influence attendant upon office, to secure seats in the representative body, in order that its voice may be wholly under executive control, although," adds Mr. Mackenzie, "it is an undoubted truth, that the interests of the local authorities and those of the colonists are separate and distinct." As a writer habitually engaged in political controversies, Mr. Mackenzie may not be fully alive to the injustice of advancing charges against the servants of the public, unsupported by distinct evidence of their truth; but it is my duty to refuse credit to such imputations as I have quoted, unless they should be clearly substantiated by evidence. For widely as I dissent from the assertion so confidently made, that the interests of the local Government are distinct from those of the inhabitants at large, I admit that an abuse of the influence attendant upon office, for the purpose of exercising an improper control over elections, would justly expose to the heaviest censure those to whom it could with truth be imputed. On this subject, however, in the absence of any more definite statements, I can only instruct you that His Majesty expects and requires of you neither to practice, nor to allow on the part of those who are officially subordinate to you, any interference with the right of His Subjects to the free and unbiassed choice of their Representatives.

It is represented that with a view to raise up and multiply the friends of arbitrary and exclusive principles, persons in authority, in and out of the Assembly, resist all plans of general education, and that places of learning are established only for the children of those who hold government offices, and a few other influential and wealthy individuals. It is not easy to repress the expression of those feelings with which I cannot but receive such unworthy imputations upon the character of so many upright and enlightened men, unsupported by any proof whatever, except a general reference, which I am unable to verify, to a report said to have been made on some occasion by the present Chief Justice of the Province, on the case of Mr. Osgood.

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Even assuming, which is most improbable, that Mr. Robinson really obstructs to the utmost of his power the advance of general education and knowledge, from the base motives so lightly imputed by Mr. Mackenzie, I utterly deny that the King's Government, either in this country or in Upper Canada, are responsible for the opinion which Mr. Robinson may some years ago have advocated in the House of Assembly. It is, however, not unimportant to advert to this subject, because Mr. Mackenzie cannot assert more peremptorily, than I deny the existence of any such narrow and preposterous policy as that of consigning the children of the yeomanry to ignorance, lest knowledge should render them independent in action or in thought. On the contrary there is no one object connected with every part of His extensive dominions which His Majesty has more at heart than the general diffusion of sound knowledge in the legitimate and most enlarged sense of that term. This is not merely the first and highest interest of society, but is essential to the right use and peaceable enjoyment of every other civil and social privilege. The Legislature of Upper Canada have already been invited to consider in what manner the University can be best constituted for the general advantage of the whole Society; and His Majesty has studiously abstained from the exercise of his undoubted prerogative of founding and endowing literary or religious corporations, until he should obtain the advice of the representatives of the people for his guidance in that respect. In the same spirit His Majesty now directs me to instruct you to forward to the very utmost extent of your lawful authority and influence, every scheme for the extension of education amongst the youth of the Province, and especially amongst the poorest and most destitute of their number, which may be suggested from any quarter with a reasonable prospect of promoting that great design. All minor distinctions should be merged in a general union for this important end; and that the head of that union, the local Government, should be found encouraging and guiding, and to the utmost of its power assisting all the efforts which may be made to create or to foster a taste for intellectual enjoyments and pursuits. A large portion of the unappropriated wilderness has already been set apart for the purpose. If any other system of local assessment, for the building of school houses and the maintenance of Teachers, should be thought desirable, your assent will of course be cheerfully given to any such law. Or if the Provincial Legislature should be of opinion that such funds would be more advantageously raised by a general duty, of which they would retain to themselves the specific appropriation from year to year, I should hail with the utmost satisfaction the enactment of a statute of that nature. This, however, is a subject involving so many and minute details, that it is of course impossible for me to advance beyond the expression of a general, but most earnest solicitude for the furtherance of the cause of education, in its most comprehensive sense, in Upper Canada. Confident in your own concurrence, and in that of the members of the Legislature in those views, I cheerfully remit to you and to them the office of originating the necessary plans for reducing the general principle into a definite shape, requiring of yourself in the first instance only that you should quicken the attention of the Legislative Council and Assembly to this subject, should you have reason to apprehend that it is in danger of being overlooked or forgotten.

Mr. Mackenzie announces his design to deliver separate papers respecting the organization of the Legislative Council, and, in the mean time, assails that body with charges in the highest degree derogatory from their character, though too vague to admit of any precise discussion. Amongst these general charges, I, however, find a statement, that the "Government has annually supplied itself with the revenues of the Province, utterly disregarding every resolution of the Assembly, in the tenth Parliament, to correct the evil. Information even (he adds) as to the objects to which the people's money is applied, is annually refused, in respect to a great part of the funds of the Colony, by the Colonial Governors, to unanimous addresses of successive Assemblies—the Royal Instructions being the plea of such refusals." To whatever facts the writer may in this passage refer, I am happy in an occasion of stating to you, that if the Royal Instructions are supposed to forbid the most unreserved communication to the House of Assembly of the manner in which the public money of the Province, from whatever source derived, is expended, such a construction is foreign to His Majesty's design.—There is no portion of the Royal revenue, whether the proceeds of Crown Lands or from whatever other source derived, of the employment of which the House of Assembly should

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not have the most ample and particular information which they may at any time think proper to call for. Nothing is gained by concealment upon questions of this nature, and a degree of suspicion and prejudice is not rarely excited, which, however ill founded, often appears in the result, to be incurable.

Mr. Mackenzie condemns the present House of Assembly not less vehemently than the local Government and the Legislative Council, representing that they were chosen by the people in a state of dejection and despondency as to the reform of abuses. To sustain his argument he is thus compelled to draw a picture of the Canadian character, in which I am confident he does His Majesty's Subjects, at large, great injustice. I am well persuaded that no people on earth are less likely to yield themselves to the unmanly weakness of despairing of the public good, and of betraying their own most sacred duties in so pusillanimous a spirit. And in truth Mr. Mackenzie must have persuaded himself that a degree of ignorance exists in this country respecting the affairs of Canada, which would be absolutely ludicrous if he can really expect credit for the statement that in the year 1830, an utter despair of vindicating the public liberties had taken possession of the minds of the inhabitants.

I deeply regret that in some parts of his papers Mr. Mackenzie should have left in much obscurity the simple matters of facts which it might have been really important to consider. Thus he speaks of preachers taught to meddle in the political quarrels of factions and parties, and of their leaders being "accommodated with seats in the political Councils of the State and of the Government, keeping in pay a political priest-hood." It would surely have been as impressive, and more useful, to have stated that the Bishop and the Archdeacon are both on the list of the Legislative Council, but that it is expected of those gentlemen that they should altogether abstain from interference in any secular matters which may be agitated at that board. Whether even under this restriction their holding such seats is really desirable, is a question upon which I am fully prepared to listen with the utmost attention to any advice which I may receive from yourself, from the House of Assembly, or from any other competent authority. I have no solicitude for retaining either the Bishop or the Archdeacon on the list of Councillors, but am, on the contrary, rather pre-disposed to the opinion that by resigning their seats they would best consult their own personal comfort, and the success of their designs for the spiritual good of the people. But any such resignation must be voluntary, since the office is held for life; and were it otherwise, no consideration could induce me to advise His Majesty to degrade the Bishop or the Archdeacon from the stations they occupy, except on the most conclusive proof of misconduct. But even Mr. Mackenzie does not impute any violation of duty to them. With respect to the charge shewing an undue preference to preachers of religion belonging to the established churches of this country, it is so utterly at variance with the whole course of policy which it has been the object of my Despatches to yourself to prescribe, that I cannot pause to repel it in any formal manner.

Much complaint is made of the expense of elections, and it is said that public officers are enabled by their superior affluence to overpower by a lavish and corrupt expenditure those who have no other recommendation than their personal character. If there is the least foundation for this complaint as to the expense of elections (which I have not the means of ascertaining) you will signify to the Legislative bodies that it is the earnest desire and recommendation of His Majesty, that every practical method should be taken for correcting what would be so great an evil, by reducing the cost of elections within the narrowest possible limits. I cannot however omit observing that even if it should turn out to be true that the cost of elections is as great as it is represented to be, the official return of the civil establishment of the Colony sufficiently shows that it is quite impossible that the salaries received by public servants can enable them to avail themselves of this circumstance in the manner which has been alleged.

Mr. Mackenzie states that an enquiry into the state of the representation was instituted by the present House of Assembly on his own motion, and he has transcribed the resolutions adopted by the Committee, but he adds that "such propositions were not suitable to the majority in the present Assembly," that they appointed a new Committee which reported that no alterations were required in the existing laws, except by giving the County of York one

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additional member, and that on receiving this report, the House instead of giving York a member, took one from it; and as I understand increased the number of members for the District of Bathurst.

It suits the present views of this gentleman to call upon the Executive Government to censure and dissent from the resolutions of the representatives of the people, adopted after two solemn enquiries and supported by a body of Petitioners far exceeding in numbers those for whom he acts. In what language, however, such an interference of Government would be denounced by Mr. Mackenzie himself on any occasion on which he concurred with the majority of the House, it is not difficult to conjecture. It cannot be expected that any decision of the Legislature upon a subject of so much general interest as the Election Laws should escape without the most vehement and unmeasured censure from the parties unfavourably affected by it. Looking however, not to individual but to general interests, not to the excitement of any dissatisfied party, but to permanent principle, I must positively refuse upon a question so peculiarly within the cognizance of the House of Assembly, to place the King's Government in hostility with that body. I have every reason to suppose that the course they adopted was wisely taken: and even if I thought otherwise their authority would compel me to distrust my own judgment.

Mr. Mackenzie has concluded this paper by predictions of bloodshed and civil war, and a dissolution of the connexion between Upper Canada and this Kingdom. He may well suppose that such a prospect would be regarded by His Majesty's Government with a degree of concern and anxiety to which it would be difficult to give any adequate expressions. But against gloomy prophecies of this nature, every man conversant with public business must learn to fortify his mind. They have ever been the resource of those who endeavour to extort from the fears of the Government, concessions in favor of which no adequate reasons could be urged. I will not adopt the injurious opinions which Mr. Mackenzie seems to entertain of the people of Upper Canada. I reject as a libel on that loyal and enlightened race of men the supposition that they would violate their sworn fidelity to the King, and desolate their native land with blood, because His Majesty defers to the judgment of His faithful Commons in Provincial Parliament assembled, supported by large bodies of the most respectable and numerous petitioners, rather than to the opinions of a far less numerous, though probably a highly respectable portion of his subjects. I will not for a moment speculate upon the probabilities of such a revolt. It is a subject which it would be utterly indecorous to agitate.—The people of Upper Canada have the highest claims to the attachment of their Sovereign, and of the British nation: and whatever efforts may be made to excite discontents among them, they will, I am persuaded, believe that His Majesty and the Parliament of this Kingdom, in common with the entire mass of the population of Great Britain and Ireland, cherish towards them no other sentiments than those of the most profound respect for their constitutional rights, and the most earnest desire for their social welfare. In that spirit His Majesty's Ministers are, and have ever been, prepared to refer to the Provincial Legislature the consideration of every question directly or remotely affecting the interests of the Province, and even to anticipate their probable wishes as far as is consistent with the discharge of those executive duties which the constitution has devolved upon the local government and its various functionaries. I am unconscious of a solitary instance in which my colleagues and myself have sanctioned any attempt to derogate from the privileges of the Provincial Legislature or the rights of any class of His Majesty's Canadian subjects; and in the consciousness of having acted under the constant guidance of these principles, we can cheerfully appeal to the people at large for that just appreciation of the measures of government, which, if I could credit Mr. Mackenzie, I might suppose was not to be expected.

I proceed to the second paper, entitled "An argument intended to show that it is expedient to dissolve the present Provincial Parliament of Upper Canada, and summon a new one."

After enumerating the various topics embraced in the former paper, Mr. Mackenzie proceeds to state that the metropolitan county condemned the conduct of the majority of the present Assembly; first by his own election in January 1832, and secondly by his Election in

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February last. He adds that the decision of the County of Grenville, in rejecting Mr. Jones, and choosing Mr. Norton, testified their concurrence in his views. For the reasons already explained, I must be permitted to believe that the electors for the metropolitan county, enlightened and worthy of all respect as they certainly are, cannot be considered as perfectly impartial judges upon the question of representation. The proposed change would invest them with an influence of which the counties remote from the seat of Government would have the strongest reason to complain—nor is the voice of the County of Grenville entitled to outweigh the decisions of many other counties and towns, which are obviously opposed to it. It is then said that the present House should be dissolved, “because it is manifest that the great body of the people are justly dissatisfied with their proceedings.” It is easy to make such assertions, but not so easy to substantiate them. I must upon such a question give more weight to the recorded opinions of the 26,854 persons who have expressed their dissent from Mr. Mackenzie's views, than to that gentleman's declaration supported only by similar attestations.

The writer then enumerates various acts of misconduct which he attributes to the present Assembly. These are the rejection of bills for the regulating of township offices, for education, and for amending the jury laws. They also are charged with having granted a permanent civil list without stipulating for the independence of the judges—and this measure is said to have been passed both by the Assembly and the Council in an unusual and indecent haste. Respecting judicial independence, it must have been known to Mr. Mackenzie, that without waiting any solicitations from the Province, His Majesty had long before the date of his paper, directed you to suggest the enactment of a Bill for that purpose. His Majesty would rejoice to give his assent to such Bill, and doubts not that it will speedily be enacted. The indecorous haste which is said to have occurred in granting the civil list seems to be very harshly ascribed to the House. The King had, without any request from them, placed at their disposal the revenues of which the law had vested the appropriation in himself; and if in a courteous and respectful acknowledgement of so frank a concession, the ordinary forms of business were dispensed with, it is surely neither wise nor gracious thus to censure a proceeding intended and calculated to strengthen the bonds by which the Sovereign and his people are happily united. The question of juries and township offices are precisely such as to admit an infinite diversity of opinion respecting each specific measure proposed to the House; and no unprejudiced person would assume that a dissent from his own views on such topics implied any failure of zeal for the public good.

This paper proceeds to accumulate a body of charges against the Assembly, into the justice of which it is utterly impossible that I should enter. Whether their appropriations of public money have been prudent—whether Mr. Mackenzie himself was properly expelled—whether a reduction of fees ought to have been made—whether the term “misguided individual” was correctly applied to Mr. Mackenzie and others, in the address of the House to His Majesty, are topics on which I conceive it to be the duty of the King's Government rather to defer to the judgment of a body enjoying the most extensive means of local information than to oppose to them conjectural opinions of their own.

The same conclusion is next urged on the ground of the angry and excited state of the public mind. I should have thought that, assuming the accuracy of this statement, anger and excitement were precisely those tempers of mind in which men would be least qualified to exercise a wise and dispassionate judgment on the great question which it is proposed to refer to their determination.

The recent dissolution of Parliament in this kingdom is quoted as a precedent in favor of a similar proceeding in Upper Canada. I will not discuss the accuracy of the analogy which it is thus attempted to draw between the two cases; but content myself with saying that I believe no impartial man will deny that no real similarity exists between them. However well adapted such a topic may be for popular effect it would be at variance with all sound principles to accept it as a ground for a great political measure.

Mr. Mackenzie appears to have foreseen that a very numerous body of Petitioners would protest against his recommendations. It is satisfactory to find that in his attempt to repel their effect by anticipation, he has no specific statement to make or argument to urge, but that

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in his opinion, such petitioners would show "the follies of the advisers of the Government, and their own inexperience." With what propriety "folly" is thus freely attributed to more than 26,000 persons, or "inexperience" to those who are in the same breath condemned for having exercised an improper authority from the very infancy of the Province, it were needless for me to state.

The House themselves, it appears, refused to concur in an Address for their own dissolution. In favor of the motion, eighteen members voted, and twenty-seven against it. The two parties it is said each representing populations numerically equal. But it is added that nineteen of the majority were persons holding offices or places at the pleasure of the Crown. Upon what grounds Mr. Mackenzie makes this assertion I am at a loss to conjecture. I have before me a list of the majority who voted upon the occasion referred to, and on comparing it with the annual return of the civil establishment of the colony for 1830, I cannot discover that it includes more than six gentlemen holding any public employment. Of these six, one fills a situation of which the emolument is little more than nominal, being only £9 a year—of the remaining five, two are the law officers of the Crown, whom I presume Mr. Mackenzie can scarcely hold it to be desirable to exclude from the Assembly. If it could be shewn that the Crown really possessed an undue influence in the Provincial Legislature, His Majesty would not hesitate to assent to any law which might be passed for the purpose of limiting the number of persons holding offices at pleasure who should be permitted at one time to sit there.—I cannot however believe that any such undue influence could possibly be exercised. The popular system of election which exists in Upper Canada, would enable the inhabitants speedily to dismiss from the Assembly any representative who might be capable of betraying his duty to his constituents by supporting a line of policy injurious to their interests, for so paltry a consideration as £50 or £60 a year, which seems to be the amount received by some of the persons to whose presence in the Assembly Mr. Mackenzie objects. If the majority of the electors of any town or county think fit to return as their representative a gentleman who is in the public service, this only proves that the general policy of the Government by which he is employed, is in their opinion entitled to approbation; nor if so, can I see the slightest objection to such a choice: on the contrary, I think the presence in the Assembly of a certain number of gentlemen holding official situations, and able to explain the views and objects of the Government on the different subjects which come under discussion, is calculated very much to promote the public interest.

Mr. Mackenzie further contends that the petitions of which he is the bearer should be credited as expressive of the general opinion of the Province, because they accord with the votes of the House of Assembly of Lower Canada—because they are in harmony with the views of the last Assembly of Upper Canada—because this present Assembly has vacillated in some of its measures—because the present House has sanctioned resolutions, bills and addresses, negatived by the Council or rendered ineffectual by yourself—because they correspond with the petitions presented to the House—because they are in coincidence with certain petitions approved by the Assembly in 1828—with others presented to the House of Commons in 1831—and with another address to yourself in December last; and finally, because they are supported by a mass of facts and testimony.

These statements do not, as far as I perceive, invalidate the inference which I am bound to draw from the facts that Mr. Mackenzie and his constituents are opposed by a body of petitioners who very greatly outnumber themselves. Desirous to attribute to popular opinion, when deliberately formed and calmly expressed, the weight which it is indeed impossible to deny it, I am by that very consideration compelled to believe that in acceding to the prayer for a dissolution of the House, His Majesty would be acting not in consonance with the judgment of the people, but in opposition to it. I must believe myself better informed than Mr. Mackenzie, respecting the affairs of Lower Canada, as I have much more ample sources of information, and I therefore deny that the cases of the two Provinces are so parrallel or alike, that the resolutions adopted in the one could with any propriety be transferred to the circumstances of the other. I cannot assume that the ninth Provincial Assembly, were it now sitting, would retain the opinions it held in a former and different period. The changes of opinion in the present House of Assembly rather prove that that body are attentive to the wishes of

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their constituents than the reverse, and certainly afford no argument to show that they have lost the public confidence. The "facts" and the "testimonies" to which reference is made, I have considered in the former part of this Despatch.

The dissolution of the House is again urged upon His Majesty, because the same principle of extending the representation to meet the increase of the population was recognized in the Lower Canada bill of 1829—because His Majesty assented to a reformed representation in this country—because it is desirable to conciliate the people of Upper Canada—because the Canada Committee of 1828, advised a conciliatory and constitutional system of Government to be observed in the Canadas—and because Mr. Hume has, on some occasion, which is not explained, excited expectations in the Province which the refusal of a dissolution would disappoint.

I answer that for whatever language Mr. Hume may have employed, that Gentleman alone is responsible; and His Majesty's Government cannot be called upon to answer for any disappointment which they may have had no share in producing. I further answer, that the advice to conciliate the Canadas by a constitutional system of Government, has been constantly borne in mind by my colleagues and myself, but that I know not what principle of the constitution calls upon us to advise His Majesty to oppose the decided voice of the House of Assembly, and the voice of the great apparent majority of the people.

To retain their affections is the great object of His Majesty's Policy: but how am I to suppose that this object would be promoted by thwarting the declared wishes of so preponderating a majority of them? The Royal Assent to the reform bill in this kingdom proceeded on no principle which could be applied to the present question; and the reference to Lower Canada and the election law of that Province of 1829, proves only how very imperfectly Mr. Mackenzie is acquainted with the real history of that law.

I have thus pursued the two first papers laid before me by Mr. Mackenzie in the most ample detail. If it should occur to you that I attach to them more importance than can be fairly claimed for the views of a single man writing under the irritation of personal resentment, I would reply that I have always felt it to be my duty to consider any representation which may be laid before me upon important public questions, with reference to the intrinsic merits of the questions themselves, rather than to any matter personal to the individual from whom they may immediately proceed; and in this case I have received these documents from Mr. Mackenzie, not merely as expressing his own opinion, but also as explanatory of the views of those who have deputed him to represent what they consider their grievances to His Majesty. To them the utmost possible respect is due; and although they have not succeeded in satisfying me that their opinions are right and their views correct, I have been anxious at least to prove that they had undergone the most careful scrutiny which it was in my power to bestow upon them. The only object which His Majesty's Government can have in view is the improvement and welfare of the Province; and it is highly gratifying to them to believe, from all accounts which reach this country, that whilst upon some questions of internal policy, and the state of the law, in certain respects, differences of opinion may prevail, the prosperity of the Province is rapidly advancing in a manner calculated to draw closer the bonds of attachment by which the people are united to the Mother Country. It is the duty of His Majesty's Government at home, and of His Representative in the Province, to keep these great objects steadily in view, relying with confidence upon the good sense, the right feeling, and the warm loyalty of the people at large. It is by such a course that errors may best be amended, imperfections removed, abuses corrected, and all the sources of public good developed and enlarged.

Having written this despatch with a view to publicity, you have my authority to make it public in whatever manner you may think most convenient.

