

CANADA.

CORRESPONDENCE

RELATIVE TO THE

AFFAIRS OF CANADA.

PART III.

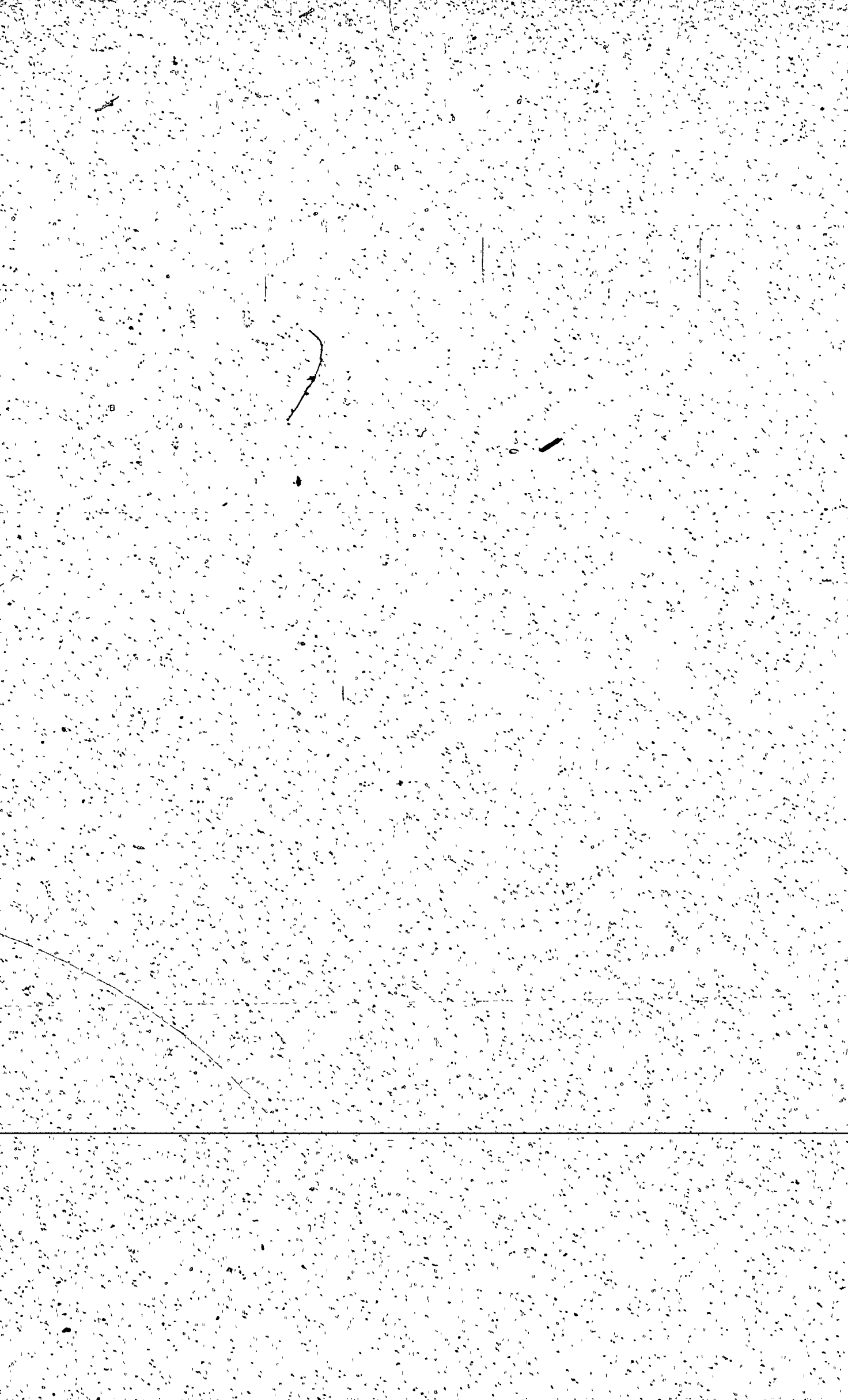
UPPER CANADA.

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

LONDON:

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FOR HER MAJESTY'S STATIONERY OFFICE.

1840.



SCHEDULE.

UPPER CANADA.—FINANCIAL, &c.

FROM THE MARQUIS OF NORMANBY AND LORD JOHN RUSSELL.

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SCHEDULE.

UPPER CANADA.—FINANCIAL, &c.

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U P P E R C A N A D A.

FINANCIAL, &c.

From the Marquis of Normanby and Lord John Russell
to Sir G. Arthur, K.C.H.

SCHEDULE.

UPPER CANADA.—FINANCIAL, &c.

FROM THE MARQUIS OF NORMANBY AND LORD JOHN RUSSELL.

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UPPER CANADA.

FINANCIAL, &c.

COPIES or EXTRACTS of CORRESPONDENCE relative to the Affairs of
UPPER CANADA.

From the Marquis of Normanby and Lord John Russell.

No. 1.

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor
Sir G. ARTHUR, K.C.H.

SIR,

Downing-street, 26th June, 1839.

As you inform me in your Despatch of the 14th May, No. 108, that your purpose to address to me a separate communication on each of the Bills passed by the Legislative Council and Assembly of Upper Canada, and reserved by you for the signification of Her Majesty's pleasure, I shall of course postpone, until I receive those communications, the advice which I may feel called on to tender to Her Majesty in respect to these Bills. But, with reference to the Bill for disposing of the Clergy Reserves, I wish to call your attention to one point on which it is necessary that I should receive information.

By the 42d section of the statute 31 Geo. III., c. 31, it is provided that no Act passed in conformity with the preceding sections for altering or repealing any part of that statute, or affecting in any way the king's prerogative, shall be valid or effectual, "unless the Legislative Council and Assembly of such Province shall, in the session in which the same shall have been passed by them, have presented to the Governor, Lieut.-Governor, or person administering the Government of such Province, an Address or Addresses specifying that such Act contains provisions for some of the purposes hereinbefore specified, and desiring that, in order to give effect to the same, such Act should be transmitted to England without delay, for the purpose of being laid before Parliament previous to the signification of Her Majesty's assent thereto."

It is evident that the Bill now before me comes within the scope of this provision, but I do not find in your despatches any allusion to this point, although in your speech at the close of the session you advert to an Address on the subject presented to you by the Legislature. I would request you to furnish me with the necessary information on this point; but you will of course distinctly understand that, in specially calling your attention to this question of form, I do not pronounce any opinion on the essential principles of the Bill, nor in any way indicate the advice which, on a more mature consideration of its provisions, I may feel it my duty to tender to Her Majesty.

I have, &c.

Sir G. Arthur, K.C.H.,

(Signed)

NORMANBY.

&c. &c. &c.

No. 1.
The Marquis of
Normanby to
Sir G. Arthur.
26th June, 1839.

(No. 69.)

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor
Sir G. ARTHUR, K.C.H.

SIR, Downing-street, 27th June, 1839.

I HAVE had the honour to lay before The Queen the Address from the House of Assembly of Upper Canada, praying that the advances, which have been made from the Provincial Treasury as compensation to individuals who have sustained losses in consequence of the late rebellion, and of the repeated invasions of Upper Canada by American citizens, may be repaid from the imperial revenue.

The Queen commands me to instruct you to express to the Assembly Her Majesty's regret that she cannot hold out any prospect that Parliament will grant the indemnity to the Provincial Treasury proposed in this Address. In undertaking the whole charge of the military defence of the Province, Parliament has subjected the revenue of this kingdom to a burthen of very great extent and pressure; and it does not appear to The Queen probable that the House of Commons would think it just towards the people of this country to subject them to the additional charge contemplated by the House of Assembly.

Sir G. Arthur, K.C.H.,
&c. &c. &c.

I have, &c.
(Signed) NORMANBY.

No. 3.

(No. 70.)

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor
Sir G. ARTHUR, K.C.H.

SIR, Downing-street, 27th June, 1839.

I HAVE had the honour to lay before The Queen the Addresses of the Legislative Council of Upper Canada, praying that redress may be afforded to the persons who sustained losses by the destruction, in an American port, of the steam-boat "Sir R. Peel," and also to those of Her Majesty's loyal subjects who have suffered in their persons and property in consequence of the repeated invasions of Upper Canada, by citizens of the United States.

The Queen commands me to instruct you to acquaint the Legislative Council, that Her Majesty has been pleased to direct this Address to be referred to Her Secretary of State for Foreign Affairs, for his opinion and report on the subject. Until the close of the pending negotiations with the Government of the United States, it will not be in Her Majesty's power to return any more explicit answer to this Address.

Sir G. Arthur, K.C.H.,
&c. &c. &c.

I have, &c.
(Signed) NORMANBY.

No. 4.

(No. 71.)

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut. Governor
Sir G. ARTHUR, K.C.H.

SIR, Downing-street, 27th June, 1839.

I HAVE had the honour to lay before The Queen the Address of the Legislative Council and House of Assembly of Upper Canada, praying that the surplus revenue of the Local Post Office may be placed at their disposal, and that the privilege of franking may be conceded to the Members during the Sessions of the Legislature.

The Queen commands me to instruct you to acquaint the Council and Assembly

No. 2.
The Marquis of
Normanby to
Sir G. Arthur.
27th June, 1839.
Transmitted in No.
102 of 11th May.
Page 22.

No. 3.
The Marquis of
Normanby to
Sir G. Arthur.
27th June, 1839.
Transmitted in No.
102 of 11th May.
Page 21.

No. 4.
The Marquis of
Normanby to
Sir G. Arthur.
27th June, 1839.
Transmitted in No.
102 of 11th May.
Page 20.

that Her Majesty has been pleased to refer this Address to the Lords Commissioners of Her Treasury; for their opinion and Report on the subject.

When received, their Lordship's Report will be communicated to you for the information of the Legislature.

No. 4.
The Marquis of
Normanby to
Sir G. Arthur.
27th June, 1839.

Sir G. Arthur, K.C.H.,
&c. &c. &c.

(Signed) I have, &c.
NORMANBY.

No. 5.

(No. 73.)

Copy of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor Sir G. ARTHUR, K.C.H.

SIR, Downing-street, 27th June, 1839.

I HAVE had the honour to lay before The Queen the joint Address of the Legislative Council and House of Assembly of Upper Canada, praying for aid from this country towards the completion of the public Works in that province, and towards opening a navigable communication with the ocean.

The Queen commands me to instruct you to acquaint the Council and Assembly that Her Majesty is deeply sensible of the importance of the objects contemplated in this Address; and that She has been pleased to direct it to be referred to the Lords Commissioners of Her Treasury for their Report how far the negotiation of a loan for such purposes could be recommended to Parliament, consistently with a due regard for the financial interests of the empire at large. Their Lordships' report will be communicated to you for the information of the two Houses of the Provincial Legislature.

No. 5.
The Marquis of
Normanby to
Sir G. Arthur.
27th June, 1839.
Transmitted in
No. 102 of 11th
May. Page 19.

Sir G. Arthur, K.C.H.,
&c. &c. &c.

(Signed) I have, &c.
NORMANBY.

No. 6.

Copy of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor Sir G. ARTHUR, K.C.H.

(Separate.)

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

In my despatches of the dates and numbers mentioned in the margin, I have acknowledged and answered, with one exception, the Addresses to the Throne, which accompanied your despatch of the 11th May last, No. 102. That exception is the address from the Assembly, praying that the Civil List Bill may be assented to, notwithstanding the omission of the charges hitherto borne on the casual and territorial revenue for religious purposes.

You will readily understand that this is a question of very great difficulty, and as you have announced your intention of furnishing me with a report on the several addresses and reserved Bills passed during the Session, I postpone the consideration of it until I shall have received that report. I trust, however, to be able to communicate to you the answer of The Queen to this Address, previously to the next meeting of the Colonial Legislature.

No. 6.
The Marquis of
Normanby to
Sir G. Arthur.
30th June, 1839.
No. 69, 27th June.
" 70, "
" 71, "
" 72, "
" 73, "

Sir G. Arthur, K.C.H.,
&c. &c. &c.

(Signed) I have, &c.
NORMANBY.

No. 7.

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor
SIR GEORGE ARTHUR, K.C.H.

(Separate.)

SIR,

Downing-street, 3rd July, 1839.

No. 7.
The Marquis of
Normanby to
Sir G. Arthur
3rd July, 1839.

SINCE I wrote to you my despatch, marked "separate" of the 30th ultimo, I have determined to consult Viscount Palmerston and the Lords of the Admiralty, as to the answer which it will be proper to advise The Queen to return to the Address of the Council and Assembly of Upper Canada, on the subject of the services and claims of Commander Drew. I therefore defer, for the present, an official answer to that Address.

Sir G. Arthur, K.C.H.,
&c. &c. &c.

(Signed)

I have, &c.
NORMANBY.

No. 8.

(No. 93.)

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor
SIR GEORGE ARTHUR, K.C.H.

SIR,

Downing-street, 13th August, 1839.

No. 8.
The Marquis of
Normanby to
Sir G. Arthur.
13th August, 1839.

WITH reference to my despatch of the 27th June, No. 71, in which I informed you, that, by The Queen's command, I had referred, for the consideration of the Lords Commissioners of the Treasury, the Address to Her Majesty of the Legislative Council and House of Assembly of Upper Canada, praying that the surplus revenue of the post office in the province, might be placed at their disposal, and that the privilege of franking might be conceded to the Members of the Legislature during its sessions, I have now the honour to acquaint you that their Lordships have stated their opinion to be that, adverting to the very comprehensive alteration about to be made in the mode of carrying on the post office communication between Great Britain and the North American Provinces, it would be very unadvisable to adopt at present any new arrangement for effecting the objects contemplated by the Address of the Legislature of Upper Canada.

I have, at the same time, to call your attention to the provisions of the Imperial Statute 4 and 5 Will. IV., cap. 7, which formed the subject of Mr. Spring Rice's Circular Despatch of the 5th October, 1834, and to observe that, before sanctioning in any one province an alteration in the existing law, Her Majesty's Government deem it essential, to the satisfactory management of this important department, that the previous concurrence of the several legislatures should be obtained, to a system applicable alike to the whole.

You will have the goodness to communicate this Despatch to the Council and Assembly, as forming Her Majesty's answer to their Address.

Sir G. Arthur, K.C.H.,
&c. &c. &c.

(Signed)

I have, &c.
NORMANBY.

}

No. 9.

(No. 3.)

COPY of a DESPATCH from Lord JOHN RUSSELL to Lieut.-Governor Sir G. ARTHUR, K.C.H.

SIR, Downing-street, 12th Sept., 1839.

I HAVE to acknowledge the receipt of your despatch, No. 161, of the 27th of July last, enclosing a petition to Her Majesty, from the United Synod of the Presbyterian church of Upper Canada, convened in annual meeting at Cavan, praying that, in the distribution of the clergy reserves, an equal proportion may be awarded to them with other religious denominations.

I have to acquaint you in reply, that this petition has been laid before the Queen, and that Her Majesty has been pleased to receive the same very graciously.

I have, &c.

Sir G. Arthur, K.C.H.,
&c. &c. &c.

(Signed) J. RUSSELL.

No. 9.
Lord John Russell
to Sir G. Arthur.
12th Sept. 1839.

No. 10.

(No. 18.)

COPY of a DESPATCH from Lord JOHN RUSSELL to Lieut.-Governor Sir G. ARTHUR, K.C.H.

SIR, Downing-street, 10th Oct., 1839.

I HAVE to acknowledge the receipt of your despatch, No. 190, of the 14th ult., transmitting a general abstract of the returns, showing the religious census of the population of Upper Canada, which have been furnished by the Clerks of the Peace, on the requisition of the House of Assembly.

This document, inaccurate and incomplete as it is, for the reasons you have stated, is, nevertheless, of considerable value; as an approximation to the truth; and I should wish, if possible, that the means should be found of supplying its deficiencies, and of correcting any errors which are to be found in it. I fear, from the report you make of the imperfections of the returns themselves, from which the abstract is taken, that this will be impracticable without a new inquiry more carefully conducted. It is not improbable that the Assembly may themselves adopt measures for correcting and completing the returns; but should you find that no steps are taken for that purpose, it is my desire that you should bring the subject under the attention of the House.

I have, &c.

Sir G. Arthur, K.C.H.,
&c. &c. &c.

(Signed) J. RUSSELL.

No. 10.
Lord John Russell
to Sir G. Arthur.
10th Oct. 1839.

No. 11.

(No. 20.)

COPY of a DESPATCH from Lord JOHN RUSSELL to Lieut.-Governor Sir G. ARTHUR, K.C.H.

SIR, Downing-street, 12th Oct. 1839.

HER Majesty's Government having had under their consideration your several despatches, of the numbers and dates noted in the margin, containing various Bills which had been passed by the Legislature of Upper Canada during their last session, and which you had felt it your duty to reserve for the signification of Her Majesty's pleasure; I have now to furnish you with such observations as your communications on these Bills appear to require, and to announce to you the decision of Her Majesty upon them.

Your despatches No. 110, No. 135, and "Separate," relate to the Bill passed by the Provincial Legislature, intituled "An Act to dispose of the lands, commonly called the Clergy Reserves, and for other purposes therein mentioned." As Her Majesty has, for the reasons which I shall hereafter state to you, been advised to withhold Her Assent from this Bill; it is unnecessary that I should further advert to the very clear and detailed statement which accompanies it, than to thank you for the exertions you have made, to place Her Majesty's Government in possession of all the information which could be required for the full consideration of this important question.

No. 11.
Lord John Russell
to Sir G. Arthur.
12th Oct. 1839.
No. 110, 14th May,
" 118, 18th "
" 131, 8th June.
" 135, "
Separate, 27th July.
No. 1147.
For Sir G. Arthur's
Despatch of 14th
May, No. 110; and
8th June, No. 135,
vide Papers ordered
by the House of
Lords to be printed
26th Aug. 1839.
No. 191, pages 18
and 26; and ditto
by the House of
Commons 15th Aug.
1839, No. 537;
pages 19 and 26.

No. 11.
Lord John Russell
to Sir G. Arthur.
12th Oct. 1839.

The delay which accidentally occurred in the transmission of the address from the Legislative Council and House of Assembly, contained in your Despatch of the 27th July last, would have prevented a compliance, before the termination of the last Session, with the provision of the Constitutional Act of 1791, which requires that the Bill should be laid before Parliament for 30 days before the Royal Assent is given. But another and more fatal difficulty has been found to present itself to the confirmation of this Bill by the Crown. The Bill proposes, under the authority of the 41st and 42nd sections of the 31 Geo. 3, c. 31, to repeal the clauses of that Act relating to the Clergy Reserves, and to the making provision for the Protestant clergy; and to provide that the land shall be sold, and the purchase-money be paid into the hands of the Receiver-General of the Province, *to be appropriated by the Imperial Parliament* for religious purposes. The effect of the Bill is, therefore, to refer to the Imperial Parliament the solution of the question relating to the Clergy Reserves. It appeared to Her Majesty's Government that very strong objections existed to this delegation to Parliament by a subordinate authority, of the powers of legislation, and that the more proper mode of attaining the object in view would have been, not by Bill, as is proposed, but by an address from the Legislature of the Province to the three estates of the realm, praying them to undertake the decision of the question. In the correctness of this view of the case, Her Majesty's Government are confirmed by the opinion of the law officers of the crown, who have reported that, although the Bill passed does not exceed the legal competency of the Provincial Legislature, yet that Her Majesty ought not to assent to such a Bill, the principle which it involves being quite novel, and one which might lead to very inconvenient consequences.

Under these circumstances, Her Majesty's Government have had no course open to them but to advise Her Majesty to withhold Her assent from this Bill. I need hardly state, that it is with regret Her Majesty's Government have witnessed the failure of this attempt to effect a settlement of this important matter. They trust, however, that this failure is but temporary, and that the opportunity will, at no distant period, be found for arriving at a wise and satisfactory adjustment of a question, which, from circumstances beyond their control, has been unfortunately so long delayed.

No. 1148.

The next reserved Bill to which I have to advert is that intituled "An Act to appropriate the Casual and Territorial Revenue, and for other purposes therein mentioned."

Your despatch, No. 118, of the 18th of May, anticipates the objection which Her Majesty's Government have to urge against this Bill. It excludes from the protection of the Civil List, granted in exchange for the revenues ceded by the Crown, the provision hitherto made for the support of the Clergy. It is hardly necessary that I should state to you, that with such an omission Her Majesty could not be advised to assent to a Bill of this nature. It involves, as you have observed, a departure from the conditions on which Lord Glenelg proposed that the casual and territorial revenues should be surrendered—conditions which could not be departed from without a violation of the faith of the Crown, which is pledged to the maintenance of the Clergy from these revenues, under the arrangement of 1834.

The transfer of this charge to the fund derived from the Clergy Reserves offers, under the present state of that fund, no equivalent which, with a view to the interests of the parties, the Crown could be advised to accept.

On these grounds Her Majesty withholds her assent from this Bill.

No. 1150.

The third Bill to be considered is that intituled "An Act to ascertain and provide for the payment of all just claims arising from the late rebellion and invasions of this Province."

To this Bill in its present form I fear that Her Majesty's Assent cannot be given.

Her Majesty's Government readily concur in the propriety of the measure which it is the object of the Bill to effect; but they cannot undertake the obligation which, if it were sanctioned, would be imposed upon them by the Preamble of the Bill, of providing ultimately for the payment of this indemnity from the British Treasury: Such a principle Her Majesty's Government are not prepared to recognise; neither, if it were otherwise, would it be of any avail, unless with the previous sanction of Parliament.

Should a similar Bill be passed for this important object free from the objec

tion which I have pointed out, Her Majesty will be ready to concur in the enactment of it.

The next reserved Bill is intituled "An Act to authorize the issue of Bills of Credit," and to this Bill it has been judged necessary that the Royal Assent should be withheld. The confirmation of it would have thrown into circulation an amount of small inconvertible paper money to the extent of 250,000*l*. Her Majesty's Government are decidedly of opinion that such a step would be attended with most injurious effects on the currency and the monetary transactions of the Province and on the value of private property. But, anxious as they would be to concur in any financial measure which could be adopted for meeting the present exigencies of the Province, they feel that the value of any such measure is to be weighed not solely by consideration of present efficiency, but by the future effects which may be produced on the permanent welfare of the Colony. In this instance that present relief would, in their opinion, be attended not only with much immediate, but, from its nature, with much permanent evil; and they cannot, therefore, at such a risk, agree to this mode of sustaining for a time the transactions of the Local Treasury.

The suspended Bill, No. 1153, intituled "An Act to afford further facilities to negotiate debentures for the completion of certain works," has been confirmed by the Queen in Council.

I have thus placed you in possession of Her Majesty's decision in regard to five of the Bills passed by the Legislature of Upper Canada which had been reserved by you, for the signification of Her Majesty's pleasure.

I have confined myself to a brief explanation of the grounds on which the decision of each of them is founded, avoiding all observations on the very clear and elaborate statements which you have supplied respecting them. Having requested the immediate attention of the Governor-General to these measures, and referred him to your recent Despatches as the most convenient mode of obtaining a perfect knowledge of the subjects to which they relate, it has appeared to me to be premature to discuss the suggestions which you have submitted for the consideration of Her Majesty's Government. Such discussion will be more fitly and profitably undertaken when I shall be in possession of the combined opinions of the Governor-General and yourself; and I look with confidence to the result of your consultations on subjects which are so intimately connected with the welfare of the Canadas.

I have, &c.

(Signed) J. RUSSELL.

Sir G. Arthur, K.C.H.,
&c. &c. &c.

No. 11.
Lord John Russell
to Sir G. Arthur.
12th Oct. 1839.
No. 1151.

No. 1153.

No. 12.

(No. 39.)

COPY of a DESPATCH from Lord JOHN RUSSELL to Lieut-Governor Sir G. ARTHUR, K.C.H.

SIR, Downing-street, 6th November, 1839.

I HAVE the honour to acknowledge the receipt of your several despatches named in the margin; the last enclosing transcripts of all the Acts passed by the Legislature of Upper Canada, during the recent session, and the two first relating to one of those Acts, namely, No. 1165, making provision for the advancement of Education in the Province. In acquainting you that Her Majesty has been pleased to confirm that Act, I take this opportunity of acknowledging the very able and elaborate manner in which you discussed this important subject in your despatch No. 134. In matters of this kind Her Majesty's Government defer to the opinion of the Provincial Legislature, and without hesitation, on the receipt of the transcript, advised Her Majesty to sanction this measure, which, I trust, will be found effectual for the laudable object which the Legislature contemplated in passing it.

With the exception of those named in the margin, (which are still under the consideration of Her Majesty's Government,) all these Acts have been left to their operation by the enclosed Order, passed by Her Majesty in Council on the 21st inst.

I have, &c.

(Signed) J. RUSSELL.

Sir G. Arthur, K.C.H.,
&c. &c. &c.

No. 12.
Lord John Russell
to Sir G. Arthur.
6th Nov. 1839.
No. 109, 14th May.
" 134, 8th June.
" 169, 27th July.

Chap. 3, No. 1158.
" 13, " 1168.
" 19, " 1174.
" 38, " 1193.
" 41, " 1196.
No. 1156 to No.
1226, except as
marked above.

No. 13.

(No. 45.)

COPY of a DESPATCH from Lord JOHN RUSSELL to Lieut.-Governor Sir G. ARTHUR, K.C.H.

No. 13.
Lord John Russell
to Sir G. Arthur.
15th Nov. 1839.

SIR,

Downing-street, 15th November, 1839.

I HAVE to acknowledge the receipt of your despatch No. 187, of the 11th of September, in which you report the success which has attended the measures adopted by Colonel Wyndham for providing for a large body of emigrants, whom he has lately sent out to Upper Canada from his estates in Clare and Limerick.

I have read this account with much satisfaction, and I trust that the example of Colonel Wyndham will be followed by many other landlords. With a view to encourage such undertakings, I have felt it my duty to give the fullest publicity to the facts with which you have furnished me, and I enclose a copy of a letter from the Agent General for Emigration, respecting the measures which, under my instructions, he has adopted for this purpose.

For Despatch to the
Governor-General,
vide Canada Papers,
1840, Part I. page
16.

I likewise enclose a copy of a despatch which I addressed to the Governor-General on the receipt of your communication, in the hope that some local encouragement, of the nature therein described, could be afforded to emigration, and I should be glad if you would furnish Mr. Poulett Thomson with any suggestions which you may have to offer on this important subject.

I have, &c.

Sir G. Arthur, K.C.H.,
&c. &c. &c.

(Signed) J. RUSSELL.

Enclosure in No. 13.

SIR,

2, Middle Scotland Yard, 1st Nov., 1839.

Encl. in No. 13.

In reference to your letter of the 26th ultimo, containing an account of the success of a party of emigrants sent out by Colonel Wyndham this year from the County of Clare to Upper Canada, I do myself the honour to state that, in pursuance of Lord John Russell's directions, I have instructed the several agents in Ireland to afford every advice and assistance to other landlords who might be disposed to adopt the same course, and, further, that I have taken steps which will procure a notice of the intelligence by the public press, both in England and Ireland.

I have, &c.

(Signed)

T. F. ELLIOT.

To James Stephen, Esq.

No. 14.

(No. 49.)

COPY of a DESPATCH from Lord JOHN RUSSELL to Lieut.-Governor Sir G. ARTHUR, K.C.H.

No. 14.
Lord John Russell
to Sir G. Arthur.
20th Nov. 1839.

SIR,

Downing-street, 20th November, 1839.

I HAVE received your despatch No. 173, of the 29th July last, reporting the arrangements which you have made for carrying into effect the Instructions of Her Majesty's Government for the relief of the Commuted Pensioners settled in Upper Canada.

Having communicated that despatch to the Lords Commissioners of the Treasury, I have the satisfaction to inform you that their Lordships have intimated to me their approval, for the present, of those arrangements, subject, however, to such other measures as it may be found advisable to adopt, on the receipt of further information as to the amount of expenditure thus to be incurred. I beg at the same time to impress on you the necessity of exercising the strictest economy in dispensing the bounty accorded to the Commuted Pensioners, and of taking care that due vigilance be observed to prevent any misapplication or abuse of it.

I have, &c.

Sir G. Arthur, K.C.H.,
&c. &c. &c.

(Signed)

J. RUSSELL.

No. 15.

(No. 50.)

Copy of a DESPATCH from Lord JOHN RUSSELL to Lieut.-Governor Sir G.
ARTHUR, K.C.H.

SIR,

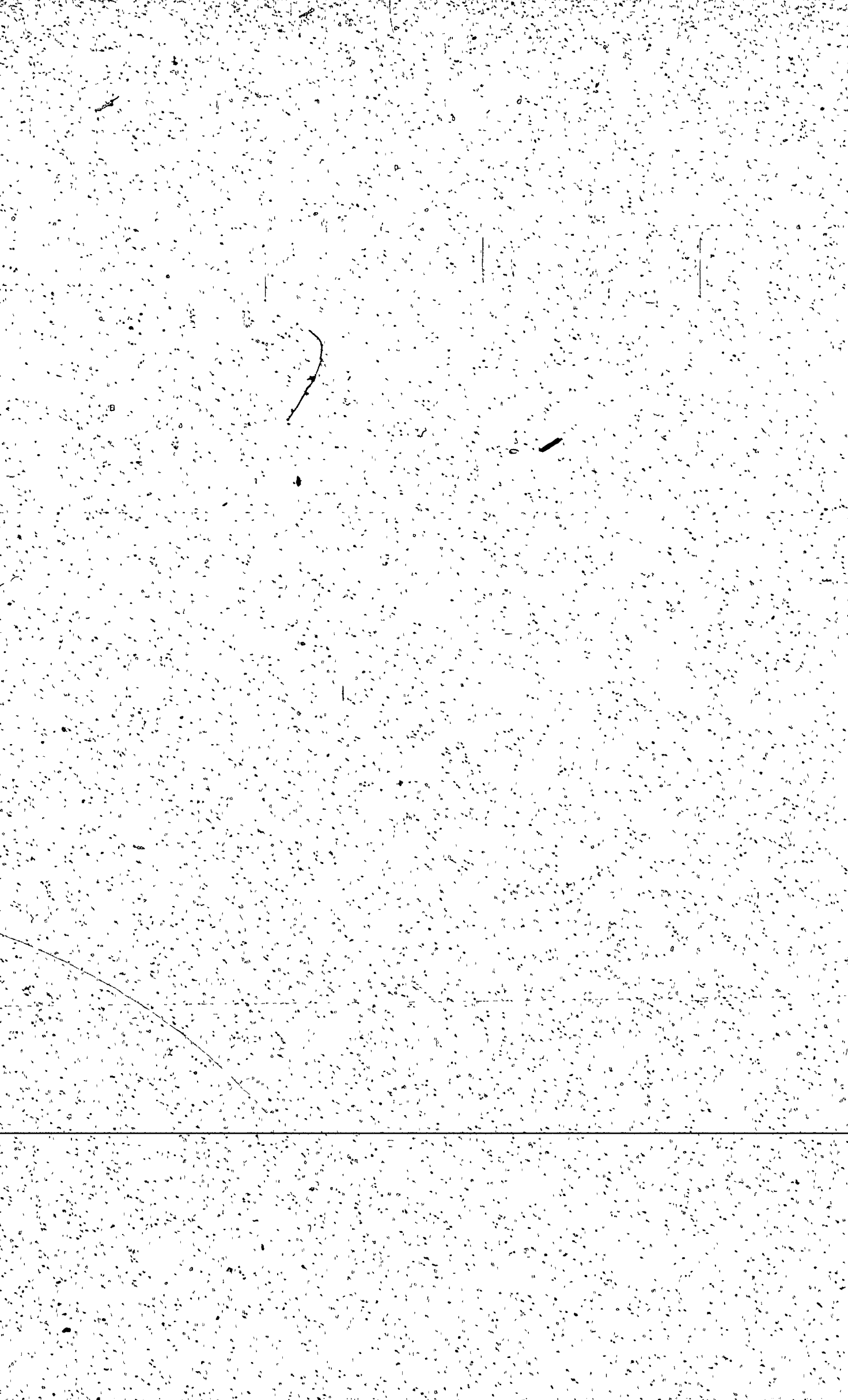
Downing-street, 29th November, 1839.

WITH reference to my despatch No. 20, of the 12th ultimo, I have now the honour to transmit to you, an order passed by Her Majesty in Council, on the 15th inst., specially confirming the Bill (No. 1153.) passed by the Legislative Council and Assembly of Upper Canada, and reserved, by you, for the signification of Her Majesty's pleasure, on the 11th May last, relating to the negotiating of debentures for the completion of certain works,

No. 15.
Lord John Russell
to Sir G. Arthur.
29th Nov. 1839.

Sir G. Arthur, K.C.H.,
&c. &c. &c.

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



UPPER CANADA.

FINANCIAL, &c.

FROM

**Lieutenant-Governor Sir George Arthur, K.C.H., to the
Marquis of Normanby.**

SCHEDULE.

UPPER CANADA.—FINANCIAL, &c.

FROM LIEUT.-GOVERNOR SIR GEORGE ARTHUR, K.C.H.

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From Lieutenant-Governor Sir George Arthur, K.C.H.,
to the Marquis of Normanby.

No. 1.

(No. 102.)

Extract of a DESPATCH from Lieutenant-Governor Sir G. ARTHUR, K.C.H.,
to the Marquis of NORMANBY, dated Upper Canada, Toronto, 11th May, 1839.

No. 1.
Sir Geo. Arthur
to the Marquis of
Normanby.
May 11, 1839.

I HAVE the honour to transmit to your Lordship, to be laid at the foot of
the throne, the following addresses to Her Majesty from the Parliament of Upper
Canada.

A joint address from both Houses, praying the adoption of such measures, by the
Imperial Parliament, as will enable the Provincial Legislature to negotiate a loan
for the completion of the public works, opening a navigable communication with
the ocean.

No. 1.

A joint address, praying that the surplus revenue arising from the profits of the
Post Office Department in Upper Canada may be surrendered to the control of the
Provincial Legislature; and also that the members of the Legislature may be
allowed the privilege of franking whilst in session.

No. 2.

A joint address, praying that some mark of the royal favour may be accorded to
Captain Drew, of Her Majesty's navy, for the gallant conduct of that officer on the
occasion of the destruction of the steam-boat *Caroline*.

No. 3.

An address from the Legislative Council, praying that redress may be afforded
to those persons who sustained losses by the destruction of the steam-boat *Sir
Robert Peel*; and also to those of Her Majesty's loyal subjects who have suffered
in their persons and property, in consequence of the repeated invasions of Upper
Canada, by citizens of the United States.

No. 4.

An address from the House of Assembly, praying that the Provincial Legis-
lature may be indemnified from the Imperial Treasury, for such advances as may
be made from provincial funds, as compensation to individuals in Upper Canada,
who have sustained losses in consequence of the rebellion, and of the repeated
invasions of the province by American citizens.

No. 5.

An address from the House of Assembly, praying that the casual and territorial
revenue may be relieved from the charges at present imposed upon it for religious
purposes.

No. 6.

Enclosure I, in No. 1.

Encl. 1, in No. 1.

To the Queen's Most Excellent Majesty.

Most Gracious Sovereign,

WE, your Majesty's dutiful and loyal subjects, the Legislative Council and Commons
of Upper Canada, in Provincial Parliament assembled, beg leave humbly to thank your
Majesty for the gracious assurances which your Majesty has been pleased to give, of your
Majesty's desire to promote the true interests and prosperity of the inhabitants of this pro-
vince.

Confidently relying on your Majesty's protection and aid, we humbly pray your Majesty's
favourable attention to the present situation of this province, and to the pressing exigencies and
embarrassments under which it now labours.

We humbly recall to your Majesty's gracious consideration the views urged in the joint
Address of this Legislature during the last session respecting the debts incurred by this pro-
vince; the cause which have as yet prevented any return from the public works undertaken,
and the reasons why aid should be afforded to us to secure their completion.

We also most humbly urge on your Majesty's attention that to the difficulties referred to in
that address, have been superadded those arising from the political troubles and disturbances
in the Lower Province; the brief insurrection in Upper Canada, and the painful and un-
settled state of affairs resulting from the continued aggressions to which we have been sub-
jected from the neighbouring states. These causes have checked immigration, as well as
prevented the introduction and investment of capital among us, and deranged the whole
business of the country.