I have the honor to be,

Sir,

Your most obedient Servant,

(Signed)

GODERICH.

Major General,

SIR JOHN COLBORNE, K.C.B.

&c. &c. &c.

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Ordered, that the above Despatch be referred to a Committee of the whole House on Thursday next, and

Despatch ordered to be referred to a Committee of the whole

Ordered, that the Members in Town be summoned to attend in their places on that day.

Members summoned.

Pursuant to the order of the day, the Bill, entitled, "An Act to authorise the Magistrates of the Eastern District, to borrow a further sum of money for the completion of the Gaol and Court-house in said District, and for enclosing the same, and also to empower the said Magistrates to continue the Assessments already imposed for building the said Gaol and Court-house, until the money so borrowed shall be repaid, with the interest thereon," was read a third time, and passed.

Eastern District Gaol and Court House Loan bill read 3rd time, and passed

Whereupon the Speaker signed the same; and it was

Same signed

Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House, that the Legislative Council have passed this Bill without amendment.

and Assembly acquainted thereof

Pursuant to the order of the day, the Bill, entitled, "An Act to incorporate a Joint Stock Company for the construction of a Harbour at the mouth of the Twenty Mile Creek, on Lake Ontario," was read a second time; and it was

Second Twenty Mile Creek Harbour bill read 2nd time

Ordered, that the House be put into a Committee of the whole, to-morrow, to take the same into consideration.

Pursuant to the order of the day, the Bill, entitled, "An Act to make perpetual an Act passed in the thirty-third year of the Reign of His Majesty King George the third, entitled 'An Act to provide for the appointment of Returning Officers of the several counties of this Province, and to make provisions respecting the duties of Returning Officers and expenses attending elections,'" was read a second time; and it was

Returning Officers regulation bill, read 2nd time

Ordered, that the House be put into a Committee of the whole to-morrow, to take the same into consideration.

Pursuant to the order of the day, the amendments made by the Commons House of Assembly in and to the Bill sent down from this House, entitled, "An Act to revive and continue an Act passed in the fifty-fifth year of the Reign of King George the third, entitled, 'An Act to repeal an Act passed in the fifty-fourth year of His Majesty's Reign, entitled, 'An Act to supply in certain cases the want of County Courts in this Province, and to make further provision for proceeding to Outlawry in certain cases therein mentioned,'" were read a second time; and it was

Amendments of Assembly to Outlawry revival bill, read 2nd time

Ordered, that the House be put into a Committee of the whole to-morrow, to take the same into consideration.

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill, entitled, "An Act for amending the Law of Evidence in certain cases."

Evidence Law amendment bill re-committed

The Honorable Mr. Crooks took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, and had made some amendments thereto, which they were ready to submit whenever the House would be pleased to receive them.

Amendments reported

Ordered, that the report be received to-morrow.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill, entitled, "An Act relating to the bailing and commitment, removal and trial of Prisoners in certain cases."

Prisoners commitment bill committed

The Honorable Mr. Markland took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said Bill, and recommended the same without amendment to the adoption of the House.

Reported

Adopted

Ordered, that the Report be received, and—

Ordered, that the said Bill be read a third time to-morrow.

The Honorable Mr. Allan, from the Committee of the whole upon the Bill, entitled "An Act to Incorporate a Company under the style and title of the British America Life and Fire Assurance Company," pursuant to order, reported the further amendments thereto.

Further amendments to British America Life and Fire Assurance bill presented

The same was then read by the Clerk as follows:—

Read first time

Press. 2. Line 15.—After "seventeen Directors," insert "at such time and place as the ma-

The amendments

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majority of such Subscribers shall appoint, giving thirty days notice thereof in six or more of the public Newspapers of this Province."

Press. 2, line 15.—After "shall be," insert "subjects of His Majesty, and."

" " " 16.—Insert after "office," "to the amount of twenty shares."

" " " "—Expunge "which seventeen Directors," and insert "and."

" " " 19.—After "that," insert "the Directors so chosen shall serve till the first Monday in August next, after their election, and that."

" " " 23.—Expunge "day of," and insert "Monday in."

Press. 3, Line 7.—After "he," insert "shall be a subject of His Majesty, and."

Read 2nd time and adopted

The further amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House, and it was

Ordered, that they be engrossed, and the said Bill as further amended, read a third time on Thursday next.

Amendments to St. Lawrence Inland Marine Assurance bill, presented

The Honorable Mr. Allan, from the Committee of the whole upon the Bill, entitled, "An Act to incorporate certain persons under the name and title of the Saint Lawrence Inland Marine Assurance Company," reported pursuant to order, the amendments thereto.

Read 1st time

The same were then read by the Clerk as follows:—

The amendments

Press. 1, Line 23.—After "whatsoever," insert "and of contracting and being contracted with, relative to the funds of the said Corporation, and the business and purposes for which the said Corporation is hereby created."

Press. 2, Line 2.—After "mentioned," insert "and be it further enacted by the authority aforesaid, that the said Corporation is hereby created for the purpose, and shall have power and authority to make contracts of insurance with any person or persons, body politic or corporate, against losses or damage of or to vessels, boats or other craft, navigating upon the Lakes or Rivers of this Province, or elsewhere upon the waters of the River Saint Lawrence, or of the Lakes Superior, Huron, Erie, or Ontario, or upon any of the waters or rivers connected with said Lakes, or any of them, and against any loss or damage of or to the cargoes, or property conveyed in or upon any such vessels, boats, or other craft, or to timber or other property of any description, conveyed in any manner upon the said waters; and generally to do all matters and things relating to the said objects,—and all policies shall be subscribed by the President, or, in his absence, by a Vice-President, if any be appointed, or by a President pro tempore, and countersigned by the Secretary, and shall be binding and obligatory upon the said Corporation, though not subscribed in the presence of a Board of Directors, if done in conformity to a bye-law of the Directors, which may be made and ordained for that purpose."

Press. 2, Line 4.—After "pounds," expunge "currency."

" " " 5.—After "shillings," expunge "currency."

" " " 6.—After "than," expunge "one hundred," and insert "fifty."

" " " "—After "stock," insert "in the first instance."

" " " 20.—After "Company," insert "And be it further enacted by the authority aforesaid, that the real estate which it shall be lawful for the said Corporation to hold shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transaction of its business, or such as shall have been or may be bona fide mortgaged to the said Company by way of security, or which may be conveyed to it in satisfaction of debts previously contracted in the course of its dealings, and with regard to all such real estates so to be held by the said Corporation as aforesaid, (except such as may be for its immediate accommodation as aforesaid, or such as it may hold by way of mortgage, and whereof the actual possession shall remain in the mortgagor's, their heirs or assigns,) the said Corporation shall be bound to sell and dispose of the same respectively within seven years after it acquires the same, and shall not be capable of holding the same after the expiration of the said seven years, but the same shall

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immediately at the expiration of the said seven years, be forfeited to and vested in His Majesty, His Heirs and Successors.

“ And be it further enacted by the authority aforesaid, that the said Corporation shall not directly or indirectly deal or trade in buying or selling any goods, wares, merchandize or commodities whatsoever, or in buying any stock of any joint stock company, or stock created by any Act of the Legislature of this Province, unless in buying the same in order to invest its capital stock or any part or parts thereof, by way of securing the said capital stock, or in selling the same for the payment of its debts, or to re-invest in other stock, or when truly pledged to it by way of security for debts due to the said Corporation, nor shall the said Corporation engage in or carry on any banking operation whatever; and further, it shall not be lawful for the said Corporation to issue or emit any notes or bills, or make any contracts for the payment of money, except the same be under the seal of the said Corporation; and all such notes, bills and contracts shall be construed and taken to be specialties, and shall not possess any other or greater power of being assigned or transferred than specialties at common law.

“ And be it further enacted by the authority aforesaid, that in respect to all debts which shall be contracted by the said Corporation, or obligations incurred before the said first day of January 1860, or whenever the said Corporation may be dissolved, the persons composing the said Corporation at the time of its dissolution shall be responsible in their individual and private capacity to the extent of their respective shares and no further, in any suit or action to be brought or prosecuted after the dissolution of the said Corporation.

“ And be it further enacted by the authority aforesaid, that the stock of the said Corporation shall be assigned and transferrable according to such rules as the President and Directors shall make and establish, and no stockholder indebted to the company shall be permitted to make a transfer or receive a dividend until such debt be paid or secured to be paid to the satisfaction of the President and Directors.”

Press. 3, line 3.—After “office,” expunge the remainder of the clause, and insert “to the amount of twenty shares, and be subjects of His Majesty, and so soon as twenty-five thousand pounds shall have been subscribed, it shall be lawful for the shareholders or subscribers to proceed to the election of eleven Directors, qualified as aforesaid, at such time and place as the majority of such subscribers shall appoint, giving thirty days notice thereof in six or more of the public Newspapers of the Province, which Directors shall serve until the first Monday in May 1834.”

“ “ “ 14.—After “proxy,” expunge “each share giving a vote,” and insert “and such stockholders shall be entitled to a number of votes, proportioned to the number of shares which he, she or they shall have held, in his, her or their name, at least three months prior to the time of voting, according to the following ratio, that is to say, at the rate of one vote for each share not exceeding four, five votes for six shares, six votes for eight shares, seven votes for ten shares, and one vote for every five shares above ten.”

“ 4, “ 15.—After “aforesaid,” expunge the remainder of the clause, and insert “that the Directors shall from time to time make such dividends of their profits as in their discretion they may deem expedient and consistent with the outstanding risks of claims for losses.”

“ 5, “ 2.—After “more,” expunge the remainder of the clause.

“ “ “ 14.—After “year,” add “a copy of which return shall be laid before the Stockholders at their next meeting.”

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Press. 5, line 17.—After "Institution," expunge the remainder of the clause.

" 6, Last line.—After "operations," insert "And be it further enacted by the authority aforesaid, that the present Act shall in no wise be forfeited for non-use: at any time before the first day of January, 1835.

" And be it further enacted by the authority aforesaid, that the Legislature of this Province may at any time hereafter make such additions to this Act or such alterations in any of its provisions as they may think proper, should the public interest require it."

Read second time, and adopted

The said amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House, and it was—

Ordered, that they be engrossed, and the said Bill, as amended, read a third time on Thursday next.

Leave of absence granted to the Hon. Mr. Jones

The Honorable Mr. Jones prayed that he might have leave of absence for the remainder of the Session; and it was,

Ordered, that he take leave for that time accordingly.

House adjourns

On motion made and seconded the House adjourned.

WEDNESDAY, 30TH JANUARY, 1833.

House meets

The House met pursuant to adjournment.

PRESENT,

Members present

*The Honorable* JOHN B. ROBINSON, SPEAKER,

*The Hon. & Ven. the* ARCHDEACON OF YORK,

*The Honorable Messrs.* CLARK,

*The Honorable Messrs.* McDONELL,

" " DICKSON,

" " CROOKS.

" " CROOKSHANK.

*Prayers were read.*

The Minutes of yesterday were read.

Grand River Navigation bill, read 3rd time and passed

Pursuant to the order of the day, the Bill, entitled "An Act to repeal part of and amend an Act passed in the second year of His present Majesty's reign, entitled 'An Act to incorporate a joint Stock Company to improve the Navigation of the Grand River,'" was read a third time and passed.

Same signed

Whereupon the Speaker signed the same; and it was,

Assembly acquainted thereof

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House that the Legislative Council have passed this Bill without amendment.

Prisoners commitment bill, read 3rd time and passed

Pursuant to the order of the day, the Bill entitled "An Act relating to the bailing and commitment, removal and trial of Prisoners in certain cases," was read a third time and passed.

Same signed

Whereupon the Speaker signed the same; and it was,

Assembly acquainted thereof

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House that the Legislative Council have passed this Bill without amendment.

North Gwillimbury Survey bill, committed

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill, entitled "An Act to establish the side lines between certain lots in the Township of North Gwillimbury, in the Home District," together with the report of the Select Committee on same.

The Honorable Mr. Clark took the Chair.

After some time the House resumed.

Reported

The Chairman reported that the Committee had gone through the said Bill, and recommended the same without amendment to the adoption of the House.

Adopted

Ordered, that the Report be received, and,

4th Rule dispensed with

Ordered, that the forty-fourth rule of this House be dispensed with as it regards the Bill; and—

Ordered, that the same be read a third time this day.

2nd Twenty Mile Creek Harbour bill, committed

Pursuant to the order of the day, the House was put into a Committee of the whole upon

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the Bill entitled "An Act to incorporate a Joint Stock Company for the construction of a Harbour at the mouth of the Twenty Mile Creek, on Lake Ontario."

The Honorable Mr. Dickson took the Chair.

A message being announced, the Chairman left the Chair and the House formed.

Message from Assembly

A deputation from the Commons House of Assembly brought up a Bill, to which they requested the concurrence of this House and then withdrew.

A bill brought up.

The House was then again put into a Committee of the whole, upon the Bill, entitled "An Act to incorporate a Joint Stock Company for the construction of a Harbour at the mouth of the Twenty Mile Creek, on Lake Ontario."

2nd Twenty Mile Creek Harbour bill, re-committed

The Honorable Mr. Dickson took the Chair.

A message being announced the Chairman left the chair and the House formed.

A deputation from the Commons House of Assembly brought up and delivered at the Bar of this House, a Message in the following words, and then withdrew.

Message from Assembly.

MR. SPEAKER,

The Commons House of Assembly has passed the joint address to His Excellency the Lieutenant Governor, requesting His Excellency to transmit the address of both Houses on the subject of the Tax on Emigrants arriving at the Port of Quebec.

Acquainting this House of their passing the Address requesting His Excellency to transmit the address to the King, on the Emigrant Tax.

(Signed) ARCHIBALD McLEAN,  
SPEAKER.

*Commons House of Assembly,  
30th day of January, 1833.*

The House was then again put into a Committee of the whole upon the Bill, entitled, "An Act to incorporate a Joint Stock Company for the construction of a Harbour at the mouth of the Twenty Mile Creek, on Lake Ontario."

Second Twenty Mile Creek Harbour bill re-committed.

The Honorable Mr. Dickson took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said Bill, and recommended the same without amendment to the adoption of the House.

Reported

Ordered, that the report be received; and

Adopted

Ordered, that the said Bill be read a third time to-morrow.

His Honor, the Speaker, reported to the House that a Deputation from the Commons House of Assembly had brought up a Bill, entitled, "An Act to establish a Police in the Town of Cornwall, in the Eastern District," to which they requested the concurrence of this House.

Speaker reports the receipt of Cornwall Police bill from Assembly.

The said Bill was read; and it was—

Read 1st time

Ordered, that the same be read a second time to-morrow.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill, entitled, "An Act to make perpetual an Act passed in the thirty-third year of the Reign of His Majesty King George the third, entitled, 'An Act to provide for the appointment of Returning Officers of the several Counties of this Province, and to make provisions respecting the duties of Returning Officers, and expenses attending Elections.'"

Returning Officers regulation bill committed.

The Honorable Mr. Crookshank took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said Bill, and recommended the same without amendment, to the adoption of the House.

Reported

Ordered, that the Report be received, and,

Adopted

Ordered, that the said Bill be read a third time to-morrow.

Pursuant to the order of the day, the House was put into a Committee of the whole upon the amendments made by the Commons House of Assembly, in and to the Bill sent down from this House, entitled "An Act to revive and continue an Act passed in the fifty-fifth year of the reign of King George the Third, entitled 'An Act to repeal an Act passed in the fifty-fourth year of His Majesty's reign, entitled 'An Act to supply in certain cases the want of County Courts in this Province, and to make further provision for proceeding to Outlawry in certain cases therein mentioned.'"

Amendments of Assembly to Outlawry revival bill, committed.

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The Honorable Mr. McDonell took the Chair.

After some time the House resumed.

Reported

The Chairman reported that the Committee had gone through the same, and recommended the amendments to the adoption of the House.

Adopted

Ordered, that the report be received, and—

Ordered, that the said amendments be read a third time to-morrow.

Amendments to Evidence Law amendment bill, presented.

The Honorable Mr. Crooks, from the Committee of the whole upon the Bill, entitled "An Act for amending the law of Evidence in certain cases," reported, pursuant to order, the amendments thereto.

Read first time.

The said amendments were then read by the Clerk as follows :

The amendments

After "whereas," expunge the remainder of the preamble, and insert "doubts having arisen whether a witness can by law refuse to answer a question relative to the matter in issue, the answering of which has no tendency to accuse himself or to expose him to any penalty or forfeiture, but the answering of which may establish or tend to establish that he owes a debt, or is otherwise subject to a civil suit at the instance of His Majesty or of some private person or persons."

Line 2.—After "therefore," insert "declared and."

" 10.—After "same," expunge the remainder of the Bill, and insert "that a witness cannot by law refuse to answer a question relevant to the matter in issue, the answering of which has no tendency to accuse himself or to expose him to penalty or forfeiture, of any nature whatsoever, by reason only or on the sole ground that the answering of such question may establish or tend to establish that he owes a debt or is otherwise subject to a civil suit, either at the instance of His Majesty or of any private person or persons."

Read 2nd time and adopted

The said amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House; and it was—

Ordered, that they be engrossed, and the said Bill, as amended, read a third time to-morrow.

North Gwillimbury Survey bill read third time, and passed

Pursuant to order, the Bill entitled "An Act to establish the side lines between certain lots in the Township of North Gwillimbury, in the Home District," was read a third time and passed :

Bill signed and Assembly acquainted of same.

Whereupon the Speaker signed the same, and it was—

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House that the Legislative Council have passed this Bill without amendment.

House adjourns

On motion made and seconded, the House adjourned.

THURSDAY, 31st JANUARY, 1833.

House meets

The House met pursuant to adjournment.

PRESENT,

Members present

<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Honorable Messrs.</i> ALLAN,
<i>The Honorable Messrs.</i> BABY,	" " JONES,
" " CLARK,	" " McDONELL,
" " DICKSON,	" " BALDWIN,
" " POWELL,	" " ADAMSON,
" " CROOKSHANK,	" " CROOKS,
<i>The Hon. &amp; Ven. The</i> ARCHDEACON OF YORK,	<i>The Hon. &amp; Rt. Rev.</i> BISHOP MACDONELL.
<i>The Honorable Mr.</i> WELLS,	

*Prayers were read.*

The minutes of yesterday were read.

British America Life and Fire Assurance bill (as amended) read 3rd time and passed

Pursuant to the order of the day, the Bill, entitled "An Act to incorporate a Company under the style and title of the British America Life and Fire Assurance Company," was as amended, read a third time; and—

The question being put, whether this Bill (as amended) should pass, it was carried in the affirmative :

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SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

Whereupon the Speaker signed the amendments; and it was—	Amendments signed.
Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House that the Legislative Council have passed this Bill with amendments, to which they desire the concurrence of the Commons House of Assembly.	Sent to Assembly for concurrence.
Pursuant to the order of the day, the Bill entitled "An Act to incorporate certain persons under the name and title of the Saint Lawrence Inland Marine Assurance Company," was, as amended, read a third time; and it was—	Saint Lawrence Inland Marine Assurance bill (as amended) read 3rd time
Ordered, that the Bill be further amended by adding:	Further amendment ordered
To the seventh amendment—"And shall after their Election choose from among their number five persons, viz: a President, Vice-President, Secretary and two Trustees, who shall still be considered Directors to all intents and purposes whatsoever."	The amendment
The said further amendment being read a second time, and the question of concurrence put thereon, it was agreed to by the House, and it was—	Read second time, and adopted
Ordered, that it be engrossed, and the said Bill as further amended read a third time presently.	
The Bill as further amended was then read a third time accordingly, and—	Bill as further amended read third time and passed
The question being put whether this Bill as further amended should pass, it was carried in the affirmative:	
Whereupon the Speaker signed the amendments, and it was—	Amendments signed
Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House that the Legislative Council have passed this Bill with amendments, to which they desire the concurrence of the Commons House of Assembly.	And sent to Assembly for concurrence
Pursuant to the order of the day, the Bill, entitled "An Act to incorporate a Joint Stock Company for the construction of a Harbour at the mouth of the Twenty Mile Creek, on Lake Ontario," was read a third time and passed:	Second Twenty Mile Creek Harbour bill read third time and passed
Whereupon the Speaker signed the same, and it was—	Bill signed
Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House that the Legislative Council have passed this Bill without amendment.	And Assembly acquainted of same
Pursuant to the order of the day, the Bill entitled "An Act to make perpetual an Act passed in the thirty-third year of the reign of His Majesty King George the Third, entitled 'An Act to provide for the appointment of Returning Officers of the several Counties of this Province, and to make provisions respecting the duties of Returning Officers and expenses attending Elections,'" was read a third time and passed:	Returning Officers Regulation bill read third time and passed
Whereupon the Speaker signed the same; and it was—	Bill signed
Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House that the Legislative Council have passed this Bill without amendment.	Assembly acquainted of same
Pursuant to the order of the day, the amendments made by the Commons House of Assembly, in and to the Bill sent down from this House, entitled "An Act to revive and continue an Act passed in the fifty-fifth year of the reign of King George the Third, entitled 'An Act to repeal an Act passed in the fifty-fourth year of His Majesty's reign, entitled 'An Act to supply in certain cases the want of County Courts in this Province, and to make further provision for proceeding to Outlawry in certain cases therein mentioned,'" were read a third time and passed:	Amendments of Assembly to Outlawry Revival bill read third time and passed
Whereupon the Speaker signed the amendments; and it was—	Amendments signed
Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House that the Legislative Council have concurred in and to the same.	Assembly acquainted of same
Pursuant to the order of the day, the Bill, entitled, "An Act for amending the Law of Evidence in certain cases," was as amended, read a third time; and—	Evidence Law amendment bill (as amended) read third time and passed
The question being put, whether this Bill as amended should pass, it was carried in the affirmative:	
Whereupon the Speaker signed the amendments; and it was—	Amendments signed
Ordered, that the Master in Chancery do go down to the Assembly and acquaint that House, that the Legislative Council have passed this Bill with amendments, to which they desire the concurrence of the Commons House of Assembly.	Assembly acquainted of same

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Cornwall Police bill  
read 2nd time.