The lucid and able exposition of our financial embarrassments which is contained in the
despatch of his Excellency Sir George Arthur, your Majesty's Lieutenant-Governor of this

No. 1.
Sir Geo. Arthur
to the Marquis of
Normanby.
May 11, 1839.

Encl. 1, in No. 1.
For Sir G. Arthur's
Despatch, 20th Nov.
1838, vide Papers
ordered by the House
of Commons to be
printed, 12th July,
1839, No. 397.

province, dated the 20th November last, addressed to your Majesty's Secretary of State for the Colonies, renders it unnecessary for us to offer further observations on this subject; and respectfully praying your Majesty's renewed attention to our situation. We cannot refrain from expressing our most anxious hope that on further consideration a more favourable reply may be given to our respectful requests.

Your Majesty's faithful subjects in this province have abundantly proved by their conduct that they desire to maintain their allegiance, and are averse to any change in the form of government, or in the principles of their constitution; but at the same time we cannot help observing that the rapid strides which have been made in public improvements in the United States, and the consequent employment afforded to emigrants from your Majesty's dominions, are calculated to give rise to comparisons of a most disadvantageous character to Upper Canada, which it is the bounden duty of the Legislature to use the most strenuous efforts to remove.

We, therefore, most humbly pray that your Majesty may be graciously pleased to recommend to your Imperial Parliament the adoption of such measures, either by an extension of the credit of the mother country to us, or otherwise as will enable us to negotiate a loan for the completion of the public works opening a navigable communication with the ocean, a measure which will greatly tend to restore confidence and prosperity, and will leave the loyal inhabitants of this province "nothing to envy in the situation of the neighbouring states."

Legislative Council Chamber,
6th May, 1839.

JONAS JONES, Speaker.

Commons House of Assembly,
7th May, 1839.

ALLAN MACNAB, Speaker.

Encl. 2, in No. 1.

Enclosure 2, in No. 1.

To the Queen's Most Excellent MAJESTY.

Most Gracious Sovereign,

WE, your Majesty's dutiful and loyal subjects, the Legislative Council and Commons of Upper Canada, in Provincial Parliament assembled, humbly beg leave to approach your Majesty and again to submit to your Majesty's consideration, that the financial affairs of this province render it necessary that we should possess all the means that may properly be at our disposal for its relief. We therefore humbly pray that your Majesty will be graciously pleased to recommend to your Imperial Parliament the passing of an Act providing that the surplus revenue growing out of the profits of the Post-office department of this province be paid into the hands of your Majesty's Receiver-general for Upper Canada, to be applied to such purposes, and to be accounted for in such manner as the Legislature of this province shall direct.

We also beg to state to your Majesty that this province is called on annually to pay from two to three thousand pounds for the postage on the correspondence (chiefly of a public nature) of the members of the Legislature during its sitting. We therefore hope that your Majesty will be pleased to take such steps as will ensure for the future the privilege of franking to the members of the Legislature of this province during the time they are in session, as is now the case in England.

Commons House of Assembly,
18th day of April, 1839.

ALLAN N. MACNAB, Speaker.

Legislative Council Chamber,
6th day of May, 1839.

JONAS JONES, Speaker.

Encl. 3, in No. 1.

Enclosure 3, in No. 1.

To the Queen's Most Excellent MAJESTY.

Most Gracious Sovereign,

WE, your Majesty's dutiful and loyal subjects, the Legislative Council and Commons House of Assembly of the province of Upper Canada, in Provincial Parliament assembled, most respectfully represent to your Majesty that it would be a source of unbounded satisfaction to us, if it should graciously please your Majesty to confer some mark of your royal approbation on a brave and gallant naval officer, who performed with equal skill, bravery, and discretion a most important public service, whilst an island belonging to your Majesty was invaded from the United States of America, by the citizens of that country, while professing to be at peace with your Majesty. These daring and desperate adventurers having occupied a portion of your Majesty's territory, held it in utter defiance of your Majesty's right and authority, by the employment of a piratical vessel called the "Caroline," which was conveying to this lawless assemblage of men, arms and munitions of war from the said States for the purpose of continuing a contest against your Majesty's possessions, and authority. The destruction of this piratical vessel was confided, by the gallant officer who commanded the frontier of your Majesty's territory, to Andrew Drew, Esquire, a commander of the royal navy, whose bravery, skillfulness, and intrepidity was the theme of general admiration. And we, your Majesty's dutiful and loyal subjects, would be highly gratified should it comport with your Majesty's gracious wishes, that some mark of the royal favour should be manifested towards an officer

who proved how well he knew in what manner to support the glory of the British arms and the honour of his country.

Commons House of Assembly,
8th day of May, 1839.

Legislative Council Chamber,
10th day of May, 1839.

ALLAN MACNAB, Speaker.

JONAS JONES, Speaker.

No. 1.
Sir Geo. Arthur
to the Marquis of
Normanby.
May 11, 1839.

Encl. 3, in No. 1.

Enclosure 4, in No. 1.

Encl. 4, in No. 1.

To the Queen's Most Excellent MAJESTY.

Most Gracious Sovereigns

WE, your Majesty's dutiful and loyal subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, humbly renew to your Majesty our warm and devoted assurances of attachment to your Majesty's person and government. Inhabiting a distant portion of your Majesty's extended empire, the people of Upper Canada, in times of the greatest danger and under the most trying circumstances, have boldly and faithfully maintained the supremacy of the British Crown in this province against all enemies, and have ever, when occasion required, freely exposed their lives and property in the defence of your Majesty's territory.

The loyalists of Upper Canada have, by their loyal resistance to the designs of your Majesty's enemies, exposed themselves to outrage and injury, which it is the object of this address to bring under your Majesty's royal notice.

Amongst other outrages suffered at the hands of citizens of states bordering upon this province, your Majesty's subjects have witnessed, with an indignation which nothing but their sense of duty to your Majesty have enabled them to restrain, the destruction by a band of armed men of the British steam-boat, Sir Robert Peel, while moored at an island within the state of New York, and in the peaceable pursuit of the usual trade and intercourse carried on between this province and the United States of America.

We most humbly represent to your Majesty that your Majesty's loyal subjects conceive themselves and their property safe under the protection of the British flag, and that an insult to that flag, or an injury to the persons or property sailing under it, is an insult and injury to the British nation.

We humbly claim for our fellow-subjects, through your Majesty, reparation for this injury from the Government, accountable for the acts of its citizens committed within its territory.

We also humbly pray your Majesty that your Majesty will be graciously pleased to cause redress to be afforded to those of your Majesty's loyal subjects who have suffered in their persons and property in consequence of incursions of armed men into your Majesty's province from the United States of America, divers of your Majesty's subjects have been slain and wounded, their vessels and houses have been burned, and their property has been plundered, by bands of men inhabiting the United States of America, and armed and organized within their territory.

We most humbly conceive that the Governments of civilized countries are held answerable for the acts of all under their legitimate control, and when we remember the glorious achievement of the British navy in the destruction of the piratical city of Algiers, in vindication of the rights of British subjects, we cannot but feel confident that the redress for injuries suffered by the people of Upper Canada at the hands of Americans, will be demanded with effect by a British sovereign.

We feel encouraged in addressing your Majesty on this subject by the remembrance of the proclamations of your Majesty's representatives in this province, to which the people of Upper Canada have yielded implicit obedience. They have respected the persons and property of American citizens, they have confined their armed operations strictly to defence and self-preservation; they have left vindication of their rights and redress for their injuries with loyal confidence to the source at which they now constitutionally seek for right and justice—the Government, swayed by their gracious and beloved Queen.

We have no hope of redress for your Majesty's Upper Canadian subjects to result from any private representations or solicitations on the part of the sufferers to the authorities in the United States; and as regards this subject, we humbly reiterate a statement of facts which must ever be present in the minds of Upper Canadians, when circumstances bring the questions of national honour and national protection under consideration.

In the year 1812, and previous to the last war with the United States, a schooner, called the Lord Nelson, sailing under the British flag and owned by subjects of the British Crown, was captured on Lake Ontario, and was afterwards purchased by the United States Government into the American navy.

This outrage against national law has never been denied or attempted to be palliated; nay, it has even been so far publicly acknowledged that a Bill for redress was for a time favourably entertained in the United States legislature; but party spirit proved too strong for the private rights of British subjects, and the sufferers are yet unredressed.

We most humbly pray your Majesty to consider the case of your Majesty's injured subjects, and let them not suffer the consequences of delay or protracted negotiation.

Your Majesty's subjects have suffered because of their devoted loyalty. The injuries inflicted upon them were intended to be, and can only be considered as national wrongs; and we most humbly suggest to your Majesty that private sufferers should first be indemnified by the nation against whom the outrage has been committed. And thus the cheerful loyalty and

No. 1.
Sir Geo. Arthur
to the Marquis of
Normanby.
May 11, 1839.
Encl. 4, in No. 1.

obedience which has distinguished Upper Canada will cease to have the appearance of subjecting individuals to the ruinous chances of piratical aggression, and redress can ultimately be procured upon the equal terms implied in a demand for public reparation for a public injury.

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

JONAS JONES, Speaker.

Encl. 5, in No. 1.

Enclosure 5, in No. 1.

To the Queen's Most Excellent MAJESTY.

Most Gracious Sovereign,

WE, your Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, beg leave humbly to represent to your Majesty, that during the present session we have had presented to us very numerous petitions from our constituents praying to be remunerated for losses and injuries sustained by them in consequence of the late unnatural rebellion in this province, as well as from a series of unparalleled invasions and aggressions by the subjects of a neighbouring republic, professing to be at peace with your Majesty.

Knowing as we do the urgency of the demands thus made upon us, we have to the utmost of our power provided for their speedy payment, notwithstanding the embarrassed state of our finances, and the conviction that they are charges which, to a great extent, are not such as should be made upon our provincial revenue. And we assure your Majesty, that nothing but the knowledge of the pressing want of our loyal fellow-subjects who have thus suffered, would have induced us to consider claims which, we humbly submit, should for the greater part be paid by the Imperial Government, which alone has the power to compel foreign nations to indemnify those who may suffer from the aggressions of their subjects.

We, however, rely with confidence on the justice and integrity which have ever distinguished the sovereigns of the powerful empire to which it is our pride to owe allegiance, and feel assured that when we shall have ascertained the amount and character of the various demands which we may be called upon to satisfy, your Majesty will be graciously pleased to cause the same to be reimbursed to us from the Imperial Treasury.

ALLAN N. MACNAB, Speaker.

Commons House of Assembly,
4th day of May, 1839.

Encl. 6, in No. 1.

Enclosure 6, in No. 1.

To the Queen's Most Excellent MAJESTY.

Most Gracious Sovereign,

WE, your Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, have taken into our serious consideration the reply of your Majesty's Principal Secretary of State for the Colonies, dated 25th May, 1838, to our address to your Majesty on the subject of the casual and territorial revenue of this province, adopted at the last session, (dated 26th February, 1838,) which declines the removal of the charges already made in this fund for religious purposes.

We had hoped the surrender of this source of revenue would have been a means of assisting in the payment of the interest on our public debt, incurred for improving our main communication to the sea, but find with regret, that this fund is left burthened with charges which, after the payment of the instalments due by the Canada Company in 1842, will not meet its expenses.

We assure your Majesty of our sincere desire to make ample provision for the support of the government of the province, and for every other necessary and judicious expenditure, and have passed a Bill, in compliance with all the provisions contained in the before mentioned despatch, with the exception of those relating to religious grants, which we regret to find this revenue in future will be inadequate to sustain; which Bill we humbly pray your Majesty may be graciously pleased to accede to, by which the minds of your Majesty's faithful subjects in this province will be relieved on this important measure.

ALLAN N. MACNAB, Speaker.

Commons House of Assembly,
27th day of April, 1839.

No. 2.

(No. 109.)

Copy of a DESPATCH from Lieutenant-Governor SIR G. ARTHUR, K.C.H.,
to the Marquis of NORMANBY.

MY LORD,

Upper Canada, Toronto, 14th May, 1839.

AMONG the Bills passed during the recent session of the Provincial Legislature; to which the royal assent has been given, is one (No. 1165) providing

No. 2.
Sir Geo. Arthur
to the Marquis of
Normanby.
May 14, 1839.

for the appropriation of the funds intended for the use of the University of King's College to the support of district grammar-schools.

This measure is very popular; and the desire for it has been occasioned partly by the delay which has taken place in carrying the plan of the university into practical operation, and partly by the prevalent opinion that, in the present state of education in the province, a general diffusion of the means of instruction would be more beneficial than the application of the whole available means, to the establishment of a metropolitan seat of learning. The grammar-schools are certainly much required in the country; and I readily gave my concurrence to the very laudable wish of the members of the legislature to have opportunities of bestowing liberal education upon the youth of the province placed more generally within the reach of its inhabitants.

Your Lordship will have perceived, by a paragraph in my speech, that the royal assent has also been given to a Bill (No. 1168), authorizing the further suspension of specie payments by the banks until the 1st of June, 1840.

I found that, without placing myself in direct opposition to the views of the majority of the legislature, and to the interests of the commercial community, I could not withhold my concurrence to this measure; and as a discretionary power had been left me in the matter by Her Majesty's Government, I had the less hesitation in adopting that course which I considered to be expedient.

These are the only observations which I at present desire to make respecting the Bills which have been sanctioned; but I shall shortly take occasion to report to your Lordship upon the whole collectively.

I have the honour to enclose a printed copy of the Report of the Select Committee of the House of Assembly, which, as I informed your Lordship in my despatch No. 87, of the 12th ultimo, had been appointed to report on the state of the province; and your Lordship will observe that the committee have availed themselves of this opportunity to comment on portions of the Earl of Durham's report relating to the affairs of Upper Canada. This report of the committee was afterwards concurred in by a majority of the House.

I have the honour to be, my Lord,

Your Lordship's most obedient humble servant,

The Marquis of Normanby,

&c. &c. &c.

GEO. ARTHUR.

No. 2.
Sir Geo. Arthur
to the Marquis of
Normanby.
May 14, 1839.

Vide Correspondence
relative to the Affairs
of Canada, 1840.
Part 2, p. 122.

For Report of Select
Committee of House
of Assembly vide
Correspondence rela-
tive to the Affairs of
Canada. Ordered to
be printed June 1839,
p. 2.

(No. 1165.)

Enclosure in No. 2.

An Act to provide for the ADVANCEMENT OF EDUCATION in this PROVINCE.

Encl. in No. 2.

[Passed 11th May, 1839.]

WHEREAS it is very desirable to afford every encouragement to the advancement of education throughout the province: And whereas His late most Gracious Majesty George the Third was pleased to direct that a quantity of the waste lands of the Crown should be set apart for the endowment of grammar-schools and also of a university: And whereas a royal charter has been granted incorporating the University of King's College, which has been endowed by a grant of lands from the Crown: And whereas Upper Canada College has, by an Act of the legislature, been incorporated with, and now forms an appendage to such university: And whereas the advancement of education will be better promoted by devoting a portion of the annual revenues of King's College to the support of Upper Canada College and Grammar-Schools for several years to come, than by the erection of a university in the present state of education in the province: And whereas Upper Canada College, with some changes easily effected, would afford sufficient accommodation to the public as a provincial seat of learning, until it should be deemed requisite to erect the university: And whereas it is expedient to appoint trustees for each grammar-school in the several districts, to superintend the schools to be established under the provisions of this Act, and to see to the application of the monies appropriated to their support: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the several district schools in this province shall be, and are hereby declared to be grammar-schools, as contemplated by His late most Gracious Majesty King George the Third, at the time the said reservation of land was directed to be made as aforesaid.

II. And be it further enacted by the authority aforesaid, That there shall be constituted and appointed by the Lieutenant-Governor a Board of Trustees to each and every grammar-school in the several districts of this province, consisting of not less than five members, three of whom shall be a quorum, who shall have the superintendance of the grammar-schools esta-

No. 2.
Sir Geo. Arthur
to the Marquis of
Normanby.
May 14, 1839.
Encl. in No. 2.

blished in the several districts of this province, and receive the money authorized to be paid under this Act.

III. And be it further enacted by the authority aforesaid, That the money now remaining in the Receiver-General's hands unexpended, arising from the sales of school lands, or which may come into his hands, applicable to the purposes of this Act, shall be invested in the debentures of this province at six per cent. interest, and the proceeds placed under the control of the council of King's College for the purposes of this Act, to be by the said council distributed amongst such districts as in their opinion more immediately require assistance, owing to the state of the school-house, or other circumstances.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Lieutenant-Governor, by and with the advice of the Executive Council, to set apart two hundred and fifty thousand acres of the waste lands of the Crown in this province, to be sold in like manner as other Crown lands, at a price of not less than ten shillings per acre, and the proceeds thereof paid into the hands of the Receiver-General from time to time, to be appropriated in such manner, and for the grammar-schools, as hereinbefore provided.

V. And be it further enacted by the authority aforesaid, That a sum not exceeding one hundred pounds per annum may be advanced to each of the said Boards of Trustees, from time to time, out of any monies in the hands of the Receiver-General applicable to the purposes of this Act; and should such monies be insufficient, it shall and may be lawful for the council of King's College, in their discretion, to appropriate a sufficient sum from the annual revenues thereof to make up the deficiency, to be applied in providing an additional master, and other means of instruction, for the grammar-schools in each district respectively: Provided always, that no portion of the principal money arising from the sale of lands granted to King's College shall be so appropriated, but merely the interest or rents thereof.

VI. Provided also, and be it further enacted by the authority aforesaid, That it shall and may be lawful for the said council of King's College first to appropriate a proportion of the revenues thereof, not exceeding one-half, to the support, extension and maintenance, of Upper Canada College, until it shall be deemed necessary to erect the university.

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the board of trustees in any district now constituted or hereafter to be constituted, to receive out of any monies in the hands of the Receiver-General applicable to the purposes of this Act, a sum not exceeding two hundred pounds, to aid in the erection of a suitable building for a school-house in each district; provided an equal sum shall be raised by subscription among the inhabitants for the like object, and provided they shall ensure the permanent insurance of such building.