Pursuant to the order of the day, the Bill entitled "An Act to establish a Police in the Town of Cornwall, in the Eastern District," was read a second time, and it was—

Ordered, that the House be put into a Committee of the whole, to-morrow, to take the same into consideration.

Lord Goderich's Despatch on the subject of grievances said to exist in this Province committed

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Despatch of His Majesty's Secretary of State for the Colonies, transmitted on Monday last by His Excellency the Lieutenant Governor.

The Honorable Mr. Wells took the Chair.

Message from Assembly

A message being announced the Chairman left the Chair, and the House formed.

Acquainting this House of the adoption of the amendments made to the Kingston Bank bill

A Deputation from the Commons House of Assembly returned the Bill, entitled "An Act to alter and amend the provisions of an Act passed in the last Session of the Provincial Parliament, entitled "An Act to incorporate certain persons under the style and title of the Commercial Bank of the Midland District," and acquainted this House that the Commons House of Assembly had agreed to the amendments of the Legislative Council, made in and to the same.

Lord Goderich's Despatch on the subject of grievances said to exist in this Province, re-committed

The House was then again put into a Committee of the whole, upon the Despatch of His Majesty's Secretary of State for the Colonies, transmitted on Monday last by His Excellency the Lieutenant Governor.

The Honorable Mr. Wells took the Chair.

After some time the House resumed.

Reported, and leave asked to sit again

The Chairman reported that the Committee had taken the said Despatch into consideration, had made some progress therein, and asked leave to sit again to-morrow.

Leave granted

Ordered, that the Report be received, and leave granted accordingly, and—

Members summoned.

Ordered, that the Members in Town be summoned to attend in their places on that day. On motion made and seconded, it was—

Committee appointed to wait upon Lieut Governor with a Joint Address praying him to transmit the address to the King on the Emigrant Tax, and to know when he would receive it

Ordered, that a Committee be appointed on the part of this House to meet a Committee on the part of the Commons House of Assembly to-morrow, at twelve of the clock at noon, to wait upon His Excellency the Lieutenant Governor with the Joint Address, praying him to transmit the Address of both Houses to the King, on the subject of the Tax on Emigrants, to know when he will be pleased to receive it, and to present the same, and—

Member composing same

Ordered, that the Honorable Mr. Wells be the Committee for that purpose; and—

Assembly acquainted of same

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House that the Legislative Council have appointed the Honorable Mr. Wells to be a Committee on their part, who will be ready to meet a Committee on the part of the Commons House of Assembly to-morrow, at twelve of the clock at noon, to wait upon His Excellency the Lieutenant Governor with the Joint Address, praying him to transmit the Address of both Houses to the King, on the subject of the Tax on Emigrants, to know when he will be pleased to receive it, and to present the same.

Notice of a motion on the subject of the expenditure of certain monies raised by the Welland Canal Company

The Honorable Mr. Crooks gave notice that he would, on to-morrow, move that the President, Directors and Company of the Welland Canal Company be required to render a true, full and particular account in detail of the expenditure of all monies raised by the Welland Canal Company from the debentures mentioned in an Act passed in the first year of the reign of His present Majesty, entitled "An Act to afford further aid to the Welland Canal Company, and to repeal part of and amend the laws now in force relative to the said Company," and that the said account be verified by the oath of the President and Secretary of said Company, made before a Judge of the Court of King's Bench, or of any District Court of this Province, stating that the said account is a just and true account of the expenditure of the said monies.

House adjourns

On motion made and seconded, the House adjourned until eleven of the clock, A. M., to-morrow.

Friday, 1st February, 1833.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

FRIDAY, 1st FEBRUARY, 1833.

The House met pursuant to adjournment.

House meets

PRESENT,

<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Honorable Messrs.</i> CAMERON,	
<i>The Honorable Messrs.</i> BABY,	“ “	ALLAN,
“ “ CLARK,	“ “	JONES,
“ “ DICKSON,	“ “	McDONELL,
“ “ POWELL,	“ “	BALDWIN,
“ “ CROOKSHANK.	“ “	ADAMSON,
“ “ WELLS,		

Members present

*Prayers were read.*

The Minutes of yesterday were read.

The order of the day being read for the House to be again put into a Committee of the whole upon the Bill, entitled “An Act for the more convenient recovery of Estreats,” it was—

Order of the day read for re-committing Estreats recovery bill

Ordered to be discharged, and that the said Bill do stand upon the order of the day for Tuesday next.

Same discharged

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill, entitled, “An Act to establish a Police in the town of Cornwall, in the Eastern District.”

Cornwall Police bill committed

The Honorable Mr. Adamson took the Chair.

The Chairman left the chair, and the House formed, and it was,

House forms

Ordered, that the said Bill be printed for the use of Members.

Bill ordered to be printed

A Deputation from the Commons House of Assembly brought up and delivered at the bar of this House, a message in the following words, and then withdrew.

Message from Assembly

MR SPEAKER,

The Commons House of Assembly has appointed a Committee of two of its Members, to wait with a Committee appointed by the Honorable the Legislative Council, on His Excellency the Lieutenant Governor, to know when His Excellency will be pleased to receive both Houses, with their address to His Majesty on the Emigrant Tax.

Acquainting this House of the appointment of a Committee to wait upon Lt. Governor, to know when he would receive the joint address to the King on the Emigrant tax

(Signed)

ARCHIBALD McLEAN,

SPEAKER.

*Commons House of Assembly,  
1st day of February, 1833.*

The Honorable and Venerable the Archdeacon of York, and the Honorable Mr. Crooks enter.

Members enter

The Honorable Mr. Wells from the Joint Committee, to wait on His Excellency the Lieutenant Governor to know when he would be pleased to receive the address of both Houses, reported that they had done so, and that His Excellency was pleased to signify that he would receive the two Houses with their address, to-morrow, at two of the clock, P. M.

Report of the joint committee

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Despatch of His Majesty's Secretary of State for the Colonies, transmitted on Monday last by His Excellency the Lieutenant Governor.

Lord Goderich's despatch on the subject of grievances, said to exist in this Province, re-committed

The Honorable Mr. Wells took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Despatch into consideration, and had agreed to certain resolutions, which they recommended to the adoption of the House; as also the draft of an address in pursuance thereto.

Resolutions, and an address to the Lt. Governor, reported

Ordered, that the Report be received, and—

The said Resolutions were then read by the Clerk as follows:—

Read 1st time

Resolved,—That it is the opinion of this Committee, that it is expedient to Address His Excellency the Lieutenant Governor, in relation to His Excellency's message, transmitting a Despatch from His Majesty's Secretary of State, dated the 8th November last, expressing the opinion of the Legislative Council upon certain matters adverted to in that Despatch.

The resolutions

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Resolution.—That in the opinion of this Committee it is expedient to present an address to His Excellency the Lieutenant Governor, in the following terms:—

Read 2nd time and adopted

The said Resolutions being read a second time, and the question of concurrence put on each, they were severally agreed to by the House, and it was,

Address ordered

Ordered, that it is expedient to address His Excellency the Lieutenant Governor, in relation to His Excellency's message, transmitting a Despatch from His Majesty's Secretary of State, dated the 8th November last, expressing the opinion of the Legislative Council upon certain matters adverted to in that Despatch, and,

Ordered, that it is expedient to present an address to His Excellency the Lieutenant Governor, in the following terms:—

The said address, was,

Ordered to be engrossed, and read a third time to-morrow.

Pursuant to notice, the Honorable Mr Crooks moved, that it be

Resolution moved for an address to the Lt. Governor, on the subject of the expenditure of certain monies raised by the Welland Canal Company

Resolved,—That an humble address be presented to His Excellency the Lieutenant Governor praying that he will call upon the President and Secretary of the Welland Canal Company for a return of expenditure in detail, in conformity with the requisitions of an Act passed in the first year of His present Majesty's Reign, entitled, "An Act to afford further aid to the Welland Canal Company, and to repeal part of, and amend the laws now in force, relative to the said Company," and cause the same to be laid before this House.

Read second time, and adopted

Which being seconded, the question of concurrence was put, and the said Resolution was carried in the affirmative, and then it was,

Address ordered

Ordered, that an humble address be presented to His Excellency the Lieutenant Governor, praying that he will call upon the President and Secretary of the Welland Canal Company for a return of expenditure in detail, in conformity with the requisitions of an Act passed in the first year of His present Majesty's reign, entitled, "An Act to afford further aid to the Welland Canal Company, and to repeal part of, and amend the laws now in force relative to the said Company," and cause the same to be laid before this House, and,

Committee appointed to present same  
Leave of absence granted to the Hon. Mr. Crooks

Ordered, that the Honorable Messieurs Dickson and Clark, do present the same.

The Honorable Mr. Crooks prayed that he might have leave of absence for the remainder of the Session, and it was,

Ordered, that he take leave for that time accordingly.

House adjourns

On motion made and seconded the House adjourned.

SATURDAY, 2nd FEBRUARY, 1833.

House meets

The House met pursuant to adjournment.

PRESENT,

Members present

*The Honorable* JOHN B. ROBINSON, SPEAKER,

*The Hon. & Ven. the* ARCHDEACON OF YORK,

*The Honorable Messrs.* CLARK,

*The Honorable Messrs.* JONES,

" " DICKSON,

" " McDONELL,

" " POWELL,

" " ADAMSON,

" " CROOKSHANK,

*The Hon. & Rt. Rev.* BISHOP MACDONELL.

*Prayers were read.*

The Minutes of yesterday were read.

Joint address to the King, presented to His Excellency, on the Emigrant tax

At two of the clock, P. M. the House proceeded to the Government House, with the joint address, praying that His Excellency will transmit the address of both Houses to His Majesty, on the subject of the Emigrant Tax.

House forms

The Council having returned, the House formed.

PRESENT,

Members present

*The Honorable* JOHN B. ROBINSON, SPEAKER,

*The Honorable Messrs.* WELLS,

*The Honorable Messrs.* CLARK,

" " CAMERON,

" " DICKSON,

" " ALLAN,

" " POWELL,

" " McDONELL,

" " CROOKSHANK,

" " ADAMSON,

*The Hon. & Ven. the* ARCHDEACON OF YORK, *The Hon. & Rt. Rev.* BISHOP MACDONELL,

Saturday, 2nd February, 1833.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

His Honor the Speaker, reported, that His Excellency the Lieutenant Governor had been pleased to reply thereto, as follows:—

Speaker reports His Excellency's reply

GENTLEMEN,

I shall lose no time in transmitting to the Secretary of State for the Colonies, this address to the King, in order that it may be laid before His Majesty.

The Reply

Pursuant to the order of the day, the address to His Excellency the Lieutenant Governor, on the subject of a Despatch from His Majesty's Secretary of State for the Colonies, was read a third time, and passed, (*nemine contradicente*) as follows:—

Address to Lt Governor on the subject of Lord Goderich's Despatch relative to grievances said to exist in this Province, read 3rd time, and passed

*To His Excellency SIR JOHN COLBORNE, Knight, Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's Forces therein, &c. &c. &c.*

MAY IT PLEASE YOUR EXCELLENCY.

WE His Majesty's dutiful and loyal Subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, beg leave to express our thanks to Your Excellency, for laying before us an original Despatch, written to Your Excellency by the Right Honorable the Secretary of State for the Colonies, on the 8th of November last, containing His Lordships observations at great length, upon a variety of statements made to him by Mr. William Mackenzie, an inhabitant of this town. Having perused this Despatch we comply with Your Excellency's desire in returning it to Your Excellency, taking it for granted, that the only reason for laying it before the Legislative Council was the direction contained in the Despatch, that it should receive publicity.

The address

The statements upon which these comments have been framed have also been laid before us by Your Excellency, but without entering into any particular consideration of their contents, with which the Council had little desire to become acquainted, enough appears in the tenor of His Lordship's observations to make it manifest, that these statements have been made with a very unusual disregard of truth, and in a spirit of wanton and intemperate hostility to the Legislative and Executive authorities in this Province. If sufficient internal evidence of this character did not present itself to His Majesty's Secretary of State, in all such parts of these documents as relate to the affairs of this Colony, we must infer from the observations of His Lordship, that it was abundantly displayed in the principles, motives and conduct, ascribed to His Majesty's Ministers in England, upon which His Lordship has necessarily the means of forming a correct opinion.

We cannot say that it may not possibly give satisfaction to some persons in this Province, to observe the condescending and respectful manner in which representations of so peculiar a description, proceeding from an individual, have been received and replied to, notwithstanding it is evident that they were outrageously insulting to all the constituted authorities of this Colony, and scarcely less so to the people at large, in imputing to them sentiments and feelings by which they never have been, and we are convinced, never will be actuated. It is not in the nature of things, however, that the Legislative Council, or that any portion of the people in this Province, of sound hearts and understandings, having the truth under their view, can regard such statements as compose Mr. Mackenzie's voluminous correspondence with His Majesty's Secretary of State, in any other manner than with the most unqualified contempt; a contempt, which upon every principle on which character is required or lost, we think it must be more conducive to the public interests and honor, and to all the ends of good Government, to avow than to disclaim.—So far, therefore, as the Despatch of His Majesty's Secretary of State is to be considered as a reply to those statements, or as a commentary upon information derived from the same source, we cannot regard it as calling for the serious attention of the Legislative Council, but it is scarcely necessary to say, that in any other point of view, this expression of the sentiments of His Majesty's Government upon several of the matters discussed by His Lordship, must be received by us with the greatest interest.—Upon some of these matters it may become the duty of the Legislative Council to address themselves respectfully to their Gracious Sovereign, because they deeply concern the permanent interests of this Province; but we think that we shall best consult the respect due to the other

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branches of this Legislature, as well as to ourselves, by forbearing to enter into any discussion upon them in connection with these documents.

We appeal, however, to the intimate knowledge of this Colony which Your Excellency has acquired during a residence of four years, for a confirmation of our remark, that upon several of the questions which in this Despatch are most elaborately discussed, no dissatisfaction or difficulty prevails, or ever has prevailed, that no person living here ever heard or imagined before that they were seriously talked of, or thought of as grievances, and that the minds of the people are so far from being disquieted by them, that it is probable not a word would be heard upon them in travelling from one extremity of the Province to the other, and in mingling with its industrious population throughout every portion of it. We appeal also to Your Excellency for a confirmation of the statement, that from the day on which the author of these abusive papers left this Province to the present hour, the people of Upper Canada have pursued their avocations as contentedly and happily, with as kind and liberal a confidence in the justice of their Government, and as respectful a submission to the laws, as can have prevailed throughout the same period in any part of the dominions of the Crown, not excepting the most peaceable county that could be pointed out in either of the United Kingdoms.

It cannot but be highly gratifying to the Legislative Council to observe how rightly His Majesty's Government estimates the sincere and ardent attachment which binds the great body of this people to the Person and Government of their Sovereign, and to the Constitution under which they live. It would, indeed, be folly to expect that in so large a population there may not, at any time, be found some individuals who desire to disturb the existing order of things, from the same motives, and for the same purposes, which have prompted to similar attempts in all ages, and countries, and under all forms of Government.—And it is not strange that there should be among three hundred thousand persons, a very considerable number who from want of information, or of sufficient reflection, or from dispositions unfavorable to candid inquiry, may be too easily deceived, and brought to unite for a time, in measures which they would not, and could not approve of, if the truth could be brought clearly under their view. But in respect to our fellow Subjects in Upper Canada, speaking of them collectively as a people, we do them sincerely the justice to believe, that it is not necessary to conciliate their good will by overlooking upon any occasion the broadly marked distinctions, between truth and intentional misstatement, between honor and dishonor, patriotism and sedition.

Upon the manner in which His Majesty's Government might choose to notice the petitions of any number of the inhabitants of this Province, upon public or private grievances, expressed, as we must conclude they would be, in the ordinary language of serious remonstrance, or complaint, it would be presumptuous in us to offer any remark; but the documents before us are the productions of an individual supplied and reasoned upon as matters of information upon the general policy of this Government, and the conduct of its Officers; and they consist, in a great measure, of extracts from articles that have, from time to time, appeared in the columns of a newspaper, and which cast unmerited insults upon the Representative of His Majesty in this Province, upon both branches of the Legislature, upon Members of each House individually, and by name, and upon some of the most worthy and irreproachable inhabitants of the Country. These, strung together with little order or connection, and bearing upon the face of them the most palpable marks of a reckless mind, have been unscrupulously thrown before His Majesty's Government, in disregard of the respect due to the high authority to which they were addressed, and in violation of the official form and decorum which constitute, in general, some protection against contumely and abuse. It has been painful to the Legislative Council to see, that in a discussion founded upon these documents, the office of Lieutenant Governor of this Province, and the names of some of the most respectable of the King's Servants are, even hypothetically, connected with imputations which no one can easily tolerate to find associated with his name.

We confess that it has not been without some degree of alarm that we have observed the great stress laid by His Majesty's Secretary of State, in the course of his discussions, upon the fact that the Petitioners, who, it seems have supported by their signatures some of the statements advanced by Mr. McKenzie, are very much outnumbered by the signers of

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SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

Petitions avowing opposite opinions. The Provinces of Canada are a most valuable portion of the British Empire, and their rapidly growing importance well justifies the anxious interest, and the minute attention with which the welfare and the wishes of their people are consulted by our paternal Government; but, for the sake of the very numerous population which now inhabits this portion of the King's Dominions, and for the sake of the millions who, at no very distant period, will be comprehended within its limits, we earnestly hope that the stability of those Institutions, upon which our social happiness depends, is so far secure, that there are some points, which from their vital importance, will be firmly and inflexibly maintained, and for reasons more satisfactory and conclusive, than an accidental preponderance in the number of Petitioners on one side or the other; and that the government of our Mother Country will feel it to be an indispensable duty to uphold them with constancy, against any unfounded prejudice or complaint, however supported.

The Legislative Council feel it right also, in candor, to declare to your Excellency that they have perceived, in various parts of His Lordship's Despatch, and not without extreme regret, that to the complaints urged against the Executive Government of this Colony, and its Officers, charging them with actual misconduct, or with culpable indifference to the interests of the Colony, and the happiness of its people, it seems to have been thought material, if not satisfactory, to reply, in substance, that if indeed such imputations could be truly made, no blame can attach to His Majesty's Government in England, either because these abuses occurred in times that are past, or because the responsibility rests wholly with the persons inculpated; and in some instances a degree of color is given to the complaint, by an express direction to Your Excellency not to practise or to suffer any such abuse in future, or to give your utmost attention to the particular subject in discussion, which it might, from thence be supposed, has thus been brought, for the first time, under the attention of His Majesty's Government.

The Legislative Council trust they may be permitted to remark, that if the many faithful Subjects of His Majesty in this country, whose knowledge of the truth, and whose sentiments led them justly to appreciate the acts and intentions of His Majesty's Government, had always contented themselves with vindicating them, in the same spirit, against aspersions unsupported by evidence, and advanced for the sole purpose of weakening the respect which should be felt for them, there might have been found somewhat less of that confidence in the Government of the Mother Country, which every good man has felt it his duty to maintain and cherish.

And they cannot but think it much to be deplored, that on some most interesting public questions, whatever the Government and the Legislature of this Colony have done, and are doing, in the zealous discharge of their duty, seems to have been unfortunately, for the time, lost sight of so much, as to leave ground for the inference that it was necessary to quicken attention, even to the obvious duty of promoting the religious and moral instruction of the people, by enforcing the suggestions of an individual who, unhappily employs the education he has received in misleading public opinion, and in sowing discontent among a happy and loyal people.

We have not failed to remark, that in the observations which His Majesty's Secretary of State has made upon the subject of the Legislative Council, it seems not to have been present at the moment, to His Lordship's recollection, although it must of course have been familiarly known to His Lordship, that that branch of the Legislature is not composed here, as in many chartered Governments, of the same body which constitutes the Executive Council of the Governor. It is therefore, as we most respectfully suggest, not accurately spoken of as "*a Board*,"—being in fact a deliberative Assembly, distinct from the Executive Department, constituted by a British Act of Parliament, and composed of Members from various Districts of the Province, who hold their offices for life, whose duties are exclusively Legislative, and in which all that is done is openly and publicly discussed, and proceeded in according to the same formalities as are observed in the Representative branch of the Legislature. Under this constitution, which created and preserves them an independent body, the Legislative Council has, for a long series of years, and for many successive Parliaments, proceeded in a spirit of perfect harmony with the House of Assembly, with but one interrup-

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tion, occasioned by a discussion on a point of privilege, in which each branch doubtless maintained those principles which it thought essential to its just independence.