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Lieutenant-Governor to authorise a sum not exceeding one hundred pounds per annum for each school to be paid to any board of trustees, for the use and support of two other schools than the one in the town where the court-house is situated, in any town or village in which the inhabitants shall provide a suitable school-house, at which not less than 60 scholars shall be educated; Provided any such additional school shall not be within six miles of the district town; And provided always, that nothing herein contained shall prevent the council of King's College from extending the aid to four grammar-schools (including the said two); other than the one established in the district town, should the said council deem it expedient.

IX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the council of King's College to make such rules, regulations and by-laws, for the conduct and good government of the several schools established under this Act, as to such council shall seem proper.

X. And be it further enacted by the authority aforesaid, That an account in detail of the sums received and expended under the provisions of this Act shall be rendered to the Lieutenant-Governor annually, in order that the same may be laid before the Legislature within thirty days after the commencement of each session.

No. 3.

(No. 108.)

Copy of a DESPATCH from Lieutenant-Governor Sir GEORGE ARTHUR, K.C.H.,
to the Marquis of NORMANBY.

MY LORD,

Government House, Toronto, 14th May, 1839.

I HAD the honour to inform your Lordship in my Despatch of yesterday, No. 104, that the session of the Provincial Parliament was closed on the 11th instant, and to transmit to you a copy of the speech delivered on the occasion.

After the protracted and conflicting proceedings which have taken place, it is satisfactory to me to state that the measures which the Government had an interest in bringing to a settlement, have been successfully carried through, and that several useful Bills have been passed.

I have the honour to enclose a Schedule of Titles to Bills passed during the Session, and a list of the reserved Bills, with the Report of the Attorney-General upon them; and I propose to transmit shortly to your Lordship a separate Despatch upon the subject of each Bill.

No. 3.
Sir Geo. Arthur
to the Marquis of
Normanby.
May 14, 1839.
For Despatch 104,
13th May, vide Cor-
respondence relative
to the Affairs of Ca-
nada, 1840, Part 2,
p. 122.

No. 1.
No. 2.

I am sorry to have had occasion to reserve so many Bills, but it has appeared to me unavoidable.

It will be, I am persuaded, satisfactory to your Lordship to learn that the most cordial harmony has existed between the legislative bodies and the executive government throughout the Session; Addresses presented to me by the Legislative Council and House of Assembly, your Lordship will find in the accompanying Gazette.

In consequence of the decision of the Legislature on many important measures having been deferred until the latest moment, the Executive Council had not sufficient time allowed them for the mature consideration of all the Bills on which they had to deliver an opinion; and I fear that, in one or two instances, inaccuracies have been overlooked which might have been otherwise corrected.

Many of the Bills were not, indeed, sent in until the very morning of the prorogation; and the inconvenience occasioned was, consequently, very great.

I have, &c.

(Signed)

GEO. ARTHUR.

The Marquis of Normanby,
&c. &c.

No. 3.
Sir Geo. Arthur
to the Marquis of
Normanby.
May 14, 1839.

Enclosure 1, in No. 3.

SCHEDULE OF TITLES TO BILLS passed during the Fourth Session of the Thirteenth Parliament of the Province of Upper Canada, in the Second Year of the Reign of Her Most Gracious Majesty Queen Victoria, 1839.

Encl. 1, in No. 3.

Fol.	No.	Titles.
1,156	1	An Act to amend the Law enabling married Women to convey their real Estates within this Province.
1,157	2	An Act to alter and amend the Law relating to the appointment of Commissioners of the Court of King's Bench in the several Districts of this Province.
1,158	3	An Act to extend and continue, for a limited Period, the Provisions of an Act passed in the first year of Her Majesty's Reign, entitled "An Act to provide for the disposal of the Public Lands in this Province."
1,159	4	An Act to provide for the payment of Costs in certain Cases of Informations at the Suit of the Crown, and for other Purposes therein mentioned.
1,160	5	An Act to extend the Period for imposing an additional Rate upon the intended new District of Colborne.
1,161	6	An Act to continue and make permanent an Act passed in the third year of the Reign of King William the Fourth, entitled "An Act to continue the Duty upon Licences to Hawkers and Pedlers."
1,162	7	An Act granting a Sum of Money to complete the Construction of a Macadamized Road from the Village of Dundas to the Township of Waterloo, in the Gore District.
1,163	8	An Act to limit the Period for the Owners of Lands making Claims for Damages already occasioned by the Construction of the Rideau Canal, and for other Purposes therein mentioned.
1,164	9	An Act granting a further sum of Money for the Purpose of completing the Macadamized Road between the Town of Kingston and the Village of Napanee, in the Midland District.
1,165	10	An Act to alter and amend an Act passed in the First Year of Her Majesty's reign, entitled "An Act to erect certain Townships, now forming Parts of the Districts of Bathurst, Johnstown, and Ottawa into a separate District; to be called the District of Dalhousie."
1,166	11	An Act to grant a Pension to the Widow and Children of the late Captain Edgeworth Ussher.
1,167	12	An Act for the relief of Teachers of Common Schools in the District of Niagara.
1,168	13	An Act to revive and continue, for a limited time, the second Clause of an Act passed in the ninth year of the Reign of King George the Fourth, entitled "An Act to secure to and confer upon certain Inhabitants of this Province the Civil and Political Rights of natural born British Subjects."
1,169	14	An Act to continue and make permanent an Act passed in the fourth year of the Reign of His late Majesty King William the Fourth, entitled "An Act to revive and continue an Act passed in the fourth year of the Reign of His late Majesty King George the Fourth, entitled "An Act prescribing the mode of measuring the contents of Wooden Stills, also for fixing the rate of Duty to be paid on all Stills used for the distillation of Spirituous Liquors within this Province."

SCHEDULE of TITLES to BILLS, &c.—continued.

No. 3.
Sir Geo. Arthur
to the Marquis of
Normandy.
May 14; 1839.

Encl. 1, in No. 3.

Fol.	No.	Titles.
1,170	15	An Act to authorize the Trustees of the Market Reserve, in the Town of Niagara, to raise a sum of Money for certain purposes therein mentioned.
1,171	16	An Act granting to Her Majesty a sum of Money for the improvement of the Post Road between Cornwall and L'Original.
1,172	17	An Act to authorize the erection of an Asylum within this Province for the reception of Insane and Lunatic Persons.
1,173	18	An Act to continue and make perpetual an Act passed in the fifty-fifth year of the Reign of His late Majesty 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."
1,174	19	An Act to make good certain monies advanced in compliance with two several Addresses of the House of Assembly during the last Session for the contingent expenses of the Legislature of this Province.
1,175	20	An Act to extend the Provisions of an Act passed in the fifty-ninth year of the Reign of His late Majesty King George the Third, entitled "An Act to repeal an Ordinance of the Province of Quebec passed in the twenty-fifth year of His Majesty's Reign, entitled 'An Ordinance concerning Land Surveyors and the Admeasurement of Lands,' and also to extend the Provisions of an Act passed in the thirty-eighth year of His Majesty's Reign, entitled 'An Act to ascertain and establish on a permanent footing the boundary lines of the different Townships in this Province,' and further to regulate the manner in which lands are hereafter to be surveyed."
1,176	21	An Act to amend an Act passed in the first year of Her Majesty's Reign, entitled "An Act to incorporate the Town of Kingston, under the name of the Mayor and Common Council of the Town of Kingston."
1,177	22	An Act granting One thousand pounds for opening and improving a road from London, in the London District, to the River St. Clair, in the Western District.
1,178	23	An Act to increase the Salary of the Adjutant-General of Militia of this Province.
1,179	24	An Act authorizing the Trustees of certain Lands in Peterborough for the use of the Roman Catholic Church to dispose of the same.
1,180	25	An Act to increase the Capital Stock of the Cobourg Harbour Company, and to extend the period for completing the said Harbour.
1,181	26	An Act to alter and amend an Act passed in the sixth year of the Reign of His late Majesty King William the Fourth, entitled "An Act to incorporate sundry persons under the Style and Title of the President, Directors, and Company of the Gore Bank."
1,182	27	An Act to incorporate certain Persons under the Style and Title of "The President, Directors, and Company of the Bayfield Harbour."
1,183	28	An Act to continue and make perpetual an Act passed in the fifth year of the Reign of King William the Fourth, entitled "An Act to promote the Public Health, and to guard against infectious Diseases in this Province."
1,184	29	An Act to assign Duties to certain Commissioners, and for other purposes therein mentioned.
1,185	30	An Act to continue in force, amend, and make perpetual an Act passed in the fourth year of His late Majesty's Reign, entitled "An Act to provide for the Summary Punishment of Petty Trespasses and other Offences."
1,186	31	An Act to authorize the Court of King's Bench to admit Adam Ainslie to practise as an Attorney in that Court, and to authorize the Vice Chancellor to admit him to practise as a Solicitor in the Court of Chancery in this Province.
1,187	32	An Act to incorporate certain Persons under the Style and Title of the College of Physicians and Surgeons of Upper Canada.
1,188	33	An Act to amend an Act passed in the fourth year of the Reign of His late Majesty King George the Fourth, entitled "An Act for the Preservation of Deer within this Province," and to extend the provisions of the same, and to prohibit Hunting and Shooting on the Lord's day.
1,189	34	An Act to authorize the raising of One thousand pounds by an additional rate, or levy of one half-penny in the pound upon the inhabitants of the Western District, for the purpose of relieving the said District from debt, and of enabling the Justices of the Peace of that District to repair and improve the Gaol at Sandwich.
1,190	35	An Act to alter and amend an Act passed in the first year of Her Majesty's Reign, entitled "An Act to authorize the Erection of the County of Huron, and certain other Territory adjacent thereto, into a separate District."
1,191	36	An Act to regulate the Name and Style of the Court established under the authority of an Act of the Provincial Parliament passed in the thirty-fourth year of the Reign of King George the Third, entitled "An Act to

SCHEDULE OF TITLES TO BILLS, &c.—continued.

No. 3:
Sir Geo. Arthur
to the Marquis of
Normanby.
May 14, 1839.

Encl. 1, in No. 3.

Fol.	No.	Titles.
		establish a superior Court of Civil and Criminal Jurisdiction, and to regulate the Court of Appeal."
1,192	37	An Act to provide for the Advancement of Education in this Province.
1,193	38	An Act for making, repairing, and improving the road from Amherstburgh to Sandwich, and from thence to Chatham, in the Western District, and for constructing and repairing Bridges thereon.
1,194	39	An Act to continue and make permanent an Act passed in the fourth year of the Reign of His late Majesty King William the Fourth, entitled "An Act to prevent the Consumption of Spirituous Liquors in Shops."
1,195	40	An Act to Amend an Act, entitled "An Act to incorporate certain Persons under the Style and Title of the Waterloo Bridge Company."
1,196	41	An Act to extend the Provisions of an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled "An Act to authorize the erection of the County of Oxford into a separate District, by the name of the District of Brock."
1,197	42	An Act to continue and make permanent a certain Act passed in the fourth year of the reign of King George the Fourth, 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 the reign of King George the Fourth, entitled 'An Act to continue and amend the Laws now in force for the Trial of Controverted Elections.'"
1,198	43	An Act to continue and make permanent an Act passed in the eleventh year of the reign of 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 Inukepers, 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.'"
1,199	44	An Act to prevent the Felling of Trees into certain Rivers and Creeks within this Province.
1,200	45	An Act granting a certain Sum of Money to defray the Expenses of the Civil Government for the year 1839, and for other purposes therein mentioned.
1,201	46	An Act to continue and make permanent an Act passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled "An Act to continue and amend the Law for attaching the Property of absconding Debtors."
1,202	47	An Act to afford Relief to Robert Brown, Esq.
1,203	48	An Act granting a Sum of Money to remunerate Bernard Turquand for certain Services therein mentioned.
1,204	49	An Act to render valid the late Elections for Aldermen and Council for the town of Kingston.
1,205	50	An Act to establish a second Market in the town of Hamilton, to enable the Corporation of the said town to effect a loan, and for other purposes therein mentioned.
1,206	51	An Act to make further Provision for the Completion of the Improvement of the Navigation of the Inland Waters of the district of Newcastle.
1,207	52	An Act to provide for the Completion of the Gull Island Light-house.
1,208	53	An Act for the Protection of the Lands of the Crown in this Province from Trespass and Injury.
1,209	54	An Act to authorize the Magistrates of the Home District to borrow a Sum of Money for the purpose of completing the new Gaol and Court-house.
1,210	55	An Act granting a Sum of Money to improve and keep in repair the Kettle Creek Harbour at Port Stanley.
1,211	56	An Act granting a Sum of Money for the Maintenance and Support of the General Hospital of the city of Toronto.
1,212	57	An Act to authorize the Magistrates of the Midland District to borrow a Sum of Money to build a Wall around the Gaol and Court-house of the Midland District.
1,213	58	An Act to revive and continue, with certain Limitations, an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled "An Act granting to His Majesty a Sum of Money for the Erection of certain Light-houses within the Province, and for other purposes therein mentioned."
1,214	59	An Act to make Provision for the Payment of certain Losses sustained by sundry individuals therein named.
1,215	60	An Act to continue in force, for a limited period, the Laws authorizing the Chartered Banks in this Province to suspend the Redemption of their Notes in Specie, under certain Regulations.
1,216	61	An Act to continue and make perpetual an Act entitled "An Act to increase the Salary of the Keeper of the False Ducks Light-house."

SCHEDULE OF TITLES TO BILLS, &c.—*continued.*

No. 3.
Sir Geo. Arthur,
to the Marquis of
Normanby.
May 14, 1839.

Encl. 1, in No. 3.

Fol.	No.	Titles.
1, 217	62	An Act to repeal, alter, and amend the Militia Laws of this Province.
1, 218	63	An Act granting a Sum of Money for the Support of Common Schools for the year 1839.
1, 219	64	An Act granting to Her Majesty a Sum of Money to improve the Cayuga Road from Drummondville to Simcoe.
1, 220	65	An Act to amend an Act passed in the seventh year of the Reign of His late Majesty King William the Fourth, entitled "An Act granting to His Majesty a sum of money for the erection of certain Lighthouses within this Province, and for other purposes therein mentioned."
1, 221	66	An Act to provide for the further support of the Provincial Penitentiary.
1, 222	67	An Act to extend the provisions of an Act passed in the seventh year of the Reign of His late Majesty, entitled "An Act to alter and amend an Act passed during the last Session of the Legislature, entitled 'An Act granting to His Majesty a sum of money for the improvement of the Roads and Bridges in the several Districts of this Province.'"
1, 223	68	An Act to make valid and to confirm the admission of John Bristowe, Esq., as a Solicitor in the Court of Chancery, in this Province.
1, 224	69	An Act granting a further sum, by way of Loan, to complete the Hamilton and Brantford Road, and for other purposes therein mentioned.
1, 225	70	An Act to continue and make permanent an Act passed in the fourth year of the Reign of King William the Fourth, entitled "An Act to regulate Line Fences and Watercourses, and to repeal so much of an Act passed in thirty-third year of the Reign of His late Majesty King George the Third," entitled "An Act to provide for the nomination and appointment of Parish and Town Officers within this Province, as relates to the Office of Fence Viewers being discharged by Overseers of Highways and Roads."
1, 226	71	An Act granting a certain sum of money for the maintenance and support of the House of Industry in the City of Toronto.
RESERVED BILLS.		
1, 147	1	An Act to dispose of the Lands commonly called "Clergy Reserves," and for other purposes therein mentioned.
1, 148	2	An Act to appropriate the Casual and Territorial Revenue, and for other purposes therein mentioned.
1, 149	3	An Act to regulate the value at which Gold and Silver Coins shall pass current within this Province.
1, 150	4	An Act to ascertain and provide for the payment of all just Claims arising from the late Rebellion and Invasions of this Province.
1, 151	5	An Act to authorize the issue of Bills of Credit.
1, 152	6	An Act to authorize the purchase of the Private Stock in the Welland Canal on the part of this Province, and for other purposes therein mentioned.
1, 153	7	An Act to afford further facilities to negotiate Debentures for the completion of certain Works.
1, 154	8	An Act to make provision for the division of the intended new District of Colborne into two Counties.
1, 155	9	An Act to enable Her Majesty to make a grant of Land to James Fitz Gibbon, Esq.

For Act No. 1147, *vide*
Papers ordered by the
House of Lords to be
printed, 26th Aug. 1839,
No. 1911; ditto, by the
Commons, 15th Aug.
1839, No. 537.

For Act No. 1148,
vide page 33.

For Act No. 1150,
vide page 46.

For Act No. 1151,
vide page 45.

For Act No. 1152,
vide page 49.

For Act No. 1153,
vide page 46.

Provincial Secretary's Office,
Toronto, 14th May, 1839.

R. A. TUCKER, Provincial Secretary.

Enclosure 2, in No. 3.

Attorney General's Office, Toronto. 13th May, 1839.

(Copy)

Report on the Bills passed by the Honourable the Legislative Council and House of Assembly during the last session of the Provincial Legislature, and reserved by his Excellency the Lieutenant Governor for the signification of Her Majesty's pleasure thereon.

No. 3.
Sir Geo. Arthur
to the Marquis of
Normanby.
May 14, 1839. }
Encl. 2, in No. 3.

I.

"AN ACT to make Provision for the Division of the intended new District of Colborne into two Counties."

There is nothing in this Bill requiring particular observation, further, than by its adoption, the representation of the district to which it refers would be increased two members.

II.

"AN ACT to regulate the Value at which Gold and Silver Coins shall pass current within this Province."

This Bill is intended to fix the value at which gold and silver coins, including foreign coin, shall pass current, and be a legal tender in this province.

It further provides for the punishment of persons guilty of counterfeiting, or passing counterfeit gold, or silver coins, of the description enumerated in the Bill.

III.

"AN ACT to enable Her Majesty to make a Grant of Land to James Fitzgibbon, Esquire."

This Bill is intended to remove any legal objection to making a grant of 5,000 acres of land to Colonel Fitzgibbon.

IV.

"AN ACT to afford further Facilities to negotiate Debentures for the Completion of certain Works."

By this Bill authority is given to the Lieutenant-Governor and Council to direct the Receiver-General to sell the public debentures, now authorized by law to be issued, "to the best advantage," in order to realize sums amounting in all to 125,805*l.*, appropriated during the session just ended. The effect of this Bill is to remove the restrictions in former Acts, which prevent the sale of the provincial debentures for a sum less than *par*.

V.

"AN ACT to authorize the issue of Bills of Credit."

The Lieutenant-Governor and Council is by this Bill empowered to direct the Receiver-General to issue bills of credit in sums not less than 1*l.*, bearing interest at 6 per cent, payable one year after date, to the amount of 250,000*l.* The Receiver-General, public accountants, and public officers, are required to receive them in payment.

It is probable that the Legislature intended that they should be so received on account of the province, and not in payment of private debts due to the parties mentioned, but it is not so stated in the Bill.

The clause usually introduced in Acts of this description for the punishment of parties who may be guilty of forgery is omitted.

The other clauses of the Bill are that interest on the bills shall cease when in the hands of public accountants, that the Receiver-General shall render an account to the Legislature of the expense incurred in issuing, and the amount issued; and preventing the use of the bills in completing any public work "until the interest upon the sum advanced upon any such public work shall be first paid."

VI.

"AN ACT to ascertain and provide for the Payment of all just Claims arising from the late Rebellion and Invasions of this Province."

This Bill provides for the appointment of three Commissioners for each district of the province to inquire into losses sustained by Her Majesty's subjects, and other residents within the province, during and in consequence of the late rebellion and invasions from the United States, and appropriates a sum not exceeding 40,000*l.* for the payment of those losses; which sum, it is further provided, may be in whole or in part paid from "any debentures or public bills of credit which shall or may hereafter be issued in aid of the public service;" and also that "such debentures or bills of credit shall be a legal tender for the whole, or in part of any such claims."

VII.

"AN ACT to authorize the Purchase of the Private Stock in the Welland Canal, on the part of the Province, and for other Purposes therein mentioned."

By this Bill, authority is given to the Lieutenant-Governor to issue debentures to the private stockholders, or to such of them as may agree to dispose of their stock in the Welland Canal, amounting to 117,800*l.*, which debentures shall be redeemable in 20 years from their date, and bear an interest of two per cent. for the first two years, three per cent. for the third, four per cent. for the fourth, five per cent. for the fifth, and six per cent. for the sixth and subsequent years; principal and interest being chargeable on the general revenues of the province.

It is further provided by the Bill that, so soon as the tolls collected on the canal shall

No. 3.
 Sir Geo. Arthur
 to the Marquis of
 Normanby.
 May 14, 1839.
 Encl. 2, in No. 3.

amount to 30,000*l.* per annum, debentures shall be issued to the original stockholders, or their legal representatives, for such sum as will make up six per cent. interest on the amount of stock paid in to the time of issuing the first-mentioned debentures; and so soon as two-thirds of the stockholders shall have agreed to dispose of their stock, on the terms mentioned, the entire control of the canal to be vested in the Government.

VIII.

"AN ACT to appropriate the Casual and Territorial Revenue, and for other purposes therein mentioned."

This Bill has been passed with the intention of carrying into effect the terms on which Her Majesty has consented to surrender the revenues referred to in the title: The deficiencies of the measures will best appear by comparing it with the despatches from the Secretary of State, referring to the subject.

IX.

"AN ACT to dispose of the Lands commonly called the 'Clergy Reserves,' and for other Purposes therein mentioned."

This Bill repeals the 36th and 37th clauses of the Act of the Imperial Parliament, 31 Geo. III., c. 31, and enacts that all the ungranted lands, reserved for the maintenance of a Protestant clergy (with the exception of such as have been disposed of by agreement, but for which no patent has issued), be sold in the same manner as Crown lands are sold in the province, and the proceeds thereof, together with sums due or hereafter to become due on sales of the reserves heretofore made, to be paid into the hands of Her Majesty's Receiver-General of the province, to be applied by the Imperial Parliament for religious purposes.

(Signed) CHR. A. HAGERMAN, Attorney-General.

Enclosure 3, in No. 3.

Encl. 3, in No. 3.

To his Excellency Sir George Arthur, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant-Governor of the Province of Upper Canada, and Major-General Commanding Her Majesty's Forces therein, &c., &c., &c.

May it please your Excellency,

We, Her Majesty's dutiful and loyal subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, beg leave to approach your Excellency with an ardent expression of gratitude, in which we feel confident that the inhabitants of the province warmly concur, for the firm, energetic, and judicious measures, which have distinguished your Excellency's administration of the affairs of this province, during a period of unexampled difficulty and alarm.

We desire to express our unqualified approval of that happy mixture of lenity and firmness which, under the blessing of Almighty God, would appear to have insured, as well the safety of the province, as to have secured for your Excellency the confidence and approbation of the people committed by our Gracious Sovereign to your charge.

Legislative Council Chamber,

22d day of April, 1839.

His Excellency's REPLY.

Honourable Gentlemen,

I receive this most gratifying address with feelings of the deepest satisfaction; and I return you my sincere and cordial thanks for the favourable terms in which you are pleased to express your sense of the beneficial consequences that have resulted from my administration of the government of this province, during a period of extraordinary difficulty and responsibility.

The testimony you have thus borne to my exertions for the security and welfare of the inhabitants of Upper Canada, will, I am persuaded, prove very acceptable to our most Gracious Sovereign, whose earnest desire it is to promote the prosperity and happiness of her people throughout all parts of her widely extended dominions.

Enclosure 4, in No. 3.

Encl. 4, in No. 3.

To his Excellency Sir George Arthur, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant-Governor of the Province of Upper Canada, and Major-General Commanding Her Majesty's Forces therein, &c., &c., &c.

May it please your Excellency,

We, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in provincial Parliament assembled, adverting to that part of your Excellency's speech, at the opening of the session, which refers to the decisive measures taken by your Excellency to give immediate confidence to the country, and to insure the security of the province against the designs and efforts of wicked and lawless conspirators, issuing from a neighbouring professedly friendly state, feel it our duty to express to your Excellency, in a more distinct manner than we have hitherto done, the deep and grateful sense we entertain of the vigour and promptitude displayed by your Excellency, in guarding against and defeating the criminal attempts of these enemies of our peace and welfare.

Recalling to mind the events of the past six months, we cannot but feel conscious that

under Divine Providence, we owe to your Excellency's foresight and energy, those early and well-matured preparations which, by rousing into action the gallant and determined spirit of the people of the country, in defence of their institutions, and placing them in the same front of danger with Her Majesty's regular forces, rendered abortive every effort of treason or foreign lawless aggression; and prevented that succession of attacks, to which the least success at the commencement would have given rise.

We are fully conscious, that in adopting this course, your Excellency must have incurred weighty responsibilities, such as few would venture to assume; but, while expressing our own decided conviction of their absolute necessity for the safety of the province, we feel a deep and lively satisfaction at the assurance contained in the Speech from the Throne, recently addressed by our Gracious Queen to the Imperial Parliament, that your Excellency has but anticipated the commands of Her Majesty, to uphold and protect, at any cost, Her faithful people in this remote portion of Her dominions; and we cannot refrain, on this occasion, from the expression of our most anxious hope, that this firm and vigorous course will be followed up, until Her Majesty's subjects, who have suffered in person and property, have received full indemnity for past injuries, and security against future attacks.

We feel it incumbent on us, on this occasion, further to state to your Excellency, that we are fully sensible, that among the duties growing out of the peculiar state of things which has existed in this province, during the period of your Excellency's administration, the disposal of the convicted traitors and brigands, has been most painful and difficult; and we beg to assure your Excellency, that while we express our deep obligation for the firmness with which you sanctioned the infliction of such punishments, as the security of the country imperatively demanded, we are fully sensible, that your whole conduct has evinced a disposition to exercise mercy, in a degree that could not have been expected, even by our enemies: and to which, they must themselves admit, they had but slender claims.

In conclusion, we beg leave to renew to your Excellency, our assurances of constant and cordial support, in all measures calculated to promote the true interests and happiness of the people of this province, and the safety, honour, and welfare of our Sovereign and Her dominions.

ALLAN N. MACNAB, Speaker.

Commons House of Assembly,
10th day of April, 1839.

His Excellency's REPLY:

Gentlemen,

It is a great gratification to me to find, that the measures adopted for the defence and security of the province, have proved so satisfactory to the country; and I am persuaded, that the expression of your sentiments on this subject, will be most acceptable to his Excellency the Commander of the Forces, by whom military aid was so promptly afforded.

Your decided concurrence in the course of justice and mercy, that has been pursued during a period of unexampled difficulty, is a source of indescribable comfort to my mind; and I value most highly your assurances of continued and cordial support.

No. 4.

(No. 118.)

Copy of a DESPATCH from Lieutenant-Governor Sir GEORGE ARTHUR, K. C. H., to the Marquis of NORMANBY.

MY LORD,

Upper Canada, Toronto, 18th May, 1839.

AMONG the nine Bills, passed by the Legislative Council and Assembly, during the recent session of the Provincial Parliament which I have felt it to be my duty to reserve for the signification of Her Majesty's pleasure thereon, is one for the transfer of the casual and territorial revenue to the Colonial Legislature; and, as the necessity of reserving it arose from a material deviation in some important points from the terms annexed to the cession of that province by your Lordship's predecessor, the provincial secretary has, by my direction, compared the conditions prescribed by Lord Glenelg's despatch (No. 7) of the 28th December, 1837, with the actual provisions of the Bill, and prepared the accompanying statement showing in what respects they agree, and in what particulars they differ from each other. He has, also, in some instances, suggested the probable cause of the variance between them.

The causes of several of these differences will be further explained by the copies I now transmit of certain amendments proposed by the Legislative Council, and of some resolutions of the House of Assembly on the subject of that Bill, together with a certificate from the clerk of the House of Assembly, establishing the very singular fact, that some of the leading defects of the Bill, in the shape in which it ultimately passed through the two Houses of the Legislature, were occasioned by mistakes in transcribing it.

No. 3.
Sir Geo. Arthur
to the Marquis of
Normanby.
May 14, 1839.
Encl. 4, in No. 3.

No. 4.
Sir Geo. Arthur
to the Marquis of
Normanby.
May 18, 1839.
No. 1.

No. 2.

No. 3.

No. 4.

No. 5.

No. 4.
Sir Geo. Arthur
to the Marquis of
Normanby.]
May 18, 1839.

I must confess that I am not at all surprised at this error.

A mass of Bills, of which this was one, only passed the House of Assembly, and were sent to the Legislative Council at the latest moment of the session; and, literally, were not forwarded to me until the very hour fixed for the prorogation, which was in consequence deferred for a few hours.

From the remarks made in one of his speeches, I perceive Sir John Colborne had occasion to complain of the same inconvenience during his administration; and, certainly, it is a very great one.

The principal defects in the Act are:—

First. No provision is made for the payment, amounting to the sum of 6,995*l.*, for the support of religion, an item which constitutes one of the conditions on which the casual and territorial revenue was proposed to be surrendered by Lord Glenelg.

The House of Assembly, in their Address to The Queen, pray that this charge may be transferred to and borne upon the funds derived from the clergy reserves.

To this proposition the objection is, that, *at present*, the clergy reserve fund is unable to bear the charge; in the course of two or three years the transfer may probably be made.

Second. No provision is made for the payment of 10,000*l.* towards the erection of a barrack at Toronto.

The House, as will be seen by their resolution, intended to make this provision, which was, indeed, it appears, introduced in the original Bill; they only wished, under the present pressure, their funds to be allowed time; but, in transcribing the Bill, the clause was, negligently, altogether omitted, and the error was not detected until it was irremediable during the existing session.

Third. The lands ceded by the Indians, Lord Glenelg intended should not merge into the general mass of lands from which the territorial revenue is derived, but should be kept distinct from them as a fund out of which the expenditure for Indian presents should be defrayed. It would therefore appear necessary that some provincial statute should have been passed to accomplish this.

But such an Act, certainly would not meet the concurrence of the House of Assembly. It was rather an oversight, perhaps, that my predecessor was directed to introduce a Bill regulating the disposal of the lands by the Provincial Parliament before the civil list was adjusted.

These measures should have gone together, and have been dependent on each other. The object to be gained would have been a greater inducement to the House of Assembly to have acquiesced in the reasonable terms on which Lord Glenelg proposed to cede the casual and territorial revenue.

I incline, however, to think that this ceded territory need not have much weight in the question. For many years it could never be made available for such a purpose as Lord Glenelg proposed, and I much doubt whether the terms of that cession must not undergo some considerable modification.

Notwithstanding the opinion which has been entertained by others, my interviews with the Indians oblige me to respect many of them as very intelligent; and, in their money and land concerns, peculiarly acute; and how they are to be made to comprehend the equity of first ceding certain lands, and then that out of the proceeds of the same land their *presents* are provided, I am at a loss to understand!

On their first interview with a new Governor the chief brings forth the Wampum, on which is described a vessel freighted with *presents* from the sovereign with whom they have made a solemn treaty, and I do believe if they knew that out of their own lands these presents were defrayed that they would receive the tidings with great irritation.

I have the honour to be, my Lord,

Your Lordship's most obedient humble Servant,
GEO. ARTHUR.

The Marquis of Normanby;
&c. &c. &c.

Enclosure 1, in No. 4.

No. 1.

(No. 1148.)

AN ACT to appropriate the Casual and Territorial Revenue, and for other purposes therein mentioned.

This Bill reserved for the signification of Her Majesty's pleasure thereon on Saturday, the 11th day of May, 1839.

R. A. TUCKER, Provisional Secretary.

Most Gracious Sovereign,

WHEREAS his late Most Gracious Majesty was pleased in a despatch to his Excellency Sir Francis Bond Head, dated the 15th of December, 1835, and sent down to the House of Assembly on the 30th day of January, 1836, to signify to his faithful Commons of the province of Upper Canada, that his Majesty would surrender up to their control and disposal the proceeds of his Majesty's hereditary, territorial, and casual revenues, and of all his Majesty's woods, mines, and royalties now in hand, or which may hereafter during the continuance of this Act, to be collected in this province, on a sufficient sum being secured to his Majesty, his heirs and successors, for the support of the civil government of this province, and for other purposes as set forth in the message of his Excellency the Lieutenant-Governor, sent down to the said House of Assembly on the 14th day of February, 1837.

And whereas we, your Majesty's dutiful and loyal subjects the Commons of Upper Canada in provincial Parliament assembled; do give and grant unto your Majesty, your heirs and successors, the sums hereinafter mentioned for the purposes aforesaid, payable out of the joint revenues of this province.

We therefore beseech your Majesty that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the 14th year of his Majesty, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and make further provision for the Government of the said Province,' and by the authority of the same, that the proceeds of all and every the said hereditary, territorial, and casual revenues; and the proceeds of all sales and leases of Crown lands, woods, mines, and royalties which have been collected and are now in hand, and which shall be collected hereafter during the continuance of this Act (except the monies which shall be expended in the collection and protection thereof specially authorized and provided for by the third section of this Act) shall immediately be payable to the Receiver-General of this province, who is hereby authorized to receive the same for the uses of this province; and from and after the expiration of this Act the proceeds of all the hereditary territorial and casual revenues, and of the said lands, woods, mines, and royalties, shall revert to and be payable and paid to Her Majesty, her heirs and successors. And be it further enacted by the authority aforesaid, that there be granted to Her Majesty, her heirs and successors, for and during the whole period of the continuance of this Act, the annual sum of 5,326*l.* 3*s.* 4*d.* current money of this province, from and out of the joint revenues of said province, in preference to all other charges or payments which have heretofore been or which shall hereafter be made upon or payable from the said revenues, which said sum of 5,326*l.* 3*s.* 4*d.* current money as aforesaid shall be applied for defraying the charges in this clause mentioned, and for no other purpose whatever, as follows; that is to say,—the additional salary of the Lieutenant-Governor (being in lieu of all fees of every description) the sum of 1,666*l.* 13*s.* 4*d.* current money of this province. Salary of the Secretary and Registrar, the sum of 666*l.* 13*s.* 4*d.* Salary of the Surveyor-General (embracing the duty of Commissioner of Crown Lands and Surveyor-General of Woods), 1,000*l.*; contingent expenses, 438*l.* 17*s.* 10*d.*

Pension to Samuel Ridout, late Receiver of Fees to Public Offices, the sum of 222*l.* 4*s.* 6*d.*

Pension to the Honourable Colonel Talbot the sum of 440*l.* 8*s.* 11*d.*

Pension to William Chewitt, Esq., late Senior Surveyor and Draftsman, and First Clerk in the Surveyor-General's Department, the sum of 400*l.*

Pension to the family of the late Major-General Shaw the sum of 111*l.* 2*s.* 3*d.*

Pension to officers of the late battalion of Incorporated Militia the sum of 196*l.* 3*s.* 1*d.*

Salary to the Roman Catholic Bishop of Regiopolis the sum of 111*l.* 2*s.* 3*d.*

Pension to Oneida Joseph the sum of 16*l.* 13*s.* 4*d.*, and a pension to Thomas Merrit, Esq., late Surveyor-General of Woods, of 52*l.* 4*s.* 6*d.*, all of the like current money of this province.

And be it further enacted by the authority aforesaid, That there be granted to Her Majesty out of the general revenues of the province, for the purpose of paying the following annuities in the currency of the province, that is to say, To the Mohawks of the Bay of Quinte a perpetual annuity of 50*s.* to each man, woman, and child, but in no case to exceed 450*l.*

To the Mississaugas of the Bay of Quinte a like perpetual annuity, the gross amount in no case to exceed 642*l.* 10*s.* (the number of persons entitled to receive not to exceed 257).

To the Chippewas of the River Thames a like perpetual annuity (number of persons receiving in no case to exceed 240), the annual amount to be paid to them to be 600*l.*

To the Chippewas of Chemil Ecarts and St. Clair an annuity of 1,100*l.*; no reduction to take place so long as their number equals 220. In case their number should fall below 220, then the annuity to be reduced to one-half, and to continue so reduced till the residue be decreased one-half, when the annuity is to be reduced in proportion.

No. 4.
Sir Geo. Arthur
to the Marquis of
Normanby,
May 18, 1839.