However different may have been the opinions formed in the two Houses upon the principles or details of particular measures, neither has manifested the inclination to deny to the other the free exercise of their judgment upon all questions, and they have constantly proceeded in a spirit of cordial co-operation in the advancement of objects and undertakings by the aid of which this Province is making the most rapid and satisfactory progress, and is attaining to great importance as an Agricultural and Commercial Country. It is the very intention of our Constitution that the several branches of the Legislature should act as mutual checks upon each other, in order to prevent the too hasty adoption of measures of doubtful expediency; but when this check is interposed and felt, it is not unlikely to happen that persons of impatient and impetuous tempers, look thenceforward with an unfavorable eye upon the barrier which obstructs the fulfilment of their wishes, and exert unscrupulously every effort to undermine or overthrow it. For a just and steady support against every such attempt, the Legislative Council had always relied, with a natural and habitual confidence, upon the consideration and prudence of the Parent State; but they confess with pain, that this confidence was in some degree impaired when they found a Committee of the House of Commons, a few years ago, in the course of an inquiry into the affairs of the Provinces of Canada, proposing to such individuals as happened to be at hand a variety of questions, apparently framed for the very purpose of drawing forth expressions of dissatisfaction with the manner in which the Legislative Councils were constituted, and really pressing upon them as it were, to give a sanction by their voice to the opinion that the Councils should be rendered elective, a change which we are convinced no portion of the people of this Province had ever to that moment contemplated, and which we venture to say is one of the very last changes, which any friend to the best interests of these Colonies would desire to see adopted. To lead however to this conclusion, a variety of questions were proposed relative to the conduct of the Councils in rejecting or amending Bills, and these were proposed to individuals in no measure responsible for the acts of the Council, nor competent in any degree to account for or explain them. It could not be otherwise than that by such a proceeding an injury must be inflicted upon the character of the Council, by which its efficiency might be more or less impaired, a consequence certainly not to be desired, and of which the prospect was the more painful to this Council, from the consciousness that no conclusion to their prejudice would have been drawn by candid men, after that explanation of their proceedings which alone could make them intelligible, and which the Gentlemen conducting the inquiry were wholly without.

The Legislative Council feel it necessary also, at this time, after perusing the Despatch of His Majesty's Secretary of State, to declare with what disappointment and regret they perceive that in an official communication which is directed to be made public, and which has been elicited by the extraordinary representations alluded to, His Lordship has thought it necessary to make express and particular reference to individual Members of the Council, commenting upon the profession to which they belong, declaring the line of conduct which His Majesty's Government has enjoined upon them while they continue to be Members, and intimating His Lordship's preference that they should resign their seats. In respect to the part which the Members alluded to shall take in the measures and deliberations of the Legislative Council, it is well known to the Council, that nothing could have been less called for than the injunction which has been thus publicly announced; and it is much to be regretted, that the expression of this injunction upon such an occasion, and in such a manner, should now render it difficult for those Gentlemen to persevere in a line of conduct into which their own inclination and convenience had led them, but which they could not honorably have consented to adopt, either upon compulsion or upon any other suggestion than that of their own judgment.

The Council takes this occasion to remonstrate respectfully, but earnestly, against this assumed right of influencing the conduct, or controlling the attendance of individual Members. They claim to be regarded as a perfectly independent branch of the Legislature; they feel it to be their duty to the people of this Province no less than to themselves, that they should really maintain that character, and they are painfully sensible that the honor of the

Saturday, 2nd February, 1833.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

Council collectively, and of each Member of it individually is concerned, in their asserting to the full the privileges which the Constitution has vested in them. They observe with pleasure the declaration of His Lordship in one part of this Despatch, that His Majesty's Government has no right to interfere in the proceedings of the Council, and they should have felt most happy if the same conviction which dictated that declaration had also suggested that no individual Member can constitutionally be instructed upon the part which he may take in those proceedings. If instead of being appointed to the Council for life, the Members of that body had held their seats at the pleasure of His Majesty, it would seem but a reasonable consequence that either that pleasure should be conclusively expressed by absolutely removing the Member, or that he should be left to be freely governed by his own discretion in respect to the frequency of his attendance in his place, as well as the extent to which he may participate in the acts and deliberations of the House.

The Legislative Council observes that His Majesty's Secretary of State adverts in the Despatch to a statement, that Mr. Hume had excited expectations of certain measures in regard to this Colony, which expectations ought not to be disappointed. Upon this point it is not unimportant in the opinion of the Council, to observe that, if reliance could be placed on the same source of authority on which most of those assertions rest, which have occupied so much of the attention of His Majesty's Government, Mr. Hume would, indeed be responsible in no small degree, for any discontent which may in time be produced in this Province, in respect to its Constitution and Government. But the Council sincerely trusts that it is not with truth represented that the measures beginning to be introduced into this prosperous Colony, for establishing political unions, which threaten alike the peace and liberty of the people, are pursued under his recommendation. The Council indeed, are bound at present to discredit it. It would be difficult to conceive what motives could justify, or what feelings could impel any one of our fellow Subjects in England to such a proceeding. The people of Upper Canada are at this moment, among the most favored on earth. They enjoy peace, liberty, security and abundance, on a fertile soil and in a healthy climate, with an almost total exemption from burthens of any kind; and they enjoy these at a time when distress, tumults, and the prospect of war, occasion suffering and anxiety in most countries of the world. If under these circumstances, there can be any considerable number who are really not contented with their lot as inhabitants of Upper Canada, the only cause of their unhappiness must be that they have not the disposition to be thankful.

The Legislative Council, after perusal of this Despatch of His Majesty's Secretary of State, have thus frankly expressed to your Excellency those sentiments which, if they had foreborne to give them utterance, must nevertheless have remained impressed upon their minds. It is their earnest hope that they may not be thought to have departed, on this occasion of unusual delicacy, from that respect to His Majesty's Government of which they are conscious that the Legislative Council has never been unmindful. They do not entertain the thought that a Minister of the Crown can ever apply himself to the affairs of this Colony, with any other wish or intention than to do good; and they recognize in the voluminous Despatch which has been placed before them the most anxious desire to place in their true point of view some questions to which the attention of His Majesty's Government had been called, not merely, as the Council is aware, by the representation of an individual, but by the petitions of a number of His Majesty's Subjects in this Province. For the desire thus shewn, the Legislative Council cannot be otherwise than thankful, and they lament the more that in a document in which an anxiety to allay prejudice, is on the whole so manifest, occasion should have been given for the expression of deep regret at the impressions which some of its passages are calculated to produce. The Council with the greatest deference to His Majesty's Government, beg further to add that, although they are far from thinking that no importance should be attached to the respectability of the source from whence information upon the public affairs of this Colony or the conduct of its Government is sought and derived, yet with respect to various opinions expressed, it would have seemed to the Council to evince a departure from all former usage, almost equally to be regretted, to have found His Majesty's Government involved in public discussions upon the composition and proceedings of the Legis-

4th &amp; 5th February, 1833.

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lative Assemblies of this Colony, in consequence of the representations of any one of its most respectable Inhabitants.

Your Excellency having transmitted to the Legislative Council the Despach and Documents referred to, as the only method which we feel could have been consistent with the dignity of the Government for giving to them the publicity required by His Majesty's Minister, we have thought it the more regular and respectful course to address to your Excellency our unanimous sentiments upon them, under the expectation however, that your Excellency will deem it proper to transmit a copy of this Address to His Majesty's Secretary of State for the Colonies.

Address signed.

Whereupon the Speaker signed the Address and it was—

Committee appointed to present same

Ordered, that a Committee be appointed to present His Excellency the Lieutenant Governor therewith, and—

Members composing it.

Ordered, that the Honorable Messieurs Dickson and Wells do compose the same.

Report of the Committee appointed to present Lieutenant Governor with an address on the subject of the expenditure of certain monies raised by the Welland Canal Company

The Honorable Mr. Clark, from the Select Committee appointed to wait upon His Excellency the Lieutenant Governor with the Address of this House, on the subject of monies expended by the Welland Canal Company, reported that they had done so, and that His Excellency was pleased to make thereto the following reply :

GENTLEMEN,

His Excellency's reply thereto.

In conformity with this Address, I will call upon the President and Treasurer of the Welland Canal Company to forward the return required for the purpose of its being laid before the Legislative Council.

House adjourns

On motion made and seconded, the House adjourned until Monday next, at Ten of the clock, A. M.

MONDAY, 4th FEBRUARY, 1833.

House meets

The House met, pursuant to adjournment.

PRESENT,

Members present

*The Honorable* JOHN B. ROBINSON, SPEAKER,*The Hon. & Ven. the* ARCHDEACON OF YORK,*The Honorable Messrs.* CLARK,*The Honorable Messrs.* McDONELL,

" " DICKSON.

" " ELMSLEY,

" " CROOKSHANK,

" " ADAMSON,

*Prayers were read.*

The Minutes of Saturday were read.

House adjourns.

On motion made and seconded, the House adjourned until to-morrow, at Eleven of the clock, A. M.

TUESDAY, 5th FEBRUARY, 1833.

House meets

The House met, pursuant to adjournment.

PRESENT,

Members present

*The Honorable* JOHN B. ROBINSON, SPEAKER.*The Honorable Messrs.* McDONELL,*The Honorable Messrs.* CLARK,

" " ELMSLEY.

" " DICKSON,

" " BALDWIN,

" " ALLAN,

" " ADAMSON,

*Prayers were read.*

The minutes of yesterday were read.

Report of the Select Committee appointed to present an Address to His Excellency the Lieutenant Governor on the subject of Lord Goderich's Despach relative to grievances said to exist in this Province,

The Honorable Mr. Dickson, from the Select Committee appointed to present an Address to His Excellency the Lieutenant Governor, on the subject of the Despach of His Majesty's Secretary of State for the Colonies, transmitted to this House by His Excellency, reported the delivery thereof, and that His Excellency was pleased to make thereto the following reply :

Tuesday, 5th February, 1833.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

HONORABLE GENTLEMEN,

It will scarcely be expected that I should, on this occasion, offer any remarks on the subjects referred to generally by His Majesty's Secretary of State for the Colonies, in the Despatch which has been laid before you, or on those points to which the attention of the Legislative Council has been particularly drawn; nor is it necessary that I should advert to the questions which they involve, or to the misapprehensions which these voluminous documents appear to have occasioned. I shall therefore only mention, that I will forward a copy of this Address to the Secretary of State, in compliance with the wishes expressed by the Legislative Council.

His Excellency's  
reply thereto.

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill, entitled "An Act for the more convenient recovery of Estreats."

Estreats recovery bill  
re-committed

The Honorable Mr. McDonell took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again to-morrow.

Reported and leave  
asked to sit again.

Ordered, that the Report be received, and leave granted accordingly.

Leave granted.

The Honorable Messieurs Crookshank and Wells enter.

Members enter

A deputation from the Commons House of Assembly brought up a Bill, entitled "An Act to establish Boards of Health, and to guard against the introduction of malignant, contagious, and infectious diseases in this Province"—and also a Bill, entitled "An Act to make good certain monies advanced for the payment of the contingent expenses of the Legislature of this Province during its last Session," to which they requested the concurrence of this House. The same deputation returned the Bill, entitled "An Act to authorise the erection of Mill-Dams upon the River Thames, in the London District," and acquainted this House that the Commons House of Assembly had concurred in the amendments made thereto by the Legislative Council—the deputation then withdrew.

Boards of Health  
establishment bill,  
And Covering bill,  
brought up from  
Assembly.

Amendments to  
River Thames Mill  
Dam bill agreed to  
by Assembly.

A Deputation from the Commons House of Assembly brought up a Bill, entitled "An Act granting a further sum of money for the completion of the Parliament Buildings;" and also a Bill, entitled "An Act granting a sum of money for the relief of sick and destitute Emigrants at Prescott," to which they requested the concurrence of this House. The same deputation returned the Bill sent down from this House, entitled "An Act to make further provision for carrying into effect an Act passed in the fifty-sixth year of the reign of King George the Third, entitled 'An Act to afford relief to persons holding or possessing Lands, Tenements or Hereditaments in the District of Niagara,'" and acquainted the Legislative Council that the Commons House of Assembly had passed the same without amendment. The same deputation returned the Bill, entitled "An Act to incorporate certain persons under the name and title of the Saint Lawrence Inland Marine Assurance Company;" and also the Bill, entitled "An Act to incorporate a Company under the style and title of the British America Life and Fire Assurance Company," and acquainted the Legislative Council that the Commons House of Assembly had concurred in the amendments made thereto by this House—the deputation then withdrew.

Parliament Buildings  
completion bill,  
And Prescott Emi-  
grants Relief bill,  
brought up from  
Assembly.

Niagara Land  
Commissioners bill  
passed by Assembly.

Amendments to St.  
Lawrence Inland  
Marine Assurance  
bill,  
And to British  
America Life and  
Fire Assurance bill  
adopted by Assembly

The Bill, entitled "An Act to establish Boards of Health, and to guard against the introduction of malignant, contagious and infectious diseases in this Province," was read, and it was—

Boards of Health  
establishment bill  
read 1st time

Ordered, that the same be read a second time to-morrow.

The Bill, entitled "An Act to make good certain monies advanced for the payment of the contingent expenses of the Legislature of this Province during its last Session," was read, and it was—

Covering bill read  
first time.

Ordered, that the same be read a second time to-morrow.

The Bill, entitled "An Act granting a further sum of money for the completion of the Parliament Buildings," was read, and it was—

Parliament Buildings  
completion bill read  
first time

Ordered, that the same be read a second time to-morrow.

The Bill, entitled "An Act granting a sum of money for the relief of sick and destitute Emigrants at Prescott," was read, and it was—

Prescott Emigrants  
Relief bill, read first  
time

Wednesday, 6th February, 1833.

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Ordered, that the same be read a second time to-morrow.

York, &c. Police Law  
amendment bill  
brought up from  
Assembly

A deputation from the Commons House of Assembly brought up a Bill, entitled "An Act to repeal part of and amend an Act passed in the fifty-seventh year of the reign of His late Majesty King George the Third, entitled 'An Act to establish a Police in the Towns of York, Sandwich and Amherstburgh,'" to which they requested the concurrence of this House and then withdrew.

Read first time

The said Bill was read; and it was—

Ordered, that the same be read a second time to-morrow.

First Provincial  
Debts' Cancelling bill  
brought up from As-  
sembly

A deputation from the Commons House of Assembly brought up a Bill, entitled "An Act to authorise the Receiver General to borrow a sum of money for the purposes therein mentioned," to which they requested the concurrence of this House and then withdrew.

Read first time

The said Bill was read, and it was—

Ordered, that the same be read a second time to-morrow.

Receiver General's  
Provincial Note Bill  
And York Light  
House Bill brought  
up from Assembly

A deputation from the Commons House of Assembly brought up a Bill, entitled "An Act to authorise His Majesty's Receiver General to issue Provincial Notes, chargeable upon the Public Revenues of this Province;" and also a Bill, entitled "An Act to repeal certain parts of an Act passed in the seventh year of His late Majesty's reign, entitled "An Act to provide for the improvement of the Light House on Gibraltar Point, and for imposing duties for defraying the charge of the same, and for erecting other houses in this Province," to which they requested the concurrence of this House and then withdrew.

Bills read first time

The said Bills were read; and it was—

Ordered, that the same be read a second time to-morrow.

Petition of the Presi-  
dent and others, of  
the York Mechanics  
Institute brought up

The Honorable Mr. Baldwin brought up the Petition of the President, and others, of the York Mechanics Institute; which was laid on the table.

Speaker acquaints  
the House of the time  
fixed by His Excel-  
lency for proroguing  
the Parliament

His Honor the Speaker reported to the House that he had received an official communication of His Excellency's intention to prorogue the Legislature on Saturday next, at Three of the clock, P. M.

House adjourns.

On motion made and seconded, the House adjourned until Two of the clock, P. M. to-morrow.

WEDNESDAY, 6th FEBRUARY, 1833.

House meets

The House met pursuant to adjournment.

PRESENT,

Members present

<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Hon. &amp; Ven. the</i> ARCHDEACON OF YORK,
<i>The Honorable Messrs.</i> BABY,	<i>The Honorable Messrs.</i> McDONELL,
" " CLARK,	" " ELMSLEY,
" " DICKSON,	" " BALDWIN,
" " POWELL,	" " ADAMSON,
" " CROOKSHANK,	

*Prayers were read.*

The Minutes of yesterday were read.

Estreats Recovery  
Bill re-committed

Pursuant to the order of the day, the House was again put into a Committee of the whole, upon the Bill, entitled "An Act for the more convenient recovery of Estreats."

The Honorable Mr. McDonell took the Chair.

Message from As-  
sembly

A message being announced, the Chairman left the Chair and the House formed.

Bills brought up

A deputation from the Commons House of Assembly brought up several Bills, to which they requested the concurrence of this House. The same deputation brought up and delivered at the Bar of this House, a Message in the following words, and then withdrew.

MR. SPEAKER,

Assembly recedes  
from one of their  
amendments made to  
Capital Punishment  
bill

The Commons House of Assembly do recede from the amendment made by that House in and to the Bill sent down from the Honorable the Legislative Council, entitled "An Act to reduce the number of cases in which capital punishment may be inflicted; to provide other punishment for offences which shall no longer be capital after the passing of this Act; to abolish the privilege called benefit of Clergy, and to make other alterations in certain cri-

Wednesday, 6th February, 1833.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

minal proceedings before and after conviction ;" which provides that sentence of death shall in no case be carried into effect within one month from the time of passing such sentence.

(Signed) ARCHIBALD McLEAN,  
SPEAKER.

*Commons House of Assembly,*  
*2nd day of February, 1833.*

The House was then again put into a Committee of the whole upon the Bill, entitled	Estreats Recovery bill re-committed
"An Act for the more convenient recovery of Estreats."	
The Honorable Mr. McDonell took the Chair.	
After some time the House resumed.	
The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again to-morrow.	Reported and leave asked to sit again
Ordered, that the report be received, and leave granted accordingly.	Leave granted
His Honor the Speaker reported to the House that a deputation from the Commons House of Assembly had brought up a Bill entitled "An Act granting to His Majesty a sum of money in aid of the York Hospital and Dispensary;" also a Bill entitled "An Act granting to His Majesty a sum of money to defray the expense of erecting a Penitentiary in this Province, and for other purposes therein mentioned;" also a Bill entitled "An Act to provide for the repayment of certain sums of money advanced by His Excellency the Lieutenant Governor in the year 1832, during the prevalence of the Asiatic Cholera;" also a Bill, entitled "An Act for granting to His Majesty a sum of money towards defraying the expenses of the Civil Administration of the Government of this Province;" also a Bill entitled "An Act for affording further aid towards the completion of the Welland Canal, and for other purposes therein mentioned;" and also, a Bill, entitled "An Act to prevent the felling of Timber in the River Thames," to which they requested the concurrence of this House.	Speaker reports the receipt of York Hospital aid bill Penitentiary erection bill Cholera Covering bill Supply bill Welland Canal aid bill And River Thames Timber bill brought up from the Assembly
The said Bills were then severally read, and were	Bills read first time
Ordered, to be read a second time to-morrow.	
A Deputation from the Commons House of Assembly brought up a Bill, entitled, "An Act to protect the White fish Fisheries, in the Straits or Rivers Niagara, Detroit, and Saint Clair, in this Province;" also a Bill, entitled, "An Act for granting to His Majesty a certain sum of money in aid of the funds already granted for the support of Common Schools in this Province;" and also a Bill, entitled, "An Act granting to His Majesty a sum of money to remunerate the Honorable John Henry Dunn, for certain services therein mentioned," to which they requested the concurrence of this House, and then withdrew.	White Fish Fishery bill Common School Grant bill Hon. J. H. Dunn's remuneration bill brought up from Assembly
The said Bills were then severally read, and were	Bills read first time
Ordered, to be read a second time to-morrow.	
Ordered, that the House be again put into a Committee of the whole, upon the amendments made by the Commons House of Assembly, in and to the Bill sent down from this House, entitled, "An Act to reduce the number of cases in which Capital Punishment may be inflicted, to provide other punishment for offences which shall no longer be capital after the passing of this Act, to abolish the privilege called benefit of Clergy, and to make other alterations in certain proceedings before and after conviction, and	Amendments of Assembly to Capital Punishment bill ordered to be re-committed
That the same do stand upon the order of the day for to-morrow.	
Pursuant to the order of the day, the Bill entitled "An Act to establish Boards of Health, and to guard against the introduction of malignant contagions and infectious diseases in this Province," was read a second time, and it was	Boards of Health establishment bill read second time
Ordered, that the forty-fourth rule be dispensed with as it regards this Bill, and that the House be put into a Committee of the whole, presently, to take the same into consideration.	Forty-fourth rule dispensed with
The House was then put into a Committee of the whole accordingly.	Bill committed
The Honorable Mr. Baldwin took the Chair.	
After some time the House resumed.	
The Chairman reported that the Committee had gone through the said Bill, and recommended the same without amendment, to the adoption of the House.	Reported
Ordered, that the Report be received, and,	Adopted
Ordered, that the said Bill be read a third time to-morrow.	

Saturday, 2nd February, 1833.

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On motion made and seconded, it was—

Cornwall Police bill  
ordered to be re-  
committed

Ordered, that the House be again put into a Committee of the whole upon the Bill, entitled, "An Act to establish a Police in the Town of Cornwall, in the Eastern District," and that the same do stand upon the order of the day for to-morrow.

Covering bill read  
second time

Pursuant to the order of the day, the Bill, entitled, "An Act to make good certain monies advanced for the payment of the contingent expenses of the Legislature of this Province, during its last Session," was read a second time, and it was

Forty-fourth rule dis-  
pensed with

Ordered, that the forty-fourth rule be dispensed with as it regards this Bill, and that the House be put into a Committee of the whole, presently, to take the same into consideration.

Bill committed

The House was then put into a Committee of the whole accordingly.

The Honorable Mr. Wells took the Chair.

After some time the House resumed.

Reported

The Chairman reported that the Committee had gone through the Bill, and recommended the same without amendment to the adoption of the House.

Adopted

Ordered, that the Report be received, and—

Ordered that the said Bill be read a third time to-morrow.

Parliament Buildings  
Completion bill read  
second time

Pursuant to the order of the day, the Bill, entitled, "An Act granting a further sum of money for the completion of the Parliament Buildings," was read a second time, and it was

Forty-fourth rule dis-  
pensed with

Ordered, that the forty-fourth rule be dispensed with as it regards this Bill, and that the House be put into a Committee of the whole, presently, to take the same into consideration.

Bill committed

The House was then put into a Committee of the whole, accordingly.

The Honorable Mr. Elmsley took the Chair.

After some time the House resumed.