Encl. 1. in No. 4.

No. 1.
Sir Gen. Arthur
to the Marquis of
Normanby.
May 18, 1839.

Encl. 1. in No. 1.

To the Chippewas, Lake Huron and Simcoe, a perpetual annuity of 1,200

To the Mississagas of the River Credit a perpetual annuity of 552½ 10s.

To the Chippewas of the Rice and Mud Lakes a perpetual annuity of 740.

And to the Moravian Indians of the River Thames a perpetual annuity of 150.

And be it further enacted by the authority aforesaid, that it shall and may be lawful for his Excellency the Lieutenant-Governor, by and with the advice and consent of the Executive Council, to expend, out of the gross proceeds of the said hereditary, territorial, and casual revenues of the said sales and leases of Crown lands, woods, mines, and royalties, such sums of money as they may, from time to time, deem necessary and requisite for the proper management, protection, and collection of the said revenue; and that his Excellency the Lieutenant-Governor shall, within fourteen days next after the commencement of each and every Session of the Legislature, cause to be laid before the House of Assembly a full and detailed account, stating all the particulars of the income and expenditure of, and relating to, the said hereditary and casual revenues, sales, and leases of Crown lands, woods, mines, and royalties, with all vouchers to the same appertaining for the then previous year.

5. And be it further enacted by the authority aforesaid, That all and every grant, lease, or other assurance, which, during the continuance of this Act, shall be made or granted by Her Majesty, her heirs or successors, of any lands, tenements, rents, woods, mines, royalties, revenues, or other hereditaments within this province, now belonging, or hereafter to belong, to Her Majesty, her heirs or successors, whereby any estate or interest whatever, in law and equity, shall or may pass from Her Majesty, her heirs and successors, save and except as hereinafter provided, shall be utterly void and of none effect, unless such grant, lease, or assurance be made upon sale or rent to the highest bidder at public auction in this province, due notice having been first given thereof in the "Upper Canada Gazette;" and unless all such sums of money and rents as may be payable in consideration of such grant, lease, or assurance be made payable to Her Majesty, her heirs or successors, during the whole term or time of the continuance thereof respectively.

6. And be it further enacted by the authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, in anywise to impair or effect any rights or powers of control, management, or direction, which have been, or may be, exercised by the authority of the Crown, or other lawful warrant, relative to any suit or proceedings for the recovery of the said hereditary, territorial, casual, or other revenues; or to compositions made, or to be made, on account of any of the same; or to any remission, mitigation, or pardon of any penalties, fines, or forfeitures incurred, or to be incurred; or to any lawful act, matter, or thing which has been, or may be, done touching the said hereditary, casual, territorial, or other revenues; or to disable Her Majesty, her heirs or successors, to make any grant or restitution of any estate or estates, or of the produce thereof, to which Her Majesty hath or shall become entitled by escheat for want of heirs, or by reason of any forfeiture, or by reason of the same having been purchased by or for the use of any alien, or to make any grant or distribution of any personal property devolved to the Crown by reason of the want of next of kin, or personal representatives of any deceased person; and that the said rights and powers shall continue to be used, exercised, and enjoyed in as full, free, ample, and effectual a manner, to all intents and purposes, as if this Act had not been made, and as the same have, or might have, been heretofore enjoyed by the Crown, subject, nevertheless, to the restrictions and regulations hereinbefore made and provided, it being the true intent and meaning of this Act that the right and powers shall not be in any degree abridged, or restrained, or affected in any manner whatsoever, but only that the monies arising from the full and free exercise and enjoyment of them, so subject as aforesaid, shall, during the continuance of this Act, be carried to, and made part of, the joint revenues at the disposal of the legislature of this province.

7. And be it further enacted by the authority aforesaid, That nothing in this Act contained shall operate to annul or prejudice any sale, purchase, grant, lease, enfranchisement, exchange, contract, rent, charge, agreement, bond, mortgage, security, exoneration, or other act, matter, or thing relating to the said lands, woods, mines, or royalties which, at the time of passing of this Act, shall have been made, done, given, effected, or created, but the same shall remain as good, valid, and effectual for the benefit or security either of Her Majesty, her heirs or successors, or of any of the parties to, or with whom, or in whose favour any such sale, grant, lease, enfranchisement, exchange, contract, rent, charge, agreement, bond, mortgage, security, exoneration, or other act, matter, or thing shall have been done, given, effected, or created, and be of as full force and virtue as if this Act had not been passed.

8. And be it further enacted by the authority aforesaid, That this Act shall continue and be of full force and effect for and during the full and complete term of ten years, commencing from and immediately after the 31st day of December, which was in the year of our Lord 1837.

Commons House of Assembly, 11th day of May, 1839.

ALLAN N. MACNAE, Speaker.

Legislative Council Chamber, 11th day of May, 1839.

JONAS JONES, Speaker.

I reserve this Bill for the signification of Her Majesty's pleasure thereon.

(Signed)

GEO. ARTHUR, Lieutenant-Governor.

Enclosure 2, in No. 4.

SIR,

Provincial Secretary's Office, 14th May, 1839.

In obedience to your Excellency's wishes, I have compared, as attentively as circumstances would permit, the provisions of the reserved bill for the transfer of the casual and territorial revenue to the Provincial Legislature, with the conditions annexed by Her Majesty's Government to the cession of that revenue by the Crown: and I now hasten to forward you a memorandum, exhibiting in juxtaposition the terms prescribed by Lord Glenelg's despatch of the 28th December, 1837, and the corresponding enactments of the statute; and explaining, as far as I am able to do so, the causes of some of the differences between them.

I have, &c.,

(Signed) R. A. TUCKER, Provincial Secretary.

His Excellency Major General Sir George Arthur, K.C.H.

&c. &c. &c.

No. 4.
Sir Geo. Arthur
to the Marquis of
Normandy.
May 18, 1839.
Encl. 2, in No. 4.

A comparative view of the conditions annexed to the cession of the casual and territorial revenue by Lord Glenelg's despatch, No. 7, of the 28th December, 1837; and of the terms of the surrender of the said revenue under the enactments of the provincial statute:—

Conditions of surrender of casual and territorial revenue, as proposed in despatch No. 7, of 28th December, 1837.	Terms of surrender of the casual and territorial revenue under enactments of the provincial statute.
Permanent provision for civil salaries £3200.	Permanent provision for civil salaries £3000.

N.B.—The reduction of 200*l.* arises from the legislature having granted only 1000*l.* currency for the joint office of Commissioner of Crown Lands, and Surveyor General, instead of 1100*l.* sterling as required by the terms of the despatch. Under the arrangements made by the Lieutenant Governor on the consolidation of those offices, Mr. Sullivan has received 1000*l.* sterling per annum; and would consequently lose the difference between sterling and currency under this Act.

Contingencies	£ 395	Contingencies	£ 395 0
Payments to Indians	£5405	Payments to Indians	£4891 10
		In currency	£5435 0

N.B.—Mr. Jarvis, the Chief Superintendent of Indian Affairs, reports that the above stated amount of Indian payments, 5405*l.* has been erroneously expressed in sterling; for that the payments are made in currency, and only amount in the aggregate to 5435*l.* There seems, therefore, to be a sufficient provision for this branch of service, although there is an apparent difference between the terms of the despatch and the enactments of the statute.

The preceding sums are treated by Lord Glenelg as permanent charges.

The preceding are temporary in their nature, and likely to be gradually diminished, and ultimately extinguished.

Salaries and pensions	£1934 10 9	Salaries and pensions	£1398 10 9
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N.B.—The difference of 536*l.* arises from the Legislature having omitted the extra salary of the provincial secretary 396*l.*; and the pension of 200*l.* to Sir D. W. Smith; both Mr. Cameron and Sir D. W. Smith being dead at the passing of the Act.

Payments for the support of religion	£ 6995	No provision.
New Barracks at Toronto	£10,000	No provision.

General Observations.

The Act having been made to operate retrospectively from the 31st December, 1837, and yet containing no recognition of many branches of expenditure which have since that period been defrayed out of the casual and territorial revenue, there would seem, in strictness, to be no authority sufficient to cover those payments. For example, all the disbursements made since the 31st December, 1837, for any of the items, or heads of service included in Lord Glenelg's despatch under schedule C; as also the difference between Mr. Sullivan's salary in sterling and currency—the proportion of extra-salary received by the late provincial secretary, Mr. Cameron, from the 31st December, 1837, to the time of his death—and the pension to the late Sir D. W. Smith for the year 1838, would have been made from a fund which the Act places under the control of the Provincial Legislature, without any sanction having been directly given by the Legislature to those disbursements. Perhaps, however, the Legislature must be deemed to have assented to those disbursements by their acceptance of this revenue, with the knowledge that such payments had actually been made out of it; and whatever the legal bearings of the point may be, there can be no doubt but that there is a moral obligation which must bind the Parliament on this subject. In noticing, therefore, this matter, I do not intend to place much weight upon it.

Under a somewhat similar estimate of its importance I would likewise remark, that Lord Glenelg has included the *Indian Payments* in the same class with the *Civil List*, as if they were co-equal, and to be fortified by the same privileges:—but that the Legislature has introduced a slight distinction between them, giving to the former a preference, in respect to payment, over all other charges; and merely charging the latter upon the general revenues of the province. There is, moreover, a contingency expressed in the Act, upon the happening of which, some of these annuities shall cease; whereas in Lord Glenelg's despatch, they are treated as permanent.

I believe, however, that the contingency is agreeable to the terms on which the annuities were originally granted; and consequently consistent with the spirit of Lord Glenelg's proposition.

No. 4.
 Sir Geo. Arthur
 to the Marquis of
 Normanby.
 May 18, 1839.
 Encl. 2, in No. 4.

The retrospective operation of the Act would sanction the payment of the extra salary to Sir Francis Head from the 31st December, 1837; but this is very far from covering, as was intended, the whole period of his administration.

From the accompanying certificate it clearly appears that it was the intention of the Legislature that the increase to the salary of the Lieutenant-Governor should take effect from the date of Sir Francis Head's appointment, and that a clause which had been inscribed for that purpose was omitted entirely through the mistake of the copying clerk.

Of infinitely greater importance than any of the subjects of the foregoing remarks is the total omission of any provision for the payments hitherto defrayed from the casual and territorial revenue for the support of religion, and for the expense of constructing barracks at Toronto, according to Lord Glenelg's proposal.

In the first Bill introduced into the House of Assembly there was an appropriation of 10,000*l.* to the latter purpose; but the fund upon which that sum was to be charged was not considered satisfactory by the Legislative Council, who suggested that the money should be paid out of the general revenue of the province. In this suggestion, however, the House of Assembly did not acquiesce, as will be seen by reference to the annexed resolution of that Assembly.

The provision for the support of religion appears to have been originally and uniformly rejected by the House of Assembly, who have throughout evinced a desire to transfer that charge to the *clergy reserves*, in the event of the casual and territorial revenues falling into their hands.

Before closing these observations, I think it necessary to advert to that part of Lord Glenelg's despatch which relates to the *lands ceded by the Indian tribes in the Autumn of 1836*, because his Lordship evidently intended that those lands should not merge in the general mass of lands from which the territorial revenue is derived, but should be kept distinct from them; and dedicated to the creation of a fund, out of which the expenditure for *Indian presents* should hereafter be defrayed.

To accomplish this object it was necessary, I conceive, that some corresponding enactment should have been introduced into the provincial statute; and I apprehend that, in the absence of such enactment, the intention of Lord Glenelg could not be carried into effect, inasmuch as the Act would transfer the ceded Indian lands to the provincial Legislature in common with all the other lands belonging to the Crown.

How far it may be proper, or even consonant to strict principles of equity, that annuities which were granted to the Indians by treaties in consideration of their services and other claims should be paid out of the proceeds of lands which have since been ceded by them without any consideration for their surrender, or at all events upon a very slight and insufficient consideration, is a question upon which, happily, I am not required to offer any observation.

(Signed) R. A. TUCKER.

Enclosure 3, in No. 4.

Encl. 3, in No. 4.

THE Committee of Conference, on the part of the Legislative Council, are instructed to represent that the Legislative Council find in the Bill sent up from the Commons House of Assembly, entitled "An Act to place the disposal of the casual and territorial revenue under the control of the Legislature of this province, and for other purposes therein mentioned" 1st. That in the said Bill, in purporting to provide for the payment of annuities to certain Indians, charges the said annuities upon a fund which does not at present exist, and upon which they cannot justly be charged should monies arising from the sale of Indian lands be vested as mentioned in the said Bill.

And further, that the annuities aforesaid are now charged upon the hereditary revenues of the Crown in this province, as consideration for cessions of territory to a very large amount; and that the security for the payment of these annuities to the Indians cannot be decreased without breach of *bona fide* contract entered into by the said Indians by the Crown.

And further, that certain annuities and payments in aid of the several religious churches and denominations of Christians, charged by Her Majesty's Government upon the casual and territorial revenues, are not provided for in the Bill sent up, although the temporary provision for these charges is mentioned in the despatch laid before the Legislative Council from Her Majesty's Secretary of State for the Colonies as a condition upon which the said revenue is to be surrendered. And further that the sum of ten thousand pounds required to be paid as a condition upon which the proceeds of the military reserve at the city of Toronto is to be given up, is charged upon the first proceeds of the sale of such reserve, but that the immediate payment thereof is not provided for.

And further, to suggest to the Committee on the part of the House of Assembly the following amendments to the said Bill, to meet the objections which appear to the Legislative Council to exist to the passage of the Bill in its present shape.

Press 4, line 14, after "Majesty" expunge to "the following" in line 17, and insert "out of the joint revenues aforesaid for the purpose of enabling Her Majesty to pay."

Press 5, line 18, after the 3rd clause insert 4. And be it further enacted by the authority aforesaid, that, during the incumbency of the present annuitants, or until the annuities in this clause mentioned shall be provided for otherwise, there be granted to Her Majesty, her heirs and successors, out of the joint revenues aforesaid, to enable her Majesty, her heirs and successors, to pay and discharge the following annuities in current money of this

province, that is to say:—Missionaries of the church of England, Two thousand eight hundred and fifty pounds.

Ministers of the church of Scotland, One thousand five hundred pounds.

Ministers of the United Synod of Upper Canada, Seven hundred and seventy-seven pounds fifteen shillings and sixpence.

Roman Catholic bishop, Five hundred and fifty-five pounds eleven shillings and two-pence.

Roman Catholic priests, One thousand one hundred and eleven pounds two shillings and three-pence.

Press 6, line 9, expunge the 5th clause.

Press 8, line 20, after "out of the" expunge "to such" in line 21, and insert "out of the joint revenue aforesaid."

Truly extracted from journals of the Legislative Council.

(Signed)

J. JOSEPH, Clerk.

Legislative Council Office, 14th May, 1839.

No. 4.
Sir Geo. Arthur
to the Marquis of
Normanby.
May 18, 1839.
Encl. 3, in No. 4.

Enclosure 4, in No. 4.

Encl. 4, in No. 4.

Mr. Speaker,

The Commons House of Assembly have passed certain resolutions in relation to the Report of the Committee of Conference on the subject-matter of the Bill, entitled "an Act to place the disposal of the casual and territorial revenue under the control of the Legislature of this province, and for other purposes therein mentioned, and communicate the same for the information of the Honourable the Legislative Council.

(Signed)

ALLAN N. MACNAB, Speaker.

Commons House of Assembly,
9th day of May, 1839.

Truly extracted from the journals of the Legislative Council.

(Signed)

J. JOSEPH, Clerk.

Legislative Council Office,
15th May, 1839.

RESOLVED,—That this house, entertaining the most sincere desire to meet the views of Her Majesty's government, and settle a question which has been the subject of contention many years, they concur in the reasons expressed in the Report of the Committee of Conference by the Legislative Council, relating to the annuities to due the various Indian tribes, although they cannot refrain from expressing their disappointment that all the lands thus ceded should have been sold or otherwise disposed of without providing an annuity out of the proceeds of the same to indemnify the original owners.

RESOLVED,—That in the opinion of the house, no charge should be made upon the casual and territorial revenue for the support of religion, but that all such charges to which the faith of Her Majesty is pledged, should be transferred to and borne out of the funds arising from clergy reserves, and that an humble address should be presented to Her Majesty, praying her to bring the subject under the consideration of the Imperial Parliament, in order to pass measures authorizing such transfer; in order to remove the objection from the passing of this Bill, that this revenue may hereafter be applied in paying the interest on the construction of our public improvements and promoting the general prosperity of the country.

The third objection in respect to the military reserve is one which does not involve principle; the only objection to make the advance on the part of this house is, want of means; and we have no apprehension that Her Majesty's Government will object to wait until the amount of those barracks is realized from the proceeds of this reserve.

Truly extracted.

(Signed)

JAMES FITZ GIBBON, Clerk of Assembly.

Truly extracted from the journals of the Legislative Council.

(Signed)

J. JOSEPH, Clerk.

Legislative Council Office,
15th May, 1839.

Enclosure 5, in No. 4.

Encl. 5, in No. 4.

I do hereby certify that, on the 26th day of April last, a Bill was passed by the Commons House of Assembly, purporting to place the casual and territorial revenues of the Crown in this province at the disposal of the Provincial Legislature. That the said Bill, when presented for the third reading, was referred back to a committee of the whole house, and was amended in the clause providing for the additional salary to the Lieutenant-Governor, by adding the following words; "which allowance shall take effect, and be payable from the period of the assumption of the government of this province by Sir Francis Bond Head;" that the Bill passed with said amendment, and was sent to the Legislative Council for concurrence; but owing to some of the clauses being objectionable to that honourable house, a conference was held by the two houses on the subject through a joint committee, by which the objections of the Council were made known to the Assembly, but no objection was offered to the amendment above mentioned. The house then determined upon passing another Bill, meeting, in a great measure,

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Encl. 5, in No. 4.

the wishes of the Council. Orders were then given to my office to prepare a Bill in accordance with the first, excepting in a certain clause which had been objected to by the Legislative Council, and a printed Bill was handed to the clerk to copy from, which did not contain the amendment before mentioned. In the pressure of the business, bringing the session to a close, the amendment which had been made to the former Bill, in its progress of passing, escaped the memory of the clerk superintending the office; and, from the same cause, the second Bill passed both branches of the Legislature, without either observing the omission, by which means the provision authorizing the payment to Sir Francis Bond Head of two year's extra additional salary, concurred in by both Houses, is omitted in the Act reserved for Her Majesty's assent.

(Signed) JAMES FITZ GIBBON, Clerk of Assembly.

Clerk of Assembly's Office,
Toronto, Upper Canada, 13th May, 1839.

No. 5.

(No. 131.)

Copy of a DESPATCH from Lieutenant-Governor Sir G. ARTHUR, K.C.H., to the Marquis of NORMANBY.

No. 5.
Sir Geo. Arthur
to the Marquis of
Normanby.
June 8, 1839.

MY LORD,

Government House, Toronto, 8th June, 1839.

With reference to the bills transmitted to your Lordship with my despatch, No. 108, of the 14th of May, particularized in the accompanying schedule marked A, having for their object the raising money to carry on this Government, and to continue and perfect some of the public works undertaken in the province, I have now the honour to submit the following remarks.

2. In my despatch of the 20th November last, (No. 91), I stated to Lord Glenelg the probability of the arrival of very serious financial difficulties:—I mentioned the causes of expenditure generally, as well as the occurrences which occasioned a sudden check to the public credit, and which threatened to cause the most serious evils, unless some means could be devised to place the financial concerns of this province upon a satisfactory and permanent footing.

3. I have since met the provincial Parliament, and your Lordship is in possession of the speech with which I opened the session.

4. It was not in the power of the House of Assembly to do more than adopt temporary measures, and those which passed that body, whatever may be their merits, seemed to me so pregnant with evil, should the expectations of the Assembly on which they were founded be disappointed, that I have felt it my duty to contend with present inconvenience, and to lay the whole financial question before Her Majesty's Government: and in the mean time to reserve the Bills for the signification of Her Majesty's pleasure thereon.

5. The public debt of this province, which your Lordship will find stated in Table B, and which involves an expenditure in interest nearly equal to the whole revenues of the colony, has been occasioned, as your Lordship will find noticed in the Earl of Durham's Report, principally by attempts to connect the magnificent inland waters of the province with the sea by means of canals, which, if completed, would open a line of inland navigation scarcely equalled in the world. These canals were supposed not only to promise immense advantages to the trade and agriculture of the province, but to offer a prospect of great accession to the public finances.

6. The expectation of a rapid realization of these advantages will at once explain to your Lordship the reason why the prudent course of making a provision for the interest of borrowed money from funds immediately available, was not adopted at each successive advance into debt. The prospects, it must be acknowledged, were sufficiently alluring; but nothing could be more plain, than that a postponement of the completion of the public works, a disappointment as to their profitable results, or a suspension of public credit, must leave the financial concerns of the province exposed to embarrassments of the most serious nature: in short, that the Government must want pecuniary means for its support, or that the public creditor must forego the interest which ought to arise from his investment.

7. These causes have unfortunately co-operated to produce the present difficulties. The distrust of British capitalists in American securities generally affected the provincial credit. This prevented the acquirement of a sufficient sum to complete the public works, and, of necessity, prevented their becoming profitable. The evil has been aggravated by the internal and frontier troubles of the provinces; and the canals having been commenced on a scale calculated upon the wants and interests of a rapidly increasing population, and for an improving commerce, an immediate adequate return could scarcely be expected on those parts of the line of communica-

For Sir G. Arthur's
Despatch, 20th Nov.
1838, No. 91, vide
Papers ordered by the
House of Commons
to be printed, 12th
July, 1839, No. 347.

tion actually brought into operation, under circumstances of a complete cessation of immigration, and a great commercial depression.

8. The Welland canal, which overcomes the difference of elevation between Lakes Ontario and Erie, was commenced by a private company with very inadequate means. It was originally intended for the navigation of ordinary canal boats; but the dimensions of the canal were afterwards increased, so as to allow of the passage of the schooners which compose the British and American sailing marine of the lakes. This increase of dimensions in the Welland was expected to become profitable by means of the American western trade on the lakes, even then important, but which has since increased enormously. The passage of schooners through the Welland enables vessels conveying freight from and towards the New York market to substitute, without breaking bulk, above 120 miles of open-lake navigation for the expensive and tedious navigation of the Erie canal; of which, in effect, Oswego, on Lake Ontario, is thus to a certain degree made the western debouchure, instead of Buffalo, on Lake Erie.

9. The Welland canal has been so far completed as to be now actually in operation, as it has been for several years. But, partly from want of judgment, and partly from want of funds, the locks have been constructed of timber, and the work requires a yearly expenditure in repairs more than equal to the whole receipts for tolls.

10. The private stockholders of the Welland Canal Company have expended on the work 117,000*l.*, the British government 73,000*l.*, and Lower Canada 25,000*l.* Besides these sums, 275,000*l.* have been expended on the work which belong to the public debt of this province, making a total of 490,000*l.*

11. By order of the Assembly, an estimate has been made of the sum which would be required to reconstruct the locks of stone, and render the work permanent; the amount is estimated at 300,000*l.*, which, from the reputation of the engineers, and the knowledge which has now been acquired of all the difficulties and expenses of the undertaking, I believe to be as nearly correct as such calculations can ever be expected to be.

12. The present expense of repairs on the canal amounts, on an average, to 16,000*l.* per annum, the expense of management to 3,000*l.* = 19,000*l.* But, if the projected improvement takes place, the whole expense of management and repairs would not be over 5,000*l.* per annum, which difference of yearly expenditure would argue in favour of the new expenditure, even if the necessity of it were not apparent from the danger and inconvenience of continually patching and preserving a decaying work of the dimensions and importance of this canal.

13. The tolls received upon the Welland have been steadily on the increase; for the year 1838 the tolls and rents of water-works amounted to 11,000*l.*; and since the opening of the navigation this year the increase has been altogether unprecedented; and it is considered that 25,000*l.* per annum would be realized were the work made permanent, and that this would be an increasing income.

14. Apart from calculations of profit, it is proper to consider the Welland Canal as it affects the safety of the western portions of the province, in case it should require an armed defence, or the effect which the defensibility of the south-western frontier may have in the preservation of peaceable relations with the neighbouring country. For these purposes I conceive the Welland Canal to be absolutely indispensable; and it may be a question worthy of serious consideration, whether it would not be for the interest of the Imperial Government to take the whole work into its own hands and management, in which case it would be necessary to redeem so much of the provincial debt as is involved in the undertaking, and to purchase the investments of the private stockholder.

15. This measure would ensure the completion of the canal, and relieve the province from a considerable portion of its present debt, and from the necessity of incurring a considerable amount in addition; but should it not be thought fit to make the Welland Canal a national work, another plan of relief may be adopted by the advance of a sufficient sum to complete the canal and buy out the shares of the private stockholders.

16. I should mention here, that since the commencement of the Welland Canal, steam-boats have to a great extent, but without displacing the sailing vessels, been employed on the lakes. The number engaged in the American trade, centring at present in Buffalo, is very great; and if the canal were increased in its dimensions so as to permit the passage of these vessels into Lake Ontario, it is believed that the utility and prospect of profit of the work would be materially advanced, as well as its capability of adding to the defence of the province. But this would cause a

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further outlay of 250,000*l.*, and; after the best consideration I can give the subject, I am not disposed to recommend the measure.

17. The Rideau Canal is a great military work, connecting Lake Ontario with the waters of the Ottawa. It was constructed at an expense to the British Government of upwards of a million sterling, and its projection was, I am informed, partly occasioned by the cession to the United States of Barnhart's Island in the Saint Lawrence, which left the navigable channel of that river within American territory.

18. This canal is a noble work; it is made of a size to admit the navigation of steam-boats of a small class; its utility is, however, contracted for want of suitable connecting links of canal below its debouchure at Bytown, and between that place and the mouth of the Ottawa.

19. The Grenville canal, constructed by the British government, and navigable only for small boats, occupies one of the parts of this line of navigation; and a private company own one lock at the rapids of St. Anne, so that the Rideau line of navigation is imperfect in a most material part. The enlargement of the Grenville Canal, and the improvement of the navigation at St. Anne's, ought most unquestionably to be completed to the same size as the Rideau, or that great work cannot become available to its full extent for military or mercantile purposes.

20. Were this part of the Ottawa navigation, which is required as adjunct to the Rideau, completed, the steam-boats which could then ascend the Ottawa from Lachine, and proceed by means of the Rideau to Lake Ontario, could descend the Saint Lawrence, and thus perform a circuit of navigation assisted by the stream of this great river; this would no doubt increase the utility of the Rideau navigation immensely, and be sufficient for all the trade of the colony for many years to come.

21. The Saint Lawrence Canal, on which so great a proportion of the sum of which the public debt consists has been expended, was intended as a part of a chain of inland navigation, projected on a scale sufficient to admit the passage of large steam-boats and sea-going vessels of a limited draft of water: a portion of the work is nearly completed, but it cannot be available without the addition of very expensive works on the Saint Lawrence, both in Lower and Upper Canada.

22. It is maintained, and perhaps upon good grounds, by the friends of this undertaking, that it would tend to divert a considerable portion of the import trade to the Western States, which now passes through New York to Montreal and Quebec, and that many of the exports of these states would find egress by the same channel. It is also expected that a profitable trade might be opened on the Canadian lakes, in the way of building sea-going vessels, which, being loaded with staves or other produce of Western Canada, might proceed by way of the canal to Quebec, and thence to the West Indies or to Europe; and it is further relied upon, that if this navigation were available, British goods would be extensively supplied to all the American towns and villages bordering on the Saint Lawrence, the Lakes, and the "far West." These projects, and others, may be quite reasonable, and their success would unquestionably add greatly to the commercial prosperity of both provinces; but it strikes me that the undertaking was imprudent in the state of our finances, and the prospect of return too remote to be ventured upon, without at least a sure provision for the payment of interest on the debt incurred in the construction of the canals, until the profitable part of the scheme should be realized. Moreover, this work is much exposed, and in the event of war can scarcely be available for military purposes, and therefore cannot supersede the necessity of the parallel line of navigation on the Rideau. Nevertheless, it cannot be questioned but that it is a noble undertaking, and ought to be completed.

23. I transmit to your Lordship herewith the reports* of the finance committee of the assembly, by which your Lordship will see the opinions of that body respecting the prospects of return from the public undertakings.

24. I acknowledge that my opinions regarding the perfect safety of the public creditor, does not rest so much upon the expected return for investments in the canals, as upon the fact that, as compared with other countries, these colonies are almost untaxed, and that the whole revenue, if increased, is applicable for purposes of improvement.

25. The only means which the law leaves open to the local legislature of meeting the yearly expenditure, arise from internal excise and direct taxation.

26. The duties on imports are levied partly by imperial, and partly by provincial statutes; and the amount of these duties is at present so small, that I am

* These reports have not been received.

satisfied a great part of the existing deficiency might be made up by a judicious increase on the duties levied at the port of Quebec. The whole share coming to this province amounts, at present, to about 45,000*l.* per annum; and if this sum were even doubled, the burden upon trade would be still inconsiderable as compared with that borne by the American States, and the interest on the whole debt of the province, arising from loans for general public purposes, could at once be placed upon, and perfectly secured by, those duties.

27. Their increase and appropriation for this purpose would immediately form a basis upon which the credit system of the province could rest without any fear of the recurrence of financial embarrassments, and the addition I have proposed would allow of an augmentation to the debt sufficient to complete the Welland canal, and other essential works, and would, it seems to me, offer an opportunity for consolidation of the debt on such terms as would occasion a considerable reduction of the amount of interest.

28. This would be very materially facilitated by the guarantee of a new loan on the part of Her Majesty's Government; and this loan being secured, as I have stated, on a revenue received at the seaport by officers of the Government, would offer the best counter-security for the guarantee, with the easiest and most certain way of collecting the revenue.

29. Supposing the assent of Her Majesty's Government to be given, the remaining difficulty in the way has hitherto been the want of a port of entry and clearance for Upper Canada, and to overcome which the annexation of Montreal has been warmly advocated; but if there are insuperable objections to that measure (and I am sure I have daily experience that Upper Canada is large enough already to govern with promptitude and energy), I cannot help thinking that other schemes might be devised whereby the commercial revenue might be regulated, without involving the concerns of the Lower Province.

30. The main part of the debt being thus arranged, the expenses of the administration of Government, and the part of the loan which consists of advances for public works of local interest, would remain to be provided for from internal resources. This portion of the loan is secured by the liability of the companies and their joint property, and by the liability of the districts to local assessments, so that I do not anticipate any public burden from this source.

31. The interest upon the general public debt being provided for, as I have proposed, by the duties on imports from the sea, would leave the revenues arising from tolls upon the great public works available for the purposes of the Government; and, although they may not furnish an amount in money equal to the expenditure in the way of interest occasioned by them, they would form very material additions to the internal revenue,—that interest being provided for elsewhere.

32. I am aware that my plan of charging the interest upon the public debt, against the revenues arising from taxation does not precisely meet the views of the finance committee of the Assembly, as your Lordship will perceive by their reports. They still adhere to the opinion that the public works, if completed, would pay for themselves; this proposition I do not pretend to controvert, and if they be right, so much the better; my objection to it arises from the fact that it involves the principle of paying interest out of the capital sum borrowed, in the anticipation of future revenue; and I apprehend that those who would have to advance the money would have serious objections to the plan.

33. It also involves the opportunity, resting in the colonial Legislature, of increasing the public debt indefinitely, and by this means jeopardizing the interests of the public creditor, whose great security ought to be that the funds upon which he rests should not be alienated or diverted until his debt is discharged.

34. The system of borrowing money in this manner has been deprecated by Messrs. Baring, Brothers, and Co., the principal negotiators of Upper Canada debentures in London. They properly claim to be made acquainted with all new loans, and to have an opportunity of passing their judgment upon the means proposed of meeting the interest.

35. I am not aware of any other manner of producing this result satisfactorily, and of offering tangible security to the old and new public creditor, than that of limiting the loans to be negotiated to the power of the province to meet the yearly interest from funds capable of being immediately realized.

36. If Her Majesty's Government should assist the province by a guarantee,

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or, by a representation from authority, that this prudent system should for the future be pursued; it would have the best reasons for insisting upon its plan being consistently followed in the colony; and, it seems to me, that the honour of the empire, and the peace and prosperity of the province, are so intimately connected with the observance of faith to the public creditor, that those points cannot with prudence be left to the discretion of the borrowing colony; which, impelled by the best motives of public good, and with the purpose of hastening the arrival of a period of great public prosperity, may, unconsciously, overlook the financial difficulties which a failure or postponement of the result of their sanguine expectations must inevitably produce.

37. It is painful to me to be obliged to represent to Her Majesty's Government the necessity of some interference to relieve the colony from its difficulties, I should not do so were there any means of procuring relief from internal operations, or were the evils to arise from the present state of affairs less serious, or inevitable.

38. The greatest mischief and inconvenience is now felt in the province from the want of means to continue and perfect the internal communications of which the benefits are commencing to be sensibly felt. The people naturally look to the Government to devise ways and means for their local works; and individuals cannot readily see the general difficulties which interfere with particular and local interests. They chafe and fret when they find impediments in their way, and their discontents find an easy solution in resting the blame upon the Government. Laws are in existence authorizing the raising of money for making Macadamized roads, and they are apt to think that the Government is in fault, because the money is not forthcoming. Comparisons are made with the States of America, where gigantic and expensive undertakings are carried through successfully by means of British capital; and a spirit of dissatisfaction arises which must be put an end to before public affairs can be managed with popular approbation, or with satisfaction to Her Majesty's Government.

39. In the report of the Finance Committee the following passage occurs:—

“It may be well to examine the description and extent of the security they (the States of America) offer to British capitalists, and then compare it with the description and extent of the security the Canadas can offer for similar investments.

“The old States, New York, Pennsylvania, &c. *rely upon an internal revenue*, collected within the state to pay the interest on the capital borrowed during the construction of their various improvements, and after these works are in operation in the progressive increase of tolls.

“The states of Indiana, Illinois, and those recently forced into existence rely on the sale of lands ceded by the general government to pay the interest during the construction; when those lands are sold they have the canals and improvements in their place.”

40. These are the principles which I wish to adopt, although the committee do not draw precisely the same conclusion. The land-granting system pursued in this province for so many years, and the number of outstanding claims for which the faith of Government is pledged, will, I fear, place this province in the condition of one of the old States; and it appears to me the conclusion is inevitable, that the means of paying interest pending the unproductiveness of the public works, must be derived from the same source as in the old States, namely, taxation!

41. A law was passed during the session of the Provincial Parliament before the last, authorizing the negotiation of a loan of 1,000,000 for the purpose of consolidating the public debt; the new debentures to bear three per cent. interest. If this loan should by the assistance of Her Majesty's Government be negotiated on favourable terms, the credit of the province would immediately rise; the outstanding debt could be redeemed as it falls due, or at the will of the public creditor; and the negotiation of the required sum placed on the most favourable footing.

42. I have not alluded in this despatch to the effect which the proposed union of the provinces will have upon the finances of this portion of Canada; partly because I have no right to assume that such a measure will be carried into effect; and, partly, because the Lower Province will have full power in the Legislature to keep their own share of revenue; and there is a fearful arrearage of public outlay to be made up in that colony which will require all their resources before the country can be placed on an equality with the neighbouring States, or, even with this province.

43. I subjoin some tabular statements, A, B, C, D, and E, which will the better enable your Lordship to understand some of the details of the subject on which I

have written, and it remains for me briefly to state my reasons for reserving the Bills transmitted for the signification of Her Majesty's pleasure thereon.

44. I have reserved the Bill authorizing the issue of bills of credit, because, unless some measures be adopted to restore the public credit, these bills would remain unpaid at the end of the year without any means of redeeming them. They must then become depreciated, and I need not explain to your Lordship the ruinous consequences of such an event upon the public prosperity and tranquillity of the colony: were this measure ceded, the prospect of a return to cash payments would be at least more remote.

45. I have reserved the Bill authorizing the sale of debentures for certain purposes at the market price, because I think the propriety of the measure depends altogether upon the establishment of a system of credit for the colony on a sound and simple basis; and, although the delay is productive of *much inconvenience*, I am of opinion that this evil will be more than compensated by the adoption of a good system, and by the negotiation of these debentures in consonance with it.