Reported

The Chairman reported that the Committee had gone through the Bill, and recommended the same without amendment to the adoption of the House.

Adopted

Ordered, that the report be received, and—

Ordered, that the said Bill be read a third time tomorrow.

Prescott Emigrants  
Relief bill, read  
second time

Pursuant to the order of the day, the Bill, entitled, "An Act granting a sum of money for the relief of sick and destitute Emigrants at Prescott," was read a second time, and it was

Forty-fourth rule dis-  
pensed with

Ordered, that the forty-fourth rule be dispensed with, as it regards this Bill, and that the House be put into a Committee of the whole, presently, to take the same into consideration.

Bill committed

The House was then put into a Committee of the whole, accordingly.

The Honorable Mr. Adamson took the Chair.

After some time the House resumed.

Reported

The Chairman reported that the Committee had gone through the said Bill, and recommended the same without amendment to the adoption of the House.

Adopted

Ordered, that the report be received; and

Ordered, that the said Bill be read a third time to-morrow.

York, &c. Police  
Law Amendment Bill  
read second time

Pursuant to the order of the day, the Bill, entitled, "An Act to repeal part of, and amend an Act passed in the fifty-seventh year of the reign of His late Majesty King George the third, entitled, 'An Act to establish a Police in the towns of York, Sandwich, and Amherstburgh,'" was read a second time, and it was

Forty-fourth rule dis-  
pensed with

Ordered, that the forty-fourth rule be dispensed with as it regards this Bill, and that the House be put into a Committee of the whole, presently, to take the same into consideration.

Bill committed

The House was then put into a Committee of the whole, accordingly.

The Honorable Mr. Clark took the Chair.

After some time the House resumed.

Reported

The Chairman reported that the Committee had gone through the said Bill, and recommended the same without amendment to the adoption of the House.

Adopted

Ordered that the Report be received; and—

Ordered, that the said Bill be read a third time to-morrow.

First Provincial  
Debts' Cancelling bill  
read second time

Pursuant to the order of the day, the Bill, entitled, "An Act to authorise the Receiver General to borrow a sum of money for the purposes therein mentioned," was read a second time, and it was

Forty-fourth rule dis-  
pensed with

Ordered, that the forty-fourth rule be dispensed with as it regards this Bill, and that the House be put into a Committee of the whole, presently, to take the same into consideration.

Thursday, 7th February, 1833.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

The House was then put into a Committee of the whole, accordingly. Bill committed  
 The Honorable Mr. Wells took the Chair.  
 After some time the House resumed.  
 The Chairman reported that the Committee had taken the said Bill into consideration, Reported and leave asked to sit again  
 had made some progress therein, and asked leave to sit again to-morrow.  
 Ordered, that the Report be received, and leave granted accordingly. Leave granted  
 Pursuant to the order of the day, the Bill, entitled, "An Act to authorise His Majesty's Receiver General to issue Provincial Notes, chargeable upon the public Revenues of this Province," was read a second time, and it was, Receiver General's Provincial Note Bill read second time  
 Ordered, that the House be put into a Committee of the whole to-morrow to take the same into consideration.  
 The Honorable Mr. Dunn enters. A Member enters  
 Pursuant to the Order of the day, the Bill, entitled, "An Act to repeal certain parts of an Act passed in the seventh year of His late Majesty's reign, entitled, 'An Act to provide for the improvement of the Light-house on Gibraltar Point, and for imposing duties for defraying the charge of the same, and for erecting other houses in this Province,'" was read a second time, and it was York Light House bill read second time  
 Ordered, that the House be put into a Committee of the whole to-morrow, to take the same into consideration, and,  
 Ordered, that the Members in town be summoned to attend in their places on that day. Members summoned  
 Ordered that the Contingent Accounts of this House for the present Session, be laid upon the table to-morrow. Contingent Accounts to be laid on on the table  
 On motion made and seconded, the House adjourned until to-morrow, at eleven of the clock, A. M. House adjourns

THURSDAY, 7th FEBRUARY, 1833.

The House met pursuant to adjournment. House meets

PRESENT,

<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Honorable Messrs.</i> ALLAN,	
<i>The Honorable Messrs.</i> CLARK,	" " McDONELL,	Members present
" " DICKSON,	" " ELMSLEY.	
" " POWELL,	" " BALDWIN,	
" " CROOKSHANK,	" " ADAMSON,	
" " CAMERON,	<i>The Hon. &amp; Rt. Rev.</i> BISHOP MACDONELL,	

*Prayers were read.*

The minutes of yesterday were read.

Pursuant to the order of the day, the Bill, entitled, "An Act to establish Boards of Health, and to guard against the introduction of malignant contagions, and infectious diseases in this Province;" also the Bill, entitled, "An Act to make good certain monies advanced for the payment of the contingent expenses of the Legislature of this Province, during its last Session;" also the Bill, entitled, "An Act granting a further sum of money for the completion of the Parliament Buildings;" also the Bill, entitled, "An Act granting a sum of money for the relief of sick and destitute Emigrants at Prescott;" and also the Bill, entitled, "An Act to repeal part of, and amend an Act passed in the fifty-seventh year of the reign of His late Majesty King George the Third, entitled, 'An Act to establish a Police in the towns of York, Sandwich, and Amherstburgh,'" were severally read a third time, and passed. Boards of Health establishment bill  
Covering bill;  
Parliament Buildings completion bill  
Prescott Emigrants Relief bill  
And York Police &c. Law Amendment bill, read third time and passed

Whereupon the Speaker signed the same; and it was, Bills signed

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House that the Legislative Council have passed these Bills without amendment. Assembly acquainted of same

The Honorable and Venerable the Archdeacon of York, enters. A Member enters

Pursuant to the order of the day, the Petition of the President, and others, of the York Mechanics Institute, praying for a grant of one hundred pounds, to enable them to procure the necessary apparatus for the use of the Institution, was read. Petition of the President and others, of the York Mechanics Institute, read

The Honorable Mr. Wells enters. A Member enters

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York Hospital Aid bill, read second time	Pursuant to the order of the day, the Bill, entitled, "An Act granting to His Majesty a sum of money in aid of the York Hospital and Dispensary," was read a second time ; and it was—
Forty-fourth rule dispensed with	Ordered, that the forty-fourth rule be dispensed with as it regards this Bill, and that the House be put into a Committee of the whole presently, to take the same into consideration.
Bill committed	The House was then put into a Committee of the whole accordingly. The Honorable Mr. Allan took the Chair. After some time the House resumed.
Reported	The Chairman reported that the Committee had gone through the Bill, and recommended the same without amendment to the adoption of the House.
Adopted	Ordered, that the Report be received, and, Ordered, that the said Bill be read a third time to-morrow.
A Member enters	The Honorable Mr. Markland enters.
Penitentiary Erection bill read second time	Pursuant to the order of the day, the Bill entitled "An Act granting to His Majesty a sum of money to defray the expense of erecting a Penitentiary in this Province, and for other purposes therein mentioned," was read a second time, and it was—
Forty-fourth rule dispensed with for remainder of the Session	Ordered, that the forty-fourth rule be dispensed with for the remainder of the Session, and that the House be put into a Committee of the whole presently, to take the said Bill into consideration.
A Member enters	The Honorable Mr. Baby enters.
Bill committed	The House was then put into a Committee of the whole, upon the last mentioned Bill accordingly. The Honorable Mr. Markland took the Chair. After some time the House resumed.
Reported	The Chairman reported that the Committee had gone through the said Bill, and recommended the same without amendment to the adoption of the House.
Adopted	Ordered that the Report be received ; and— Ordered that the said Bill be read a third time to-morrow.
Cholera Covering bill read second time	Pursuant to the order of the day, the Bill, entitled "An Act to provide for the repayment of certain sums of money advanced by His Excellency the Lieutenant Governor in the year 1832, during the prevalence of the Asiatic Cholera," was read a second time ; and it was— Ordered, that the House be put into a Committee of the whole presently, to take the same into consideration.
Bill committed	The House was then put into a Committee of the whole accordingly. The Honorable Mr. Baby took the Chair. After some time the House resumed.
Reported	The Chairman reported that the Committee had gone through the said Bill, and recommended the same without amendment to the adoption of the House.
Adopted	Ordered, that the Report be received ; and— Ordered, that the said Bill be read a third time to-morrow.
A Member enters	The Honorable Mr. Dunn enters.
Supply bill read second time	Pursuant to the order of the day, the Bill, entitled "An Act for granting to His Majesty a sum of money towards defraying the expenses of the Civil Administration of the Government of this Province," was read a second time ; and it was— Ordered, that the House be put into a Committee of the whole presently, to take the same into consideration.
Bill committed	The House was then put into a Committee of the whole accordingly. The Honorable Mr. Markland took the Chair. After some time the House resumed.
Reported and leave asked to sit again	The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again to-morrow.
Leave granted	Ordered, that the Report be received, and leave granted accordingly.
Welland Canal Aid Bill read second time	Pursuant to the order of the day, the Bill, entitled "An Act for affording further aid towards the completion of the Welland Canal, and for other purposes therein mentioned," was read a second time, and it was—

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SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

Ordered, that the House be put into a Committee of the whole presently, to take the same into consideration.

The House was then put into a Committee of the whole accordingly.

Bill committed

The Honorable Mr. Baldwin took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said Bill, and recommended the same without amendment to the adoption of the House.

Reported

Ordered, that the Report be received; and—

Adopted

Ordered, that the said Bill be read a third time to-morrow.

Pursuant to the order of the day, the Bill, entitled "An Act to prevent the felling of Timber in the River Thames," was read a second time; and it was—

River Thames Timber bill read second time

Ordered, that the House be put into a Committee of the whole presently, to take the same into consideration.

The House was then put into a Committee of the whole accordingly.

Bill committed

The Honorable Mr. Wells took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said Bill, and recommended the same without amendment to the adoption of the House.

Reported

Ordered, that the Report be received; and—

Adopted

Ordered, that the said Bill be read a third time to-morrow.

Pursuant to the order of the day, the Bill, entitled "An Act to protect the White Fish Fisheries in the Straits or Rivers Niagara, Detroit and Saint Clair, in this Province," was read a second time; and it was—

White Fish Fishery bill read second time

Ordered, that the House be put into a Committee of the whole presently, to take the same into consideration.

The House was then put into a Committee of the whole accordingly.

Bill committed

The Honorable Mr. Dickson took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again to-morrow.

Reported and leave asked to sit again

Ordered, that the report be received, and leave granted accordingly.

Leave granted

Pursuant to the order of the day, the Bill, entitled, "An Act for granting to His Majesty a certain sum of money in aid of the funds already granted for the support of Common Schools in this Province," was read a second time, and it was,

Common School Grant bill, read second time

Ordered, that the House be put into a Committee of the whole presently, to take the same into consideration.

The House was then put into a Committee of the whole, accordingly.

Bill committed

The Honorable Mr. Adamson took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said Bill, and recommended the same without amendment to the adoption of the House.

Reported

Ordered, that the report be received, and,

Adopted

Ordered, that the said Bill be read a third time to-morrow.

Pursuant to the order of the day, the Bill, entitled, "An Act granting to His Majesty a sum of money, to remunerate the Honorable John Henry Dunn, for certain services therein mentioned," was read a second time, and it was,

Hon. J. H. Dunn's Remuneration bill read second time

Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.

The House was then put into a Committee of the whole, accordingly.

Bill committed

The Honorable Mr. Clark took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again to-morrow.

Reported and leave asked to sit again

Ordered, that the report be received, and leave granted accordingly.

Leave granted

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill, entitled, "An Act for the more convenient recovery of Estreats."

Estreats Recovery bill recommitted

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The Honorable Mr. McDonell took the Chair.

After some time the House resumed.

Amendments reported

The Chairman reported that the Committee had taken the said Bill into consideration, and had made some amendments thereto, which they were ready to submit whenever the House would be pleased to receive them.

Ordered, that the Report be received to-morrow.

First Provincial Debts' Cancelling bill re-committed

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill, entitled, "An Act to authorise the Receiver General to borrow a sum of money for the purposes therein mentioned."

The Honorable Mr. Wells took the Chair.

Message from Assembly

A Message being announced the Chairman left the Chair, and the House formed.

Bills brought up

A Deputation from the Commons House of Assembly brought up several Bills, to which they requested the concurrence of this House, and then withdrew.

First Provincial Debts' Cancelling bill re-committed

The House was then again put into a Committee of the whole upon the Bill, entitled, "An Act to authorise the Receiver General to borrow a sum of money for the purposes therein mentioned."

The Honorable Mr. Wells took the Chair.

After some time the House resumed.

Amendment reported

The Chairman reported that the Committee had taken the said Bill into consideration, and had made an amendment thereto, which they recommended to the adoption of the House.

Ordered that the report be received, and,

Read first time

The amendment was then read by the Clerk, as follows:—

The amendment

Press. 1, Line 19.—After "Centum," insert "payable in this Province."

Read second time and adopted

The said amendment being read a second time, and the question of concurrence put thereon, it was agreed to by the House, and it was,

Ordered, to be engrossed, and the said Bill as amended read a third time this day.

Speaker reports the receipt of Brantford Bridge Grant bill

His Honor, the Speaker, reported to the House that a Deputation from the Commons House of Assembly had brought up a Bill, entitled, "An Act granting a sum of money to defray the expense of erecting a bridge over the Grand River, at Brantford, and for other purposes therein mentioned;" also a Bill, entitled, "An Act granting a sum of money for the construction of works to improve and preserve the Harbour of York, and for other purposes therein mentioned;" also a Bill, entitled, "An Act to provide for the improvement of certain Inland waters in the District of Newcastle;" and also a Bill, entitled, "An Act to provide for the erection of a bridge across the River Trent, and for other purposes therein mentioned," to which they requested the concurrence of this House.

York Harbor Grant bill

Newcastle Inland Navigation bill, and

Trent Bridge Erection bill, from the Assembly

Bills read first time

The said Bills were then severally read, and they were,

Ordered to be read a second time to-morrow.

Provincial Arbitrators' Remuneration bill

Nine Mile Point Light House bill, and

Light House Keepers Salary bill brought up from the Assembly

Bills read first time

A Deputation from the Commons House of Assembly brought up a Bill, entitled, "An Act granting to His Majesty a sum of money, to remunerate certain services therein mentioned;" also a Bill, entitled, "An Act granting a sum of money to defray the expense of erecting a Light-house on Nine Mile Point, at the entrance of the Harbour at Kingston;" and also a Bill, entitled, "An Act to provide for the maintenance of four Light-houses, now erected in this Province," to which they requested the concurrence of this House, and then withdrew.

The said Bills were then severally read, and they were,

Ordered to be read a second time to-morrow.

Receiver General's Provincial Note bill committed

Pursuant to the order of the day, the House was put into a Committee of the whole upon the Bill, entitled, "An Act to authorise His Majesty's Receiver General to issue Provincial Notes, chargeable upon the public Revenues of this Province."

The Honorable Mr. Markland took the Chair.

After some time the House resumed.

Reported and leave asked to sit again

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again to-morrow.

Leave granted

Ordered, that the report be received, and leave granted accordingly.

Amendments of Assembly to Capital Punishment bill re-committed

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the amendments made by the Commons House of Assembly, in and to the Bill sent down from this House, entitled, "An Act to reduce the number of cases in which Capital

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punishment may be inflicted ; to provide other punishment for offences which shall no longer be Capital after the passing of this Act ; to abolish the privilege called benefit of Clergy, and to make other alterations in certain criminal proceedings before and after conviction."

The Honorable Mr. Dickson took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said amendments, and recommended the same to the adoption of the House. Reported

Ordered, that the report be received, and Adopted

The said amendments were then read by the Clerk, as follows:— Read first time

Amendments made by the Commons House of Assembly in and to the Bill sent down from the Honorable the Legislative Council, entitled, "An Act to reduce the number of cases in which capital punishment may be inflicted ; to provide other punishment for offences which shall no longer be capital after the passing of this Act ; to abolish the privilege called benefit of Clergy, and to make other alterations in certain criminal proceedings before and after conviction."

Press. 2.—Expunge the seventh clause.

" 8.—Expunge the twentieth clause.

" ".—Expunge the twenty-first clause, and insert "And be it further enacted by the authority aforesaid, that whenever any person shall be convicted of murder and executed therefor, the body of such murderer shall be delivered by the Sheriff, or his Deputy and his Officers, to a Surgeon, for the purpose of being dissected and anatomized." The amendments

" " Line 3, from the bottom.—Expunge the word "hereby."

" 9, " 7.—After the "anatomized," expunge the remainder of the clause.

The said amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House, and it was— Read second time and adopted

Ordered, that they be read a third time tomorrow.

Pursuant to the order of the day, the House was put into a Committee of the whole, upon the Bill, entitled "An Act to repeal certain parts of an Act passed in the seventh year of His late Majesty's reign, entitled 'An Act to provide for the improvement of the Light House on Gibraltar Point, and for imposing duties for defraying the charge of the same, and for erecting other houses in this Province.'" York Light House bill committed

The Honorable Mr. McDonell took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said Bill, and recommended the same without amendment to the adoption of the House. Reported

Ordered, that the report be received ; and, Adopted

Ordered, that the said Bill be read a third time to-morrow.

Pursuant to order, the Bill entitled, "An Act to authorise the Receiver General to borrow a sum of money for the purposes therein mentioned," was, as amended, read a third time, and— First Provincial Debts' Cancelling bill (as amended) read third time and passed

The question being put whether this Bill as amended should pass, it was carried in the affirmative :

Whereupon the Speaker signed the amendment, and it was— Amendments signed

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House that the Legislative Council have passed this Bill with an amendment, to which they desire the concurrence of the Commons House of Assembly. And sent to Assembly for concurrence

On motion made and seconded, the House adjourned. House adjourns

Friday, 8th February, 1833.

THIRD SESSION 11th PROVINCIAL PARLIAMENT, 3d WILLIAM IV.

FRIDAY, 8th FEBRUARY, 1833.

House meets

The House met, pursuant to adjournment.

PRESENT,

Members present	<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Honorable Messrs.</i> WELLS,
	<i>The Honorable Messrs.</i> BABY,	“ “ MARKLAND,
	“ “ CLARK,	“ “ ALLAN,
	“ “ DICKSON,	“ “ McDONELL,
	“ “ POWELL,	“ “ ADAMSON,

*The Hon. & Ven. the* ARCHDEACON OF YORK,

*Prayers were read.*

The Minutes of yesterday were read.

York Hospital aid bill  
Penitentiary Erection bill  
Cholera Covering bill  
Welland Canal aid bill,  
River Thames Timber bill  
Common School Grant bill  
And York Light House Bill, read 3rd time and passed

Pursuant to the order of the day, the Bill entitled “An Act granting to His Majesty a sum of money in aid of the York Hospital and Dispensary;” also the Bill entitled “An Act granting to His Majesty a sum of money to defray the expense of erecting a Penitentiary in this Province, and for other purposes therein mentioned;” also the Bill entitled “An Act to provide for the repayment of certain sums of money advanced by His Excellency the Lieutenant Governor in the year 1832, during the prevalence of the Asiatic Cholera;” also the Bill, entitled “An Act for affording further aid towards the completion of the Welland Canal, and for other purposes therein mentioned;” also the Bill, entitled “An Act to prevent the felling of Timber in the River Thames;” also the Bill entitled “An Act for granting to His Majesty a certain sum of money in aid of the funds already granted for the support of Common Schools in this Province;” and also the Bill, entitled, “An Act to repeal certain parts of an Act passed in the seventh year of His late Majesty’s reign, entitled ‘An Act to provide for the improvement of the Light House on Gibraltar Point, and for imposing duties for defraying the charge of the same, and for erecting other Houses in this Province,” were severally read a third time and passed :

Bills signed

Whereupon the Speaker signed the same ; and it was—

Assembly acquainted of same

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House that the Legislative Council have passed these Bills without amendment.

Amendments of Assembly to Capital Punishment bill, read third time and passed

Pursuant to the order of the day, the amendments made by the Commons House of Assembly in and to the Bill sent down from this House, entitled “An Act to reduce the number of cases in which capital punishment may be inflicted ; to provide other punishment for offences which shall no longer be capital after the passing of this Act ; to abolish the privilege called benefit of Clergy, and to make other alterations in certain criminal proceedings before and after conviction ;” were read a third time, and,

The question being put, whether these amendments should pass, it was carried in the affirmative :

Same signed

Whereupon the Speaker signed the same, and it was—

And Assembly acquainted thereof

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have acceded to the amendments made by the Commons House of Assembly in and to this Bill.

Brantford Bridge Grant bill, read 2nd time

Pursuant to the Order of the day, the Bill, entitled, “An Act granting a sum of money to defray the expense of erecting a bridge over the Grand River, at Brantford, and for other purposes therein mentioned,” was read a second time, and it was,

Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.

Committed

The House was then put into a Committee of the whole accordingly.

The Honorable Mr. Markland took the Chair.

After some time the House resumed.

Reported

The Chairman reported that the Committee had gone through the said Bill, and recommended the same without amendment to the adoption of the House.

Adopted

Ordered, that the Report be received, and—

Ordered, that the said Bill be read a third time to-morrow.

Saturday, 9th February, 1833.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

Pursuant to the order of the day, the Bill, entitled, "An Act granting a sum of money for the construction of works to improve and preserve the Harbour of York, and for other purposes therein mentioned," was read a second time, and it was,

York Harbour Grant bill read second time

Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.

The House was then put into a Committee of the whole, accordingly.

Bill committed

The Honorable Mr. Allan took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said Bill, and recommended the same without amendment to the adoption of the House.

Reported

Ordered, that the report be received, and—

Adopted

Ordered, that the said Bill be read a third time to-morrow.

Pursuant to the order of the day, the Bill, entitled, "An Act to provide for the improvement of certain Inland Waters, in the District of Newcastle," was read a second time, and it was,

Newcastle Inland Navigation bill, read second time

Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.

The House was then put into a Committee of the whole, accordingly.

Committed

The Honorable Mr. Markland took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said Bill, and recommended the same without amendment to the adoption of the House.

Reported

Ordered, that the Report be received; and—

Adopted

Ordered, that the said Bill be read a third time to-morrow.

Pursuant to the order of the day, the Bill, entitled, "An Act to provide for the erection of a bridge across the River Trent, and for other purposes therein mentioned," was read a second time, and it was,

Trent Bridge Erection bill read second time

Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.

The House was then put into a Committee of the whole, accordingly.

Committed

The Honorable Mr. Adamson took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again to-morrow.

Reported and leave asked to sit again

Ordered, that the Report be received, and leave granted accordingly.

Leave granted.

On motion made and seconded, the House adjourned until to-morrow, at ten of the clock, A. M.

House adjourns.

SATURDAY, 9th FEBRUARY, 1833.

The House met, pursuant to adjournment.

House meets

PRESENT,

The Honorable JOHN B. ROBINSON, SPEAKER,

The Honorable Messrs. MARKLAND,

The Honorable Messrs. BABY,

"

McDONELL,

" " CLARK,

"

ADAMSON,

" " DICKSON,

Members present

*Prayers were read.*

The Minutes of yesterday were read.

A Deputation from the Commons House of Assembly brought up a Bill, entitled, "An Act to authorise the Receiver General to borrow a sum of money for the purposes therein mentioned," to which they requested the concurrence of this House, and then withdrew.

Second Provincial Debts' Cancelling bill brought up from Assembly

The said Bill was then read, and it was,

Read first time

Ordered, that the same be read a second time this day.

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Brantford Bridge Grant bill read third time and passed	Pursuant to the order of the day, the Bill, entitled, "An Act granting a sum of money to defray the expense of erecting a Bridge over the Grand River, at Brantford, and for other purposes therein mentioned," was read a third time, and passed :
Bill signed	Whereupon the Speaker signed the same, and it was—
Assembly acquainted of same	Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this Bill without amendment.
Members enter	The Honorable Messieurs Allan and Baldwin enter.
York Road bill And Burlington Bay Light bill brought up from Assembly	A Deputation from the Commons House of Assembly brought up a Bill, entitled "An Act to raise a sum of money to improve certain roads in the vicinity of the Town of York, and for other purposes therein mentioned ;" and also a Bill, entitled, "An Act to defray the expenses of keeping a light at the Burlington Canal, and for other purposes therein mentioned," to which they requested the concurrence of this House, and then withdrew.
Bills read first time	The said Bills were then severally read, and it was, Ordered, that they be read a second time this day.
A Member enters	The Honorable Mr. Wells enters.
York Harbour Grant bill read third time and passed	Pursuant to the order of the day, the Bill, entitled, "An Act granting a sum of money for the construction of Works to improve and preserve the Harbour of York, and for other purposes therein mentioned," was read a third time, and passed :
Bill signed	Whereupon the Speaker signed the same ; and it was—
Assembly acquainted of same	Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House that the Legislative Council have passed this Bill without amendment.
Amendments to York and Lincoln County Election bill acceded to by the Assembly	A Deputation from the Commons House of Assembly returned the Bill, entitled, "An Act to alter the manner of holding the Elections for Members to represent the counties of York and Lincoln, in the House of Assembly ; more equally to divide the county of York into Ridings, and to increase the representation of the said county of York," and acquainted this House that the Commons House of Assembly had concurred in the amendments made by the Legislative Council in and to the same—the Deputation then withdrew.
Newcastle Inland Navigation bill, read third time and passed	Pursuant to the order of the day, the Bill, entitled, "An Act to provide for the improvement of certain Inland waters in the District of Newcastle ;" was read a third time, and passed :
Bill signed	Whereupon the Speaker signed the same, and it was,
Assembly acquainted of same	Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this Bill without amendment.
Provincial Arbitrator's remuneration bill read second time	Pursuant to the order of the day, the Bill, entitled, "An Act granting to His Majesty a sum of money, to remunerate certain services therein mentioned," was read a second time, and it was,
	Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.
Committed	The House was then put into a Committee of the whole accordingly. The Honorable Mr. Dickson took the Chair.
House forms	The Chairman left the Chair, and the House formed.
Nine Mile Point Light House bill read second time	Pursuant to the order of the day, the Bill, entitled, "An Act granting a sum of money to defray the expense of erecting a Light-house on Nine Mile Point, at the entrance of the Harbour of Kingston," was read a second time, and it was,
	Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.
Committed	The House was then put into a Committee of the whole accordingly. The Honorable Mr. Baldwin took the Chair. After some time the House resumed.
Reported	The Chairman reported that the Committee had gone through the said Bill, and recommended the same without amendment to the adoption of the House.
Adopted	Ordered, that the Report be received ; and— Ordered, that the said Bill be read a third time this day.
Light House Keepers Salary bill, read second time	Pursuant to the order of the day, the Bill, entitled, "An Act to provide for the maintenance of four Light-houses, now erected in this Province," was read a second time, and it was,

Saturday, 9th February, 1833.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

Ordered, that the House be put into a Committee of the whole presently, to take the same into consideration.

The House was then put into a Committee of the whole accordingly.

Committed

The Honorable Mr. Wells took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said Bill, and recommended the same without amendment to the adoption of the House.

Reported

Ordered, that the Report be received; and—

Adopted

Ordered, that the said Bill be read a third time this day.

The Honorable and Venerable the Archdeacon of York, enters.

A Member enters

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill, entitled, "An Act granting to His Majesty a sum of money towards defraying the expenses of the Civil Administration of the Government of this Province."

Supply bill re-committed

The Honorable Mr. Markland took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said Bill, and recommended the same without amendment to the adoption of the House.

Reported

Ordered that the Report be received; and—

Adopted

Ordered that the said Bill be read a third time on Monday next.

The Honorable and Venerable the Archdeacon of York gave notice, that he would on Monday next, move an address to His Excellency the Lieutenant Governor, on the subject of the Bill, entitled, "An Act for granting to His Majesty a sum of money towards defraying the expenses of the Civil administration of the Government of this Province."

Notice of moving an Address to the Lieut. Governor, on the subject of the bill

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill, entitled "An Act to protect the White Fish Fisheries in the Straits or Rivers Niagara, Detroit and Saint Clair, in this Province."

White Fish Fishery bill re-committed

The Honorable Mr. Dickson took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said Bill, and recommended the same without amendment to the adoption of the House.

Reported

Ordered, that the report be received, and,

Adopted

Ordered, that the said Bill be read a third time on Monday next.

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill, entitled, "An Act granting to His Majesty a sum of money, to remunerate the Honorable John Henry Dunn, for certain services therein mentioned,"

Hon. J. H. Dunn's remuneration bill re-committed

The Honorable Mr. Clark took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said Bill, and recommended the same without amendment to the adoption of the House.

Reported

Ordered, that the Report be received; and—

Adopted

Ordered, that the said Bill be read a third time on Monday next.

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill, entitled, "An Act to authorise His Majesty's Receiver General to issue Provincial Notes, chargeable upon the public Revenues of this Province,"

Receiver General's Provincial Note Bill re-committed

The Honorable Mr. Markland took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had taken the said Bill into consideration, had made some progress therein, and asked leave to sit again this day three weeks.

Reported and leave asked to sit again in three weeks

Ordered, that the Report be received, and leave granted accordingly.

Leave granted

Pursuant to the order of the day, the House was again put into a Committee of the whole upon the Bill, entitled, "An Act to provide for the erection of a bridge across the River Trent, and for other purposes therein mentioned."

Trent Bridge Erection bill re-committed

The Honorable Mr. Markland took the Chair.

After some time the House resumed.

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Reported	The Chairman reported that the Committee had gone through the said Bill, and recommended the same without amendment to the adoption of the House.
Adopted	Ordered, that the Report be received, and, Ordered, that the said Bill be read a third time on Monday next.
Amendments to Estreats Recovery bill presented	Pursuant to the Order of the day, the Honorable Mr. McDonell, from the Committee of the whole upon the Bill, entitled, "An Act for the more convenient recovery of Estreats," reported the amendments made thereto.
Read first time	Ordered that the report be received, and, The amendments was then read by the Clerk, as follows:— Press. 1, Line 3.—After "same," expunge the remainder of the Bill, and insert, "that from
The amendments	and after the first day of June next, ensuing, the passing of this Act, all fines, issues, amerciaments, and forfeited recognizances, (save and except such as shall by virtue of any Act or Acts of the Parliament of this Province made or to be made, be directed to be otherwise levied, recovered, appropriated or disposed of) which shall be set, imposed, lost or forfeited, by or before any Court of Oyer and Terminer, or General Gaol delivery, or before any Court of Assize, and Nisi Prius, shall within twenty-one days from the adjournment of such Court, be fairly entered and extracted on a Roll, by the Clerk of Assize, or in case of his death or absence, by any other person under the direction of the Judge who presided at such Court, which Roll shall be made out in duplicate, and shall be signed by the Clerk of Assize, or such Judge as aforesaid, in case of his death or absence."
	"2, And be it further enacted by the authority aforesaid, that one of the said Rolls shall be transmitted to the office of Clerk of the Crown, on or before the first day of the Term next succeeding such Court, and that the other of such Rolls shall, so soon as the same shall be prepared, be sent by the Clerk of Assize, or in case of his death or absence, by such Judge as aforesaid, with a Writ of fieri facias and Capias, according to the form in the Schedule to this Act annexed, marked A, to the Sheriff of the District in or for which such Court was holden, which Writ shall be authority to such Sheriff for proceeding to the immediate levying and recovering of such fines, issues, amerciaments and forfeited recognizances, or any of them, as remain to be levied and recovered, on the Goods and Chattels, Lands and Tenements of such several persons, or for taking into custody the bodies of such persons, in case sufficient goods and chattels, lands or tenements shall not be found, whereof the same can be made; and every person so taken shall be lodged in the common Gaol of the District until satisfaction be made, or until the Court of King's Bench shall upon cause shown by the party, as hereinafter mentioned, make an order in the case, and until such order shall be fully complied with."
	"3. And be it further enacted by the authority aforesaid, that from and after the the first day of June next after the passing of this Act, all fines, issues, amerciaments and forfeited recognizances, save and except such as shall by virtue of any Act or Acts of the Parliament of this Province, made or to be made, be directed to be otherwise levied, recovered, appropriated or disposed of, which shall be set, imposed, lost or forfeited, by or before any Court of General Quarter Sessions of the Peace, shall, within twenty-one days after the adjournment of such Court, be fairly entered and extracted on a roll by the Clerk of the Peace, which roll shall be made out in duplicate, and shall be signed by the Clerk of the Peace."
	"4. And be it further enacted by the authority aforesaid, that one of the said rolls shall remain deposited in the office of Clerk of the Peace, and that the other of such rolls shall, so soon as the same shall be prepared, be sent by the Clerk of the Peace with a writ of fieri facias and

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capias, according to the form in the schedule to this Act annexed, marked B, to the Sheriff of the District in which such Court of Quarter Sessions shall have been holden, which writ shall be authority to such Sheriff for proceeding to the immediate levying and recovering of such fines, issues, amerciaments and forfeited recognizances, or any of them as remain to be levied and recovered on the goods and chattels, lands and tenements of such several persons, or for taking into custody the bodies of such persons, in case sufficient goods and chattels, lands or tenements shall not be found whereof the same can be made, and every person so taken shall be lodged in the Common Gaol of the District, until satisfaction be made or until the Court of General Quarter Sessions of such District shall, upon cause shewn by the party as hereinafter mentioned, make an order in the case, and until such order shall be fully complied with."

"5. And be it further enacted by the authority aforesaid, that if upon any writ to be issued under this Act, the Sheriff shall take lands or tenements in execution, he shall advertise the same in like manner as he is required to do before the sale of lands in execution in other cases, and no sale shall take place in less than twelve calendar months from the time the writ shall come into the hands of the Sheriff."

"6. And be it further enacted by the authority aforesaid, that the Clerk of Assize or Clerk of the Peace shall, at the foot of each roll made out as herein directed, make and take an affidavit in the form following, that is to say:—'I, A. B., [describing his office,] make oath that this roll is truly and carefully made up and examined, and that all fines, issues, amerciaments, recognizances and forfeitures which were set, lost, imposed, or forfeited at or by the Court therein mentioned, and which in right and due course of law ought to be levied and paid over, to the best of my knowledge and understanding inserted in the said roll, and that in the said roll are also contained and expressed all such fines as have been paid to or received by me, either in Court or otherwise, without any wilful discharge, omission, misnomer or defect whatever—So help me God!'—which oath any Justice of the Peace for such District is hereby authorised to administer."

"7. And be it further enacted by the authority aforesaid, that each and every Justice of the Peace before whom any recognizance shall be entered into or taken, shall give or cause to be given at the time of entering into such recognizances, to the person or persons so entering into the same and his sureties, a written or printed paper or notice in the form or to the effect stated in the schedule marked C. to this Act annexed, adapting the same to the particular circumstances of the case, and each and every such Justice shall in such recognizance state and specify particularly the profession, art or trade of every person so entering into such recognizance, together with the Christian name and surname, and also the place of his or her residence."

"8. And be it further enacted by the authority aforesaid, that if any person on whose goods and chattels such Sheriff, Bailiff or other Officer shall be authorised to levy any such forfeited recognizance, shall give security to the said Sheriff or Officer for his appearance at the return day mentioned in the writ, in the Court into which such writ shall be returnable, then and there to abide the decision of such Court, and also to pay such forfeited recognizance or sum of money to be paid in lieu or satisfaction thereof, together with all such expenses as shall be adjudged and ordered by the Court, it shall be lawful for such Sheriff or Officer to discharge such person so giving such security out of custody; provided that in case such party so giving such security shall not appear in pursuance

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of his undertaking, it shall be lawful for the Court forthwith to issue a writ of fieri facias and capias against the surety or sureties of the person so bound as aforesaid."

"9. And be it further enacted by the authority aforesaid, that the Court of King's Bench or Court of General Quarter Sessions into which any writ of fieri facias and capias to be issued under this Act shall be returnable, is authorised by this Act to inquire into the circumstances of the case, and may in its discretion order the discharge of the whole of the forfeited recognizance or sum of money paid or to be paid in lieu or satisfaction thereof, and make such order thereon as may to them appear just, which order shall accordingly be a discharge to the Sheriff or to the party, according to the circumstances of the case."

"10. And be it further enacted by the authority aforesaid, that the Sheriff to whom any writ shall be directed under this Act, shall return the same on the day on which the same is made returnable, and shall state on the back of the roll attached to such writ what shall have been done in the execution of such process, which return shall be filed in the Court respectively into which such return is made, and that a copy of such roll and return, certified by the Clerk of the Peace or by the Clerk of the Crown, as the case may be, shall be forthwith transmitted to the Receiver General of this Province, with a minute thereon of any of the sums therein mentioned, which may have been remitted in the whole or in part under the authority of this Act."

"11. And be it further enacted by the authority aforesaid, that the Sheriff shall, without delay, pay over all monies by him collected to the Receiver General of this Province for the time being."

#### SCHEDULE A.

*WILLIAM the FOURTH, by the Grace of GOD, &c. &c.*

To the Sheriff of ———.

GREETING:

You are hereby commanded to levy of the goods and chattels, lands and tenements of all and singular the persons in the roll or extract to this writ annexed mentioned, all and singular the debts and sums of money upon them severally imposed and charged, as therein is specified; and if any of the said several debts cannot be levied by reason of no goods or chattels, lands or tenements being to be found belonging to the parties respectively, then in all cases that you take the bodies of the parties respectively and keep them safely in the Goal of your District, there to abide the Judgment of our Court of King's Bench upon any matter to be shewn by them, or otherwise to remain in your custody as aforesaid, until such debt shall be satisfied, unless any such person shall give sufficient security for his or her appearance at the said Court, on the return day hereof, for which you will be held answerable; and what you shall do in the premises make appear before us in our Court of King's Bench at York, on the ———day of ———Term next, and have then there this writ.

Witness, &c. A. B. Clerk of Assize at the last Assizes for the District of ———this ———day of ———18——.

#### SCHEDULE B.

*WILLIAM the FOURTH, by the Grace of GOD, &c. &c.*

To the Sheriff of ———

GREETING:

You are hereby commanded to levy of the goods and chattels, lands and tenements of all and singular the persons in the roll or extract to this writ annexed mentioned, all and singular the debts and sums of money upon them severally imposed and charged as therein is specified, and if any of the said several debts cannot be levied by reason of no goods or

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chattels, lands or tenements being to be found belonging to the parties respectively, then in all cases that you take the bodies of the parties respectively, and keep them safely in the Gaol of your District, there to abide the Judgment of the Court of General Quarter Sessions for the said District, upon any matter to be shewn by them, or otherwise to remain in your custody as aforesaid, until such debt shall be satisfied, unless any such person shall give sufficient security for his or her appearance at the said Court, on the return day hereof, for which you will be held answerable; and what you shall do in the premises make appear at the next Court of General Quarter Sessions of the Peace for the said District, on the first day of the said Court, and have there then this writ.

Witness, C. D. Clerk of the Peace for the District of—this—  
day of—18—.

SCHEDULE C.

—District, } Take notice, that you—are bound in the sum  
—to wit: } of—pounds, and your sureties—in the sum of—  
pounds each, to appear at—to be holden at—and unless you personally make your appearance accordingly, the recognizances entered into by yourself and your securities will be forthwith levied on you and your bail.

Dated this—day of—18—.

A. B. Justice of the Peace for the—District.

The said amendments being read a second time, and the question of concurrence put on each, they were severally agreed to by the House; and it was—

Read second time and adopted

Ordered that they be engrossed, and the said Bill as amended read a third time on Monday next.

Pursuant to order, the Bill, entitled, "An Act to authorise the Receiver General to borrow a sum of money, for the purposes therein mentioned," was read a second time, and it was

Second Provincial Debts' Cancelling bill read second time

Ordered, that the House be put into a Committee of the whole presently, to take the same into consideration.

The House was then put into a Committee of the whole, accordingly.

Committed

The Honorable Mr. Allan took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said Bill and recommended the same without amendment to the adoption of the House.

Reported

Ordered, that the Report be received, and

Adopted

Ordered that the said Bill be read a third time on Monday next.

Pursuant to order, the Bill, entitled, "An Act to raise a sum of money to improve certain roads in the vicinity of the Town of York, and for other purposes therein mentioned." was read a second time, and it was

York Road bill read second time

Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.

The House was then put into a Committee of the whole, accordingly.

Committed

The Honorable Mr. Wells took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said Bill, and recommended the same without amendment to the adoption of the House.

Reported

Ordered, that the Report be received, and

Adopted

Ordered that the said Bill be read a third time on Monday next.

Pursuant to order, the Bill, entitled, "An Act to defray the expenses of keeping a light at the Burlington Canal, and for other purposes therein mentioned," was read a second time, and it was

Burlington Bay Light bill read second time

Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.

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Committed	The House was then put into a Committee of the whole accordingly. The Honorable Mr. Clark took the Chair. After some time the House resumed.
Reported	The Chairman reported that the Committee had gone through the said Bill, and recommended the same without amendment to the adoption of the House
Adopted	Ordered, that the report be received, and Ordered, that the said Bill be read a third time on Monday next.
Nine Mile Point Light House bill, and	Pursuant to order, the Bill, entitled, "An Act granting a sum of money to defray the expense of erecting a Light-house on Nine Mile Point, at the entrance of the Harbour of Kingston;" and also the Bill, entitled, "An Act to provide for the maintenance of four Light-houses now erected in this Province," were severally read a third time, and passed.
Light House Keepers Salary bill, read third time and passed	Whereupon the Speaker signed the same; and it was, Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House that the Legislative Council have passed these Bills without amendment.
Bills signed	The Honorable Mr. Wells brought up the Petition of William Lee, Gentleman Usher of the Black Rod, which was laid on the table.
And Assembly ac- quainted thereof	On motion made and seconded, it was Ordered that the address of this House to His Excellency the Lieutenant Governor, on the subject of the Despatch of the Right Honorable the Secretary of State, concerning grievances, be printed for the use of Members.
Petition of William Lee presented	On motion made and seconded, it was Ordered, that the contingent accounts of the present Session be referred to a Select Committee of three Members, to examine and report thereon, and
Address to Lieut. Governor on Lord Goderich's Despatch, ordered to be printed	Ordered, that the Honorable Messieurs Wells, Allan, and Baldwin, be that Committee. On motion made and seconded, it was Ordered, that the Petition of William Lee, Gentleman Usher of the Black Rod, praying for an increase of salary, be now read.
Contingent Accounts referred to a Select Committee	The same was then read accordingly, and it was Ordered, that it be referred to the Select Committee upon the contingent accounts.
Members composing same	The Honorable Mr. Clark gave notice, that on Monday next he would move an address to His Excellency the Lieutenant Governor, on the subject of the Speaker's salary. On motion made and seconded the House adjourned.
Petition of William Lee read	
And referred to the Committee on Contingent Accounts	
Notice of moving an address to Lieut. Governor on the Speaker's salary. House adjourns.	

MONDAY, 11th FEBRUARY, 1833.

House meets The House met pursuant to adjournment.

PRESENT,

Members present	<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Honorable Messrs.</i> WELLS,
	<i>The Honorable Messrs.</i> BABY,	" " ALLAN,
	" " CLARK,	" " McDONELL,
	" " DICKSON,	" " BALDWIN,
	" " POWELL,	

*Prayers were read.*

The Minutes of Saturday were read.

General Road bill, A Deputation from the Commons House of Assembly brought up a Bill, entitled, "An Act granting to His Majesty a sum of money, for the improvement of roads and bridges in the several Districts of this Province;" and also a Bill, entitled, "An Act granting to His Majesty a certain sum of money, to enable His Majesty to defray certain charges incurred during the prevalence of the Cholera during the last Summer," to which they requested the concurrence of this House, and then withdrew.

And Cholera Grant  
bill brought up from  
Assembly.

General Road bill  
read first time

The Bill, entitled "An Act granting to His Majesty a sum of money for the improvement of Roads and Bridges in the several Districts of this Province," was read; and it was—

Ordered, that the same be read a second time to-morrow, and—

Members summoned

Ordered, that the Members in Town be summoned to attend in their places on that day.

Monday, 11th February, 1833.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

The Bill, entitled "An Act granting to His Majesty a certain sum of money to enable His Majesty to defray certain charges incurred during the prevalence of the Cholera during the last Summer," was read ; and it was—

Cholera Grant bill  
read first time.

Ordered, that the same be read a second time this day.

Pursuant to the order of the day, the Bill, entitled "An Act for granting to His Majesty a sum of money towards defraying the expenses of the Civil Administration of the Government of this Province;" also the Bill, entitled "An Act to protect the White-fish Fisheries in the Straits or Rivers Niagara, Detroit and Saint Clair, in this Province;" also the Bill, entitled "An Act granting to His Majesty a sum of money to remunerate the Honorable John Henry Dunn for certain services therein mentioned;" also the Bill, entitled "An Act to provide for the erection of a Bridge across the River Trent, and for other purposes therein mentioned;" also the Bill, entitled "An Act to authorise the Receiver General to borrow a sum of money for the purposes therein mentioned;" also the Bill, entitled "An Act to raise a sum of money to improve certain Roads in the vicinity of the Town of York, and for other purposes therein mentioned;" and also the Bill, entitled "An Act to defray the expenses of keeping a Light at the Burlington Canal, and for other purposes therein mentioned," were severally read a third time, and passed :

Supply bill,

White Fish Fishery  
bill,

J. H. Dunn's  
remuneration bill,  
Trent Bridge Erection  
bill,

Second Provincial  
Debts' Cancelling bill  
York Road bill,

And Burlington Bay  
Light bill read third  
time and passed

Whereupon the Speaker signed the Bills ; and it was—

Bills signed

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed these Bills without amendment.

Assembly acquainted  
of same

Pursuant to the order of the day, the Bill, entitled, "An Act for the more convenient recovery of Estreats," was, as amended, read a third time, and—

Estreats recovery bill  
(as amended) read  
third time and passed

The question being put whether this Bill as amended should pass, it was carried in the affirmative :

Whereupon the Speaker signed the amendments, and it was—

Amendments signed

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House that the Legislative Council have passed this Bill with amendments, to which they desire the concurrence of the Commons House of Assembly.

And sent to Assem-  
bly for concurrence

Pursuant to order, the Bill, entitled "An Act granting to His Majesty a certain sum of money to enable His Majesty to defray certain charges incurred during the prevalence of the Cholera during the last Summer," was read a second time, and it was—

Cholera Grant bill  
read second time.

Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.

The House was then put into a Committee of the whole accordingly.

Committed

The Honorable Mr. Wells took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said Bill, and recommended the same without amendment to the adoption of the House.

Reported

Ordered, that the Report be received, and

Adopted

Ordered, that the said Bill be read a third time to-morrow.

The Honorable Mr. Powell brought in a Bill to repeal the Statute passed for declaring Tythes not payable in Upper Canada.

Tythes bill brought in

The said Bill was then read.

Read first time

On motion made and seconded, it was—

Ordered, that the Bill, entitled "An Act to establish a Police in the Town of Cornwall, in the Eastern District," be discharged from the order of the day.

Cornwall Police bill  
discharged from the  
order of the day.

The Honorable and Venerable Archdeacon of York enters.

A Member enters

On motion made and seconded, it was—

Ordered, that an Address be presented to His Excellency the Lieutenant Governor on the subject of the Bill, entitled "An Act for granting to His Majesty a sum of money towards defraying the expenses of the Civil Administration of the Government of this Province."

Address ordered  
to be presented to  
the Lieut. Governor,  
on the subject of the  
Supply bill

The draft of an Address was then read by the Clerk, and being again read, it was—

Draft read first time  
Read second time.

Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.

The House was then put into a Committee of the whole accordingly.

Committed

The Honorable Mr. Wells took the Chair.

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After some time the House resumed.

Amendments reported.

The Chairman reported that the Committee had gone through the said Address, had made some amendments thereto, and recommended the Address, as amended, to the adoption of the House.

Adopted

Ordered, that the Report be received, and—

Ordered, that the said Address be engrossed, and read a third time to-morrow.

On motion made and seconded, it was—

Address ordered to be presented on the subject of the Speaker's salary.  
Draft read 1st time.  
Read second time.

Ordered, that an Address be presented to His Excellency the Lieutenant Governor on the subject of the Speaker's Salary.

The draft of an Address was then read by the Clerk, and being again read, it was—

Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.

Committed

The House was then put into a Committee of the whole accordingly.

The Honorable Mr. Clark took the Chair.

After some time the House resumed.

Reported

The Chairman reported that the Committee had gone through the said Address, and recommended the same without amendment to the adoption of the House.

Adopted

Ordered, that the Report be received; and—

Ordered, that the said Address be engrossed, and the same read a third time to-morrow.

Report of the Select Committee upon the Contingent Accounts presented.

The Honorable Mr. Wells from the Select Committee, to whom was referred the contingent accounts of the Legislative Council for the present Session presented their Report.

Ordered, that the report be received; and,

Read.

The same was then read by the Clerk, as follows:—

The Select Committee appointed to take into consideration the Contingencies of this Honorable House,

Beg leave to Report,

The Report.

That they have carefully examined the accounts of the Clerk, and of the Usher of the Black Rod, the former amounting to one thousand and forty-four pounds twelve shillings and nine pence, and the latter to three hundred and nine pounds six shillings and ten pence halfpenny, making together the sum of thirteen hundred and fifty-three pounds, nineteen shillings and seven pence halfpenny, which they recommend to be paid.

Upon referring to the report of the Select Committee to which was referred the same duty at the close of the last Session of the Legislature, they find a recommendation which was adopted by the House, of placing the Clerk upon the same footing as to salary, as the Clerk of the House of Assembly, so that his total remuneration for the year's service should be four hundred pounds.

Your Committee, in recommending the same course to be again adopted, for the present Session, beg further to recommend, that an additional fifty pounds be granted to the Usher of the Black Rod, in order to put him upon an equality with the Serjeant at Arms in the House of Assembly.

They further think it right to submit to the consideration of the House, the circumstance that the increased allowance to the Clerk and Sergeant at Arms in the House of Assembly, was granted them for the Session of 1831, and that consequently the Clerk, and Usher of the Black Rod, are in fact one Session in arrears for the increased allowance which the former have received.

Your Committee having ascertained, that on account of the length of the Session the House of Assembly have granted to the Door-keeper of that House an extra allowance of forty pounds, instead of twenty pounds, as heretofore, beg to recommend that the Door-keeper of this House be allowed the like addition.

Your Committee further recommend, that a sum not exceeding five hundred pounds be placed at the disposal of a Select Committee, to be appointed to superintend the furnishing and fitting up the Legislative Council Room and apartments, in order to enable the said Committee with more economy to carry into effect the orders of the House.

All which is respectfully submitted.

(Signed)

JOSEPH WELLS,

CHAIRMAN.

Monday, 11th February, 1833.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

Ordered, that the above Report be referred to a Committee of the whole, presently, to take the same into consideration.

The House was then put into a Committee of the whole, accordingly.

The Honorable Mr. Dickson took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said Report, which they recommended to the adoption of the House, together with a resolution.

Ordered, that the Report be received; and—

The same was read by the Clerk, as follows:—

Resolved,—That it is the opinion of this Committee, that in addition to the present salaries of the Reverend Chaplain, and the Master in Chancery, a sum of fifty pounds be paid to each of those officers.

The said Resolution being again read, the question was put if it should pass, and it was carried in the affirmative, and

Ordered, that the sum of one hundred pounds be added to the contingent accounts of the Clerk, to enable him to carry the above resolution into effect.

It was moved and seconded, that it be

Resolved,—That the Journals of this House for the present Session, be printed, and that one hundred pounds be allowed to the Clerk thereof, for his trouble in superintending the same, and that he be directed to send to the Clerk of the Assembly, a copy for each Member of that House.

Resolved,—That the sum of two hundred pounds be paid to the Clerk of the Legislative Council, agreeably to a recommendation of the Committee upon the contingent accounts, for years 1831 and 1833.

Resolved,—That the sum of one hundred pounds be paid to the Usher of the Black Rod, agreeably to the recommendation of the Select Committee on the contingent accounts for the same years.

Resolved,—That the Door-keeper be allowed the sum of forty pounds for extra services during the present Session.

The said Resolutions being read a second time, and the question of concurrence put on each, they were severally agreed to by the House, and it was

Ordered, that the Journals of this House for the present Session be printed, and that one hundred pounds be allowed to the Clerk thereof for his trouble in superintending the same, and that he be directed to send to the Clerk of the Assembly a copy for each Member of that House, and—

Ordered, that the sum of two hundred pounds be paid to the Clerk of the Legislative Council, agreeably to a recommendation of the Committee upon the Contingent Accounts, for years 1831 and 1833, and—

Ordered, that the sum of one hundred pounds be paid to the Usher of the Black Rod, agreeably to the recommendation of the Select Committee on the Contingent Accounts for the same years, and—

Ordered, that the Doorkeeper be allowed the sum of forty pounds for extra services during the present Session.

It was moved and seconded, that it be—

Resolved, that His Excellency the Lieutenant Governor be requested to advance a sum not exceeding £500 to enable a Committee of this House during the recess to procure suitable furniture for the accommodation of this House.

Resolved, that the Committee appointed for that service during the last Session be appointed to carry the foregoing resolution into effect.

The said Resolutions being read a second time, and the question of concurrence put on each, they were severally agreed to by the House, and it was—

Ordered, that His Excellency the Lieutenant Governor be requested to advance a sum not exceeding £500, to enable a Committee of this House during the recess to procure suitable furniture for the accommodation of this House, and—

Committed

Reported

Adopted

A resolution recommended by the Committee for adoption

Read first time

The Resolution for increasing the salaries of the Chaplain and Master-in-Chancery

Read second time and adopted

Resolution moved for printing the Journals, and allowing Clerk one hundred pounds for superintending same

Resolution moved for paying the Clerk two hundred pounds, as recommended by the Select Committee on the Contingent Accounts

Resolution moved for paying the Usher of the Black Rod one hundred pounds, as recommended by the above Committee

Resolution moved for allowing the Door Keeper forty pounds extra

Resolutions read second time and adopted

Resolution moved for requesting Lieut. Governor to advance £500 for the furnishing of this House.

Resolution moved for appointing a Committee to superintend the same.

Resolutions read second time and adopted

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Ordered, that the Committee appointed for that service during the last Session, be appointed to carry the foregoing resolution into effect.

It was moved and seconded, that it be—

Resolved, that it be a standing order, that two copies of the Journals of this House, for this and every succeeding Session, plainly and uniformly bound, be transmitted by the Clerk to the Treasurer of the Honorable the Law Society of Upper Canada, to be deposited in the Library of that Society, and that one copy be also sent to each of the Judges of His Majesty's Court of King's Bench.

Resolution moved for authorising the Clerk to transmit two bound copies of the Journals of this House to the Treasurer of the Law Society, and one copy to each of the Judges of the Court of King's Bench.

Resolution read second time and adopted.

The said resolution being read a second time, and the question of concurrence put thereon, it was agreed to by the House, and it was—

Ordered, that it be a standing order, that two copies of the Journals of this House, for this and every succeeding Session, plainly and uniformly bound, be transmitted by the Clerk to the Treasurer of the Honorable the Law Society of Upper Canada, to be deposited in the Library of that Society, and that one copy be also sent to each of the Judges of His Majesty's Court of King's Bench.

It was moved and seconded, that it be—

Resolved, that a copy of the Journals of this, and of each succeeding Session of the Legislative Council, shall be transmitted by the Clerk, to the Clerk of the Legislative Council of each of the Provinces of Lower Canada, Nova Scotia and New Brunswick.

Resolution moved for authorising Clerk to transmit a copy of the Journals of this House to the Clerk of the Legislative Council of each of the Provinces of Lower Canada, Nova Scotia and New Brunswick. Read second time and adopted.

The said resolution being read a second time, and the question of concurrence put thereon, it was agreed to by the House, and it was—

Ordered, that a copy of the Journals of this, and of each succeeding Session of the Legislative Council, shall be transmitted by the Clerk, to the Clerk of the Legislative Council of each of the Provinces of Lower Canada, Nova Scotia and New Brunswick.

House adjourns.

On motion made and seconded, the House adjourned until to-morrow, at Eleven of the clock, A. M.

TUESDAY, 12th FEBRUARY, 1833.

The House met, pursuant to adjournment.

House meets

PRESENT,

Members present

<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Honorable Messrs.</i> MARKLAND,
<i>The Honorable Messrs.</i> BABY,	“ “ ALLAN,
“ “ DICKSON,	“ “ McDONELL,
“ “ WELLS,	“ “ BALDWIN,
“ “ CAMERON,	

*Prayers were read.*

The Minutes of yesterday were read.

Speaker's dissent from passing the Supply bill,

To the Bill, entitled “An Act for granting to His Majesty a sum of money towards defraying the expenses of the Civil Administration of the Government of this Province.”

*Dissentient—*

Because, in my opinion, the Annual Supply Bill, although it is of necessity framed upon an estimate in detail submitted by the Executive Government, should grant the money voted, in an aggregate sum, specifying for what departments of the public service it is intended to provide, but leaving the details of the distribution to the Crown.

Because, I believe it to be against the principles of our Constitution, especially inconsistent with our form of Government, and unfavorable to the just independence and integrity of public Servants, that in the Act annually passed for the supply of the Civil Government, the money should be granted by specific items, not merely assigning to each Department the gross sum to be applied for the support of that Department, but even entering into the details of distribution throughout that Department.

Because, this manner of granting the supply is contrary to the principle by which the Legislature has governed itself since the year 1818, and which it has become more important to maintain since the Crown has divested itself of the means which it once possessed, of conducting the public service steadily and effectively; and because, the leaving the Executive

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Government thus dependent, must, in the nature of things, lead in time to consequences against which, even in Republican Governments, it has been found necessary to guard.

(Signed)

JOHN B. ROBINSON,

To the same Bill.

*Dissentient—*

Because, the Legislative Council last Session of the Provincial Parliament, in a conference with the House of Assembly, stated their reasons for disagreeing to the Bill then sent up, in a very full and explicit manner, in the expectation that the House of Assembly would conform to the course recommended at the conference.

Dissent of the Hon. Messrs. Dickson and McDonell from passing the same bill.

Because, the House of Assembly did then adhere to their Bill by a total silence as to any future proceeding thereupon, thereby calling forth the painful exercise of the best judgment of the Legislative Council, by a rejection of the Bill.

Because, another Bill of supply is again this Session sent up, as exceptionable as that of last year, compelling the Legislative Council either to pass the same or depart from principles well established, sanctioned, and acted upon, in the British Parliament and elsewhere, thereby gradually and imperceptibly weakening and diminishing the Constitutional influence of the Civil Government, and prostrating the Royal prerogative to the encroaching democratic views and opinions now prevalent in a sister Province, or to the fears and caprice of a temporary servant of the Crown.

Because, the surrender of the duties levied under a British Statute of the 14th George the Third, as well as the appropriation of £2500. annually, for the due administration of Justice, was so surrendered under a full reliance on the liberality and justice of the Legislature; nevertheless, the Civil Government as well as the House of Assembly, have been unmindful that the usual salary of the Honorable the Speaker of the Legislative Council, has lapsed into the Public Funds, and as a Judge and Speaker his income compared with that of his predecessor, has diminished annually six hundred pounds, although the arduous duties of these stations have increased; yet, discharged with a zeal, talent, and ability, conspicuous to all His Majesty's subjects in Upper Canada.

(Signed)

WILLIAM DICKSON,

(Signed)

ALEX'R. McDONELL.

Pursuant to the order of the day, the Bill, entitled, "An Act granting to His Majesty a certain sum of money, to enable His Majesty to defray certain charges incurred during the prevalence of the Cholera during the last summer," was read a third time and passed.

Cholera Grant bill read third time and passed.

Whereupon the Speaker signed the same, and it was,

Bill signed

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed this Bill without amendment.

Assembly acquainted of same

Pursuant to the order of the day, the address to His Excellency the Lieutenant Governor, on the subject of the Bill, entitled, "An Act for granting to His Majesty a sum of money towards defraying the expenses of the Civil administration of the Government of this Province," was read a third time, and passed.

Address to Lieut Governor on Supply Bill read third time and passed.

Whereupon the Speaker signed the same, and it is as follows :

Same signed.

*To His Excellency SIR JOHN COLBORNE, Knight, Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's Forces therein, &c. &c. &c.*

The address.

MAY IT PLEASE YOUR EXCELLENCY:

WE His Majesty's dutiful and loyal subjects the Legislative Council of Upper Canada, in Provincial Parliament Assembled, beg leave to represent to Your Excellency, that in passing the Bill sent up from the Assembly for the supply of the Civil Government, for the last and the present years, the Council have in deference to the declared sentiments of His Majesty's Government, which they understand to have been recently communicated to the Legislature of Lower Canada, in respect to the manner of granting the supply in that Province, departed at this time from exceptions which they took to the form of the supply Bill passed in the last Session, and they have concurred in the supply Bill of this year, although it grants

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the sum for the Civil list in detailed items, specifying how much shall be applied to each department, and even entering into a detailed distribution of the sum allotted for each department.

But the Legislative Council has not waived this objection, under a satisfactory conviction that it was not well founded: on the contrary, they beg most earnestly to press upon the consideration of His Majesty's Government, the evils which they are confident must ensue from the innovation, if this new system shall continue. They foresee that it will have the effect of converting the Legislative department of our Government into the Executive, by placing all Civil Officers, and even the Clerks in the several departments, at the pleasure of each House of the Legislature for his annual income—a power of control, which virtually subjects those public servants to dismissal from office without trial or impeachment, and which therefore has not been thought reasonable or proper, even in Republican Governments.

From the year 1817, to the Last year, the Legislature of this Province pursued what the Legislative Council cannot but believe to be the Constitutional and proper course of voting the annual supply in one aggregate sum, founded upon the estimate, specifying the several departments to which it was to be applied, but leaving it to His Majesty in the exercise of His prerogative to distribute it among those departments, and among the Officers of each department, according to the exigencies of the public service, and according to the just claims of those who were engaged in it.

The Legislative Council has also not failed to observe, that in the supply granted by the Bill in which they have concurred, no provision is made for the travelling expenses of the Judges and Crown Officers, on the Circuits, which have been constantly paid since the organization of the Province, and have been voted for many successive years by the Legislature; nor for several other contingencies and expenses attendant on the administration of Justice; nor for the salary of the Clerk of the Crown, which he has uniformly enjoyed; nor for the salary or allowance of Secretary and Register of this Province, which are wholly omitted, and without any cause that the Legislative Council can conjecture.

The Legislative Council also observes, that for the two years embraced in this Bill, an allowance of a fixed sum is made to each of the Crown Officers in lieu of salary, and all public emoluments, which is an innovation in the established system of remunerating professional services, upon which the Council would have much preferred having an opportunity of exercising their judgment in another manner, than by having to approve or negative it, as one among the details of the ordinary supply Bill. As those Officers however, will have an opportunity of addressing themselves to the Government, in respect to this change, (which is not made permanently) the Legislative Council did not deem it expedient to reject the Bill, on account of this provision; nor did it appear to them to be a sufficient reason for rejecting the supply, that it falls materially short of what is necessary for the public service.

The Legislative Council have rather taken it for granted, that His Majesty's Government, when they voluntarily relinquished the appropriations of the duties levied under the British Statute, 14 Geo. 3, Chap. 88, and accepted instead, a provision for a few salaries only, were prepared to supply from other funds such necessary and accustomed charges as the Legislature might fail to provide for.

The Legislative Council has seen with pleasure, that the Assembly has in some particulars increased the provision for the public service, while they have left the others that we have mentioned to be supplied by the Crown, and the Council have concurred in this Bill in the confident expectation that the omitted charges will be so supplied, being in the opinion of the Council necessary for the public service, and such as cannot be withheld without injustice to the Officers concerned. The only exception which the Legislative Council would make, in respect to these items, is the allowance of one hundred pounds each to the Sheriff's of the Home and Midland Districts, which having been established at the earliest period of this Government and constantly paid, ought not in the opinion of the Council to be discontinued in the life time of the present incumbents, but might properly be afterwards abolished.

With this exception, the Legislative Council trusts that the charges which the Assembly have declined to provide for will be assumed by the Government, and not again estimated for as items of annual supply.

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SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

Pursuant to the order of the day, the Address to His Excellency the Lieutenant Governor, on the subject of the Speaker's Salary, was read a third time and passed :

Address to Lieut. Governor read third time and passed, on the Speaker's salary.

Whereupon the Speaker signed the same ; and it is as follows :—

Same signed.

*To His Excellency SIR JOHN COLBORNE, Knight, Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's Forces therein, &c. &c. &c.*

The address.

MAY IT PLEASE YOUR EXCELLENCY,

We, His Majesty's dutiful and loyal Subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, beg leave to approach your Excellency on a subject intimately connected with their dignity and independence.

We respectfully desire to call your Excellency's attention to the fact, that the Speaker of the Legislative Council has not since the year 1831 received the Salary which has for so long a period been attached to that honorable office.

In 1816, the Legislature of this Province passed an Act granting the annual sum of £2,500 currency towards the support of the Civil Government, and on this grant was charged, amongst other items, the Salary of the Speaker of the Legislative Council, and it was regularly paid every half year till an Act was passed granting an annual appropriation of £6,500 for the support of the Civil List, including former grants ; since the passing of this Act, the charges which had been formerly paid from the Act granting £2,500 were transferred to other funds, with the exception of the Salary of the Speaker of the Legislative Council—why this was made a solitary exception, the Legislative Council have not been able to learn, but certainly none of the charges so transferred had a greater claim to consideration, nor can they discover why the authority which transferred the other items was not competent to transfer them all.

The Legislative Council would further represent, that they felt deeply mortified and concerned to find that the Salary of their Speaker was last year classed among the common items of annual supply, but thinking that it had arisen from some inadvertence, they then forbore to make any remarks or any inquiry into the proceeding ; finding however that no provision has yet been made for their Speaker, they feel it their duty to state their regret that his salary should be considered as an item of annual supply, and thus become an object of perpetual discussion, by which the dignity of the Legislative Council cannot fail to be compromised, and the harmony which so happily exists between the two branches of the Legislature, put every Session into hazard.

The Legislative Council most respectfully represent, that the Salary of their Speaker ought to be paid from the same fund on which the other items which used to stand with it are now charged, and so to continue till it shall please the Legislature to provide for this charge by some permanent measure that may be deemed more satisfactory and more adequate to the arduous duties of the station.

Ordered, that the Honorable Messieurs Wells and Markland be appointed a Committee to present the foregoing addresses.

Committee appointed to present same.

Pursuant to the order of the day, the Bill, entitled, "An Act granting to His Majesty a sum of money for the improvement of Roads and Bridges in the several Districts of this Province," was read a second time, and it was—

General Road Grant bill read second time.

Ordered, that the House be put into a Committee of the whole presently, to take the same into consideration.

The House was then put into a Committee of the whole accordingly.

Committed

The Honorable Mr. Wells took the Chair.

A Message being announced, the Chairman left the Chair and the House formed.

Message from Assembly.

A Deputation from the Commons House of Assembly returned the Bill, entitled, "An Act to take away Corruption of Blood, save in certain cases," and acquainted this House that the Commons House of Assembly had passed the same without amendment.

Attainder bill passed by that House.

The same Deputation brought up a Bill, to which they requested the concurrence of this House and then withdrew.

Bill brought up.

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General Road Grant bill re-committed.	The House was then again put into a Committee of the whole upon the Bill, entitled "An Act granting to His Majesty a sum of money for the improvement of Roads and Bridges in the several Districts of this Province."
	The Honorable Mr. Wells took the Chair.
Message from Assembly. Bill brought up.	A Message being announced, the Chairman left the Chair and the House formed. A Deputation from the Commons House of Assembly brought up a Bill, to which they requested the concurrence of this House and then withdrew.
General Road Grant bill re-committed.	The House was then again put into a Committee of the whole upon the Bill, entitled "An Act granting to His Majesty a sum of money for the improvement of Roads and Bridges in the several Districts of this Province."
	The Honorable Mr. Wells took the Chair.
Message from Assembly. Corporations legal proceedings bill passed by that House	A Message being announced, the Chairman left the Chair and the House formed. A Deputation from the Commons House of Assembly returned the Bill, entitled "An Act to facilitate legal remedies against Corporations," and acquainted the Legislative Council that the Commons House of Assembly had passed the same without amendment.
General Road bill re-committed.	The House was then again put into a Committee of the whole upon the Bill, entitled "An Act granting to His Majesty a sum of money for the improvement of Roads and Bridges in the several Districts of this Province."
	The Honorable Mr. Wells took the Chair.
Message from Assembly. Bill brought up.	A Message being announced, the Chairman left the Chair and the House formed. A Deputation from the Commons House of Assembly brought up a Bill, to which they requested the concurrence of this House, and then withdrew.
General Road bill re-committed.	The House was then again put into a Committee of the whole upon the bill entitled "An Act granting to His Majesty a sum of money, for the improvement of roads and bridges in the several Districts of this Province."
	The Honorable Mr. Wells took the Chair.
	After some time the House resumed.
Reported.	The Chairman reported that the Committee had gone through the said Bill, and recommended the same without amendment to the adoption of the House.
Adopted.	Ordered, that the report be received, and,
Read third time and passed.	Ordered, that the said bill be read a third time, presently. The same was then read a third time, and passed.
Bills signed.	Whereupon the Speaker signed the bill; and it was,
Assembly acquainted of same.	Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House that the Legislative Council have passed this Bill without amendment.
Speaker reports the receipt of Pedler's Licence bill,	His Honor the Speaker reported to the House that a Deputation from the Commons House of Assembly had brought up a Bill, entitled, "An Act to continue the Duty for Licences to Hawkers and Pedlers"; also a bill entitled "An Act to continue an Act passed in the eleventh year of His late Majesty's Reign, entitled 'An Act to authorise the Quarter Sessions of the Home District to provide for the relief of Insane destitute persons in that District'; and to extend the provisions of the same to the other Districts of this Province"; and also a bill entitled "An Act to extend the limits of the several Gaols throughout this Province"; to which they requested the concurrence of this House.
Insane persons relief bill,	
And Gaol Limits bill, from Assembly.	
Read first time	The said bills were then severally read, and it was— Ordered, that the bill entitled "An Act to continue the Duty upon Licences to Hawkers and Pedlers," and also the bill entitled "An Act to continue an Act passed in the eleventh year of His late Majesty's Reign, entitled 'An Act to authorise the Quarter Sessions of the Home District to provide for the relief of Insane destitute persons in that District'; and to extend the provisions of the same to the other Districts of this Province," be read a second time this day.
Pedler's Licence bill read second time.	The bill entitled "An Act to continue the Duty upon Licences to Hawkers and Pedlers," was read a second time, and it was— Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.
Committed	The House was then put into a Committee of the whole accordingly. The Honorable Mr. Markland took the Chair.

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SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

After some time the House resumed.

The Chairman reported that the Committee had gone through the said Bill, and recommended the same without amendment to the adoption of the House.

Reported

Ordered, that the Report be received; and—

Adopted

Ordered, that the said Bill be read a third time this day.

The bill entitled "An Act to continue an Act passed in the eleventh year of His late Majesty's Reign, entitled 'An Act to authorise the Quarter Sessions of the Home District to provide for the relief of Insane destitute persons in that District'; and to extend the provisions of the same to the other District of this Province," was read a second time, and it was—

Insane persons relief bill read second time

Ordered, that the House be put into a Committee of the whole, presently, to take the same into consideration.

The House was then put into a Committee of the whole, accordingly.

Committed

The Honorable Mr. McDonell took the Chair.

After some time the House resumed.

The Chairman reported that the Committee had gone through the said Bill and recommended the same without amendment to the adoption of the House.

Reported

Ordered, that the Report be received, and

Adopted

Ordered, that the said bill be read a third time this day.

Pursuant to order, the bill entitled "An Act to continue the Duty upon Licences to Hawkers and Pedlers," and also the bill entitled "An Act to continue an Act passed in the eleventh year of His late Majesty's Reign, entitled 'An Act to authorise the Quarter Sessions of the Home District to provide for the relief of Insane destitute persons in that District'; and to extend the provisions of the same to the other Districts of this Province," were then severally read a third time and passed.

Pedler's Licence bill, and Insane destitute persons relief bill, read third time and passed.

Whereupon the Speaker signed the same; and it was—

Bills signed.

Ordered, that the Master in Chancery do go down to the Assembly, and acquaint that House, that the Legislative Council have passed these Bills without amendment.

Assembly acquainted of same.

On motion made and seconded the House adjourned until to-morrow at eleven of the clock A. M.

House adjourns.

WEDNESDAY, 13th FEBRUARY, 1833.

The House met, pursuant to adjournment.

House meets

PRESENT,

The Honorable JOHN B. ROBINSON, SPEAKER,

The Honorable Messrs. WELLS,

The Honorable Messrs. BABY,

MARKLAND,

Members present

CLARK,

McDONELL,

DICKSON,

BALDWIN,

The Hon. & Ven. the ARCHDEACON OF YORK,

HAMILTON,

Prayers were read.

The Minutes of yesterday were read.

The Honorable Mr. Wells, from the Committee appointed to wait upon His Excellency the Lieutenant Governor with the Address of this House, on the subject of the Bill, entitled "An Act for granting to His Majesty a sum of money towards defraying the expenses of the Civil Administration of the Government of this Province"; and also with the Address of this House on the subject of the Speaker's Salary, reported the delivery thereof; and that His Excellency was pleased to reply thereto in the following words:—

Report of Select Committee appointed to present Lieut. Governor with an Address on the subject of the Supply bill

And the address on the subject of the Speaker's Salary.

GENTLEMEN,

It is only necessary for me to state, that I will transmit this Address for the consideration of His Majesty's Government.

His Excellency's reply to the first address.

GENTLEMEN,

I will not fail to communicate immediately with the Secretary of State on the subject of this Address.

His Excellency's reply to the second address.

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House adjourns to meet at the Government House.

On motion made and seconded, the House adjourned to meet again this day at half an hour past two of the clock, P. M., at the Government House.

House meets.

At half an hour past two of the clock, P. M., the House assembled at the Government House.

PRESENT,

Members present.

<i>The Honorable</i> JOHN B. ROBINSON, SPEAKER,	<i>The Honorable Messrs.</i> DICKSON,
<i>The Honorable Messrs.</i> BABY,	“ “ WELLS,
“ “ CLARK,	“ “ McDONELL,
“ “ MARKLAND,	“ “ BALDWIN,
“ “ DUNN,	“ “ HAMILTON,
“ “ ALLAN,	

Lieutenant Governor commands the attendance of Assembly.

His Excellency the Lieutenant Governor being present, the Gentleman Usher of the Black Rod was sent to the Assembly to command the immediate attendance of that House: who being arrived, His Excellency was pleased to assent in His Majesty's name to the following Bills:—

Bills assented to by him.

1.—An Act to alter the manner of holding the Elections for Members to represent the Counties of York and Lincoln in the House of Assembly, more equally to divide the County of York into Ridings, and to increase the representation of the said County of York.

2.—An Act to make certain regulations relating to the office of Sheriff in this Province, and to require the several Sheriff's of this Province to give security for the due fulfilment of the duties of their office.

3.—An Act to afford greater facility in barring the right of Dower.

4.—An Act to revive and continue a certain Act passed in the fourth year of His late Majesty's reign, entitled an Act to repeal an Act passed in the forty-fifth year of His late Majesty's reign, entitled an Act to regulate the trial of controverted Elections or returns of Members to serve in the House of Assembly, and to make more effectual provision for such trials; and also a certain other Act passed in the eighth year of His late Majesty's reign, entitled an Act to continue and amend the law now in force for the trial of controverted Elections.

5.—An Act to establish the Side Lines between certain lots in the Township of North Gwillimbury, in the Home District.

6.—An Act to provide for the erection of a Light-house on Point Pele Island, in Lake Erie.

7.—An Act to repeal part of, amend and reduce to one Act of Parliament the several laws now in force in this Province for the recovery of small debts, and to extend the jurisdiction of the Court of Requests within the same.

8.—An Act to repeal certain parts of an Act passed in the eleventh year of the reign of His late Majesty, entitled an Act for the relief of the Sufferers who sustained loss during the late War with the United States of America; and also of a certain other Act passed in the same year, entitled an Act to authorise the Receiver General of the Province to raise by debenture, on the credit of certain duties therein mentioned, a sum of money for the relief of the Sufferers during the late War with the United States, and for affording further relief to the said Sufferers.

9.—An Act incorporating a Joint Stock Company for the manufacture of Salt at Saint Catharines, in the Niagara District.

10.—An Act to explain and repeal part of an Act passed in the first year of His present Majesty's reign, entitled an Act to erect the County of Prince Edward into a separate District.

11.—An Act to establish a Market in the Town of Brockville.

12.—An Act to incorporate certain persons under the name and title of the Saint Lawrence Inland Marine Assurance Company.

13.—An Act to define the limits of the Town of Hamilton, in the District of Gore, and to establish a Police and Public Market therein.

14.—An Act to authorise the erection of Mill-dams upon the River Thames, in the London District.

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15.—An Act to incorporate a Company under the style and title of the British America Fire and Life Assurance Company.

16.—An Act granting to His Majesty a sum of money to be raised by debenture for the improvement of the Navigation of the River Saint Lawrence.

17.—An Act to repeal part of and amend an Act passed in the second year of His present Majesty's reign, entitled an Act to incorporate a Joint Stock Company to improve the Navigation of the Grand River.

18.—An Act to alter and amend the provisions of an Act passed in the last Session of the Provincial Parliament, entitled an Act to incorporate certain persons under the style and title of the President, Directors and Company of the Commercial Bank of the Midland District.

19.—An Act relating to the bailing and commitment, removal and trial of Prisoners in certain cases.

20.—An Act to continue An Act passed in the eleventh year of the reign of His late Majesty King George the Fourth, entitled An Act to revive and continue with certain modifications an Act passed in the fifty-ninth year of His late Majesty's reign, entitled an Act to alter the laws now in force for granting Licenses to Innkeepers, and to give to the Justices of the Peace in General Quarter Sessions assembled for their respective Districts, authority to regulate the duties hereafter to be paid on such Licenses.

21.—An Act to afford further relief to the Sufferers who sustained loss during the late War with the United States of America.

22.—An Act to authorise the Magistrates of the Eastern District to borrow a further sum of money for the completion of the Jail and Court House in said District, and for enclosing the same; and also to empower the said Magistrates to continue the assessments already imposed for building the said Gaol and Court House, until the money so borrowed shall be repaid with the interest thereon.

23.—An Act to incorporate a Joint Stock Company for the construction of a Harbour at the mouth of the Twenty Mile Creek, on Lake Ontario.

24.—An Act to make perpetual an Act passed in the thirty-third year of the reign of His Majesty King George the Third, entitled an Act to provide for the appointment of Returning Officers of the several Counties of this Province, and to make provisions respecting the duties of Returning Officers and expenses attending Elections.

25.—An Act to establish Boards of Health, and to guard against the introduction of malignant, contagious and infectious diseases in this Province.

26.—An Act to make good certain monies advanced for the payment of the contingent expenses of the Legislature of this Province during its last Session.

27.—An Act granting a further sum of money for the completion of the Parliament Buildings.

28.—An Act granting a sum of money for the relief of sick and destitute Emigrants at Prescott.

29.—An Act to repeal part of and amend an Act passed in the fifty-seventh year of the reign of His late Majesty King George the Third, entitled an Act to establish a Police in the Towns of York, Sandwich and Amherstburgh.

30.—An Act to repeal certain parts of an Act passed in the seventh year of His late Majesty's reign, entitled an Act to provide for the improvement of the Light-house on Gibraltar Point, and for imposing duties for defraying the charge of the same, and for erecting other Houses in this Province.

31.—An Act granting to His Majesty a sum of money in aid of the York Hospital and Dispensary.

32.—An Act granting to His Majesty a sum of money to defray the expense of erecting a Penitentiary in this Province, and for other purposes therein mentioned.

33.—An Act to provide for the repayment of certain sums of money advanced by His Excellency the Lieutenant Governor in the year 1832, during the prevalence of the Asiatic Cholera.

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34.—An Act for granting to His Majesty a sum of money towards defraying the expenses of the Civil Administration of the Government of this Province.

35.—An Act for affording further aid towards the completion of the Welland Canal, and for other purposes therein mentioned.

36.—An Act to prevent the felling of Timber in the River Thames.

37.—An Act to protect the White-fish Fisheries in the Straits or Rivers Niagara, Detroit and Saint Clair, in this Province.

38.—An Act for granting to His Majesty a certain sum of money in aid of the funds already granted for the support of Common Schools in this Province.

39.—An Act granting to His Majesty a sum of money to remunerate the Honorable John Henry Dunn for certain services therein mentioned.

40.—An Act granting a sum of money to defray the expense of erecting a bridge over the Grand River at Brantford, and for other purposes therein mentioned.

41.—An Act granting a sum of money for the construction of works to improve and preserve the Harbour of York, and for other purposes therein mentioned.

42.—An Act to provide for the improvement of certain Inland Waters in the District of Newcastle.

43.—An Act to provide for the erection of a Bridge across the River Trent, and for other purposes therein mentioned.

44.—An Act granting a sum of money to defray the expense of erecting a Light-house on Nine Mile Point, at the entrance of the Harbour of Kingston.

45.—An Act to provide for the maintenance of four Light-houses now erected in this Province.

46.—An Act to authorise the Receiver General to borrow a sum of money for the purposes therein mentioned.

47.—An Act to raise a sum of money to improve certain Roads in the vicinity of the Town of York, and for other purposes therein mentioned.

48.—An Act to defray the expenses of keeping a Light at the Burlington Canal, and for other purposes therein mentioned.

49.—An Act granting to His Majesty a sum of money for the improvement of Roads and Bridges in the several Districts of this Province.

50.—An Act granting to His Majesty a certain sum of money to enable His Majesty to defray certain charges incurred during the prevalence of the Cholera during the last Summer.

51.—An Act to continue the duty upon Licenses to Hawkers and Pedlers.

52.—An Act to continue an Act passed in the eleventh year of His late Majesty's reign, entitled An Act to authorise the Quarter Sessions of the Home District to provide for the relief of insane destitute persons in that District, and to extend the provisions of the same to the other Districts of this Province.

53.—An Act to dispense with the necessity of taking certain oaths and making certain declarations in the cases therein mentioned, and also to render it unnecessary to receive the Sacrament of the Lord's Supper as a qualification for offices or for other temporal purposes.

54.—An Act to revive and continue An Act passed in the fifty-fifth year of the reign of King George the Third, entitled an Act to repeal an Act passed in the fifty-fourth year of His Majesty's reign, entitled an Act to supply in certain cases the want of County Courts in this Province, and to make further provision for proceeding to Outlawry in certain cases therein mentioned.

55.—An Act to provide for the apprehending of fugitive offenders from Foreign Countries, and delivering them up to Justice.

56.—An Act to reduce the number of cases in which Capital Punishment may be inflicted; to provide other punishment for offences which shall no longer be Capital after the passing of this Act; to abolish the privilege called benefit of Clergy, and to make other alterations in certain criminal proceedings before and after conviction.

57.—An Act to take away Corruption of Blood, save in certain cases.

58.—An Act to facilitate legal remedies against Corporations.

59.—An Act to make further provision for carrying into effect an Act passed in the fifty-

Wednesday, 13th February, 1833.

SIR JOHN COLBORNE, K. C. B. *Lieutenant Governor.*

sixth year of the reign of King George the Third, entitled An Act to afford relief to persons holding or possessing Lands, Tenements or Hereditaments in the District of Niagara.

And His Excellency the Lieutenant Governor was pleased to withhold the following Bill Bill reserved by him. for the signification of His Majesty's pleasure.

1.—An Act to extend to certain persons the civil and political rights of natural born subjects.

After which His Excellency the Lieutenant Governor was pleased to put an end to the Session by the following Speech:— His Excellency's Speech at the Prorogation.

*Honorable Gentlemen of the Legislative Council, and  
Gentlemen of the House of Assembly:*

In relieving you from your Legislative duties, I may state with confidence, that many of the measures resulting from the consideration which you have directed this Session to subjects of general importance, as well as to those bearing on the interests of particular Districts, cannot fail to be highly conducive to the prosperity and welfare of the Province.

The bill passed for the settlement of claims founded on the losses sustained by individuals during the war, decides a question which His Majesty's Government has long anxiously desired to bring to a satisfactory conclusion; and enables an arrangement to be made for the immediate payment of that proportion of the original award which was ordered to be conditionally liquidated by the Lords Commissioners of His Majesty's Treasury.

The enlarging of the Jurisdiction of the Courts of Request, will, I trust, tend greatly to simplify the practice of those Courts, and facilitate the disposal of cases which can be brought under their cognizance.

The enactment which you have sanctioned for the amendment of the Penal Code, must, while it renders the administration of Justice more efficacious, prevent that frequent recurrence of mitigation of punishment appointed by the Statutes, which has hitherto necessarily taken place through the intervention of the power of the Crown, and which enervated the general authority of the Law.

*Gentlemen of the House of Assembly:*

I have to thank you in His Majesty's name for the Supplies which you have granted for the Public Service, and for carrying on Public Works and Improvements, and for the support of Charitable Institutions.

*Honorable Gentlemen, and Gentlemen:*

An efficient measure, having in view the means of extending instruction in every Township, is now perhaps become more necessary, and would prove more acceptable to the Province, than at any former period.

During the recess, much information may be obtained by you, in different Townships with which you are in constant communication, that may assist you in maturing a system for the accomplishment of this object.

With respect to the distribution of School Lands, I may assure you, that should it be desirable to select small portions of Land for the especial use of any particular District or Township, such arrangements as may be required can be made without difficulty. Indeed I am convinced that the reservation of large blocks of Land for the support of Schools, depreciates the value of the endowment, and impedes the settlement of the country.

Under the present very favorable circumstances, in availing yourselves of the credit and resources of the Province, to improve the Navigation of Rivers, and to construct Harbours and Canals, you are doubtless providing ample means for augmenting the Capital of the Colony; but it is impossible to estimate too highly the advantage the Province will derive by establishing Carriage Roads from the Canals and Lakes to the back Townships: although the outlay in forming them would be great, the revenue of every individual would be increased in proportion to the expense, and capital would be impelled into those channels which are most beneficial to the community.

His Honor the Speaker of the Legislative Council then said, it is His Excellency the Lieutenant Governor's will and pleasure that this Provincial Parliament be Prorogued to Thursday, the twenty-first day of March next, to be then here holden, and this Provincial Parliament is Prorogued accordingly. Parliament Prorogued.

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