46. I have reserved the Bill for the payment of claims arising out of the late troubles, because, as from the preamble it is expected that the charge will be ultimately borne by her Majesty's Government, I think it would be improper in me to have assented to it under an implied pledge which I had no authority to give.

47. I have reserved the Bill for purchasing the interest of the private stockholders in the Welland, because, until I shall have seen the means of finishing the work made available, I do not think it just to the public creditor to add to the provincial debt for this purpose.

48. The Bill to equalize the value of gold and silver coins, from its nature, was necessarily reserved. It is intended by this measure to equalize the currency of the province with that of the United States, and to enable the banks to use money on the same terms as in that country. Most serious inconveniences are felt from the want of such a measure; and, until a provincial coinage shall be established, I believe it to be necessary to prevent the continual drain which the present inequality of value causes upon the specie in the province, and to make foreign coins available for commercial purposes.

49. My principal object in this despatch is to put your Lordship in possession of information, to show that the resources of this colony are much more than equal, if properly tried, to the public exigencies, and that the time for trying them is come. My plan may be faulty or imperfect, but if so, some other ought to be adopted; the resources of a rising and rapidly increasing community are in existence, how they are to be made available is one question, but their being capable of becoming so is another. The latter point is the one in which I feel the deepest interest.

50. In conclusion, I beg to refer your Lordship to the Earl of Durham's despatch, No. 25, of the 16th of July, 1838, in which, with reference to the public works of this province, his Lordship strongly urges them upon the attention of Her Majesty's Government, "both as a means of restoring tranquillity to the Canadas, and of blessing the North American provinces with a degree of prosperity which has never yet been afforded them;" and his Lordship then proceeds to ask "a grant of money to be issued on the same principles and securities as those which regulate the assistance given to harbours, railroads, canals, and other public works in England."

In this recommendation I most cordially concur. As the whole debt was incurred before my succeeding to this government, I am in no measure personally responsible for the consequences; but it would gratify me beyond all expression successfully to plead the cause of a fine race, who have been plunged into the deepest political and financial distress by a course of events most awfully calamitous.

I have the honour to be, my Lord,

Your Lordship's most obedient humble servant,

GEO. ARTHUR.

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

Enclosure 1, in No. 5.

A.

1. "An Act to regulate the value at which gold and silver coins shall pass current within this province."

2. "An Act to afford further facilities to negotiate debentures for the completion of certain works."

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No. 1.

No. 2.

No. 3.

No. 4.

For Lord Durham's
Despatch, 26th July,
1838, No. 25; vide
Correspondence rela-
tive to British North
America; ordered to
be printed February,
1839, page 141.

Encl. 1 in No. 5.

No. 5.
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2. "An Act to authorize the issue of bills of credit."
 4. "An Act to ascertain and provide for the payment of all just claims, arising from the late rebellion and invasions of this province."
 5. "An Act to authorize the purchase of the private stock in the Welland Canal on the part of the province, and for other purposes therein mentioned."

B.

Whole present debt of the province	£1,162,187	0	0
Interest thereupon, with expenses of remittance	65,000	0	0

C.

Proportion of this debt incurred for general public purposes, about	£900,000	0	0
Sum required to finish the Welland Canal permanently	£300,000	0	0
Sum required to purchase the private stock in the Welland Canal	117,000	0	0
For other public expenditures	83,000	0	0

£500,000 0 0

£1,400,000 0 0

Interest at 5 per cent.	£70,000	0	0
Present revenue at Quebec	45,000	0	0

New revenue required. £25,000 0 0

D.

Debt incurred in assistance of local undertakings	£270,000	0	0
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Interest thereon	£13,500	0	0
Permanent expenses of the government, including the administration of justice and Parliamentary appropriations for schools, penitentiary, light-houses, &c.	55,000	0	0

Permanent expenditure £68,500 0 0

Resources.

Interest on advances secured by local works used by district assessments	£13,500	0	0
Tolls on the Welland Canal when completed, exclusive of £5,000 for management and repairs	20,000	0	0
From other works	2,000	0	0
Duties on imports from the United States	13,000	0	0
Internal duties	8,000	0	0

New taxation required £56,500 0 0

£68,500 0 0

E.

Interest on present debt	£65,000	0	0
Permanent expenses of government	55,000	0	0

Revenues £120,000 0 0

78,000 0 0

£42,000 0 0

Showing a permanent deficiency of £42,000, awaiting the productiveness of public works or the increase of revenue from gradual improvement of resources.

The extraordinary expenses, amounting to about £15,000, arising from the late troubles, are excluded from this statement.

STATEMENT E.

UPPER CANADA.

STATEMENT of the Annual Amount of Rents paid to the Receiver-General, on account of Rents of Leased CLERGY RESERVES, from the 1st January, 1834, to 31st December, 1838, inclusive:

No. 5.
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Encl. 1, in No. 5.

Period.	Currency.		Sterling.	
	£.	s. d.	£.	s. d.
From 1st January } 1834 To 31st December, }	£ 3,124 9 4½	4,095 1 5½	£ 3,685 11 4	
From 1st January } 1835 To 31st December, }	£ 1,411 17 2 2,812 11 2½	4,224 8 4½	3,801 19 6½	
From 1st January } 1836 To 31st December, }	£ 1,325 19 11 1,053 3 6½	2,379 3 5½	2,141 5 1½	
From 1st January } 1837 To 31st December, }	£ 1,188 13 9½ 810 0 0	1,998 13 9½	1,798 16 5	
From 1st January } 1838 To 31st December, }	£ 427 7 11 651 8 3	1,078 16 4	970 16 8½	
		13,776 3 5	12,398 11 1½	

Enclosure 2, in No. 5.

Encl. 2, in No. 5.

No. 115F. AN ACT to authorize the issue of Bills of Credit.

This Bill reserved for the signification of Her Majesty's pleasure thereon on Saturday, the 11th day of May, 1839.

(Signed) R. A. TUCKER, Provincial Secretary.

Whereas from various causes not under the control of this Legislature, the present revenues of this province are insufficient to meet the current expenses during the present year, be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province, and by the authority of the same,'" That it shall and may be lawful for his Excellency the Lieutenant-Governor, by and with the advice of the Executive Council, to authorize Her Majesty's Receiver-General of this Province to issue Debentures or Bills on the credit of this Province, payable one year after date, at an interest of six per centum per annum, in such sums as the Receiver-General may think most convenient, not less than one pound; which notes shall be received in payment by the Receiver-General, as well as all other public accountants and public officers within this Province. Provided always that the whole amount thereof shall not exceed the sum of 250,000l.

"2. And be it further enacted by the authority aforesaid, That the interest accruing on such bills or notes shall cease while in the hands of all public accountants,

"3. And be it further enacted by the authority aforesaid, That the Receiver-General shall make a statement of all notes or bills issued by him, and of all expenses incurred in issuing said Bills to be laid before the Legislature at its next session.

"4. And be it further enacted by the authority aforesaid, That no portion of the bills of credit authorized to be issued by this Act shall be made use of for the purpose of completing any public work until the interest upon the sum advanced for any such public work shall be first paid."

Passed Commons House of Assembly,
Twenty-fifth day of April, 1839.

(Signed) ALLAN N. MACNAB, Speaker.

Legislative Council Chamber,
Tenth day of May, 1839.

(Signed) JONAS JONES, Speaker.

I reserve this Bill for the signification of Her Majesty's pleasure thereon.

(Signed) GEORGE ARTHUR, Lieutenant-Governor.

No. 5.
Sir Geo. Arthur
to the Marquis of
Normandy.
June 8, 1839.

Enclosure 3, in No. 5.

No. 1,153. AN ACT to afford further facilities to negotiate DEBENTURES for the completion of certain Works.

Encl. 3, in No. 5.

This Bill, reserved for the signification of Her Majesty's pleasure thereon, on Saturday, the 11th of May, 1839.

(Signed) R. A. TUCKER, Provincial Secretary.

WHEREAS it is expedient to finish certain of the public works now in progress in this province, be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of, an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America; and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for Her Majesty's Receiver-General, by and with the consent of the Lieutenant-Governor of this province in Council, to sell and dispose of the public debentures of this province, now authorized by law to be issued, to the best advantage, in order to realize the several sums hereby appropriated during the present year, viz., for finishing the Saint Lawrence Canal the sum of fifty thousand pounds; for building a ship-lock at Dunnville, and providing materials for the Welland Canal, the sum of fifteen thousand pounds; for the Grand River Navigation, the sum of twelve thousand five hundred pounds; for the Johnstown District Roads, the sum of five hundred pounds; for the Queenstown and Grimsby Roads, the sum of ten thousand five hundred and fifty-five pounds; for the road north of the city of Toronto, the sum of nine thousand pounds; for the road west of the city of Toronto, the sum of seven thousand pounds; for the road east of the city of Toronto, the sum of four thousand pounds; for the continuation of the improvement of the River Trent, the sum of twelve thousand pounds; for the Credit Harbour, the sum of seven hundred and fifty pounds.

II. And be it further enacted by the authority aforesaid, That the amount of the debentures required by this Act, now authorized to be issued for the construction of the foregoing works, payable in this province, shall be made payable in England, anything in any Act to the contrary in anywise notwithstanding.

Legislative Council Chamber, 10th day of May, 1839.

JONAS JONES, Speaker.

Commons House of Assembly, 10th day of May, 1839.

ALLAN N. MACNAB, Speaker.

I reserve this Bill for the signification of Her Majesty's pleasure thereon.

(Signed) G. O. ARTHUR, Lieutenant-Governor.

Enclosure 4, in No. 5.

No. 1,150. AN ACT to ascertain and provide for the payment of all just claims arising from the late Rebellion and Invasions of this Province.

This Bill reserved for the signification of Her Majesty's Pleasure thereon, on Saturday the 11th day of May, 1839.

R. A. TUCKER, Provincial Secretary.

Most Gracious Sovereign,

Encl. 4, in No. 5.

WHEREAS during the late unnatural rebellion, and on the several hostile invasions of, and lawless aggressions upon this province at various points by foreigners, and others from the United States of America, divers inhabitants of this province sustained much loss and damage by the destruction of their dwellings, and other buildings and property, and by the seizure and carrying away of their property by the rebels and invaders, and otherwise. And whereas other of the said inhabitants essentially contributed to the effectual defence of the province by capturing many of the rebels and invaders by advancing money, and supplying meat, drink, lodging, and clothing, and also conveyances for the militia forces, and otherwise, and by performing many important services in various ways, for which they have not hitherto been paid or satisfied, and their claims and demands are still outstanding. And whereas it is believed and confidently hoped, that the Imperial Parliament of Great Britain will eventually make good to this province all such of the above-mentioned claims and demands as have arisen, or result from or by reason of the aforesaid invasions and aggressions by foreigners from the United States, but inasmuch as serious and almost ruinous consequences will ensue to many of Her Majesty's subjects within this province, if the payment of their just claims and demands be postponed until the decision of the Imperial Parliament thereon be known, it is proper and expedient that all such claims and demands should be forthwith paid after the same have been ascertained in the manner hereinafter mentioned. We, your Majesty's dutiful and loyal subjects, the Commons of Upper Canada in Provincial Parliament assembled, therefore humbly beseech Your Majesty that it may be enacted, and be it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and

Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled "An Act for making more effectual provision for the Government of the province of Quebec in North America, and to make further provision for the Government of the said province," and by the authority of the same, that from and out of the rates and duties now raised, levied, and collected, or hereafter to be raised, levied, and collected, and in the hands of the Receiver-General of this province, and unappropriated, there to be granted to Her Majesty, her heirs and successors, a sum not exceeding the sum of 40,000*l.*, which said sum, not exceeding the said sum of 40,000*l.*, shall be appropriated, applied, and disposed of in the payment of all and every, and so many and such of the claims, or "sums allowed" in the third column of the Schedules hereinafter directed to be made out and delivered, or sent to the Lieutenant-Governor of this province by the Commissioners to be appointed under this Act, and the same shall be paid under the warrants of the Lieutenant-Governor as hereinafter provided.

No. 5.
Sir Geo. Arthur
to the Marquis of
Normanby.
June 8, 1839.

Encl. 4 in No. 5.

2. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Lieutenant-Governor of this province, as soon as may be after the passing of this Act, by several Commissions under the Great Seal of this province, to appoint three Commissioners for each district of this province, one of whom shall have been a resident for at least one year within the district, whose duty it shall be to inquire into the losses sustained by Her Majesty's subjects and other residents within this province, during and in consequence of the late rebellion and invasions, and also into the said several claims and demands which have accrued in respect thereof and in respect of any loss, destruction, or damage of property occasioned by violence on the part of brigands or pirates on the waters of the lakes or rivers dividing this province from the territories of the United States, and they or a majority of them shall ascertain, determine, and allow the amount thereof respectively.

3. And be it further enacted by the authority aforesaid, That the said Commissioners, before they enter upon the execution of their office, shall severally take an oath before any one of Her Majesty's justices of the peace (which he is hereby authorized to administer) to the following effect:—"I, *A. B.* do swear that, according to the best of my skill and judgment, I will faithfully, impartially, and honestly execute the duties imposed upon me under and by virtue of an Act, entitled "An Act to ascertain and provide for the payment of all just claims arising from the late rebellion and invasions of this province," without favour or affection, prejudice or partiality, to any person or persons whomsoever, so help me God."

4. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized to examine upon oath all persons whom they shall think fit to examine upon the several claims and demands which may, from time to time, come before them, and touching all such matters and things as shall be necessary for the execution of the powers vested in them by virtue of this Act, which oath shall be in the following form or to the following effect:—"You, *A. B.* do swear that the evidence which you shall give upon the matter now before us shall be the truth, the whole truth, and nothing but the truth, so help you God." And all persons whom they, or a majority of them, shall summon before them, are hereby directed and required personally to attend them, the said Commissioners, at such time and in such places as they shall from time to time appoint.

5. And be it further enacted by the authority aforesaid, That the said Commissioners are hereby authorized to meet and sit from time to time at such two several places, and at two places only (and for four days and for four days only), at each sitting in each district, as they shall think proper, and to send their precept or precepts under their hands for any person or persons whomsoever, and for such books, papers, and writings, as they may judge necessary for their information, or the execution of the powers vested in them by this Act.

6. And be it further enacted by the authority aforesaid, That a printed notice shall be published in the Upper Canada Gazette and in such newspapers in each district as the said Commissioners may respectively think fit, twice successively, and similar notices shall be posted or fixed up against the churches, meeting-houses, and principal taverns in each county, at least three weeks previous to the said Commissioners holding their first meeting, which notice shall be in the following form, or to the following effect:—

Public notice is hereby given, that we the undersigned Commissioners, appointed by his Excellency the Lieutenant-Governor to investigate all claims and demands against the Government of this province for losses, injuries, or otherwise arising out of the late rebellion and invasions of this province, will hold our first meeting at (naming the tavern or place), in the township of _____, in the county of _____, on the _____ the _____ day of _____ next, at 9 of the clock in the forenoon, and our second meeting at (naming the tavern or place), in the township of _____, in the county of _____

on _____ the _____ day of _____ next, at 9 of the clock in the forenoon, and we shall continue our sitting for three successive days at each place, and longer. All farmers, merchants, tavern-keepers, teamsters, and all other persons who have any claims upon the country, will punctually attend at the several places and times above-mentioned with their accounts, papers, and witnesses, to prove and substantiate the same, or in default thereof their claims will for ever thereafter be excluded and barred. Given under our hands this _____ day of _____ 1839.

A. B.
C. D. Commissioners:
E. F.

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 Sir Geo. Arthur
 to the Marquis of
 Normanby,
 June 8, 1839.
 Encl. 4, in No. 5.

7. And be it further enacted by the authority aforesaid, That in case any person, or persons upon examination upon oath before the said Commissioners, or a majority of them as before mentioned, shall wilfully and corruptly give false evidence, every such person so offending, and being duly convicted thereof, shall, and he and she is, and are hereby declared to be subject and liable to such pains and penalties as by any law now in force persons convicted of wilful and corrupt perjury are subject and liable to.

8. And be it further enacted by the authority aforesaid, That before the said several Commissioners shall finally close their sittings, they or any two of them shall make out a schedule of all claims examined and allowed or rejected by them in the following form, or as near thereto as may be, which said schedule shall be in duplicate and free from erasures or interlineations, and shall be signed by the said Commissioners, or any two of them. "We, the undersigned persons, appointed by his Excellency the Lieutenant-Governor to examine, inquire into, and allow or reject the claims or demands of the inhabitants of the county of _____ in the _____ district of this province, arising out of the late rebellion and invasions of this province, and having sat at (naming the tavern or place) in the township of _____ in the said county, on the _____ day of _____; and at (naming the tavern or place) in the township of _____ in the same county, on the _____ days of _____; and having carefully and diligently examined the undermentioned persons or their witnesses, and evidence touching their several claims as aforesaid, do allow such claims as we have not rejected altogether at the several sums set opposite the respective parties' names in the third column of the schedule hereunder written, that is to say—

Claimants' Names.	Sums claimed.	Sums allowed.	Rejected altogether.
A. B.	£. s. d.	£. s. d.	£. s. d.

"And we do hereby accordingly, by this writing under our hands, allow the above several sums to be due and payable to the several parties or persons opposite to whose names such sums are respectively entered as sums allowed in the third column of this schedule. As witness our hands this _____ day of _____ 18 _____"

Witness

Two Witnesses.

A. B.
 C. D. } Commissioners.
 E. F.

9. And be it further enacted by the authority aforesaid, that the said Commissioners, or any two of them, shall, as soon as possible after the determination of their sittings, examinations, and proceedings, under and by virtue of this Act, seal up and send to his Excellency the Lieutenant-Governor of this province one part of their schedule, and they shall deposit another part with the treasurer of the district, who is hereby required to accept and receive the same; and they shall retain in their possession all the evidence, papers, and vouchers taken by them; until the said several sums allowed shall be finally paid or settled, when such evidence, papers, and vouchers shall, on demand, be handed over to the parties entitled to receive the same; and the copy of the several schedules hereinbefore directed to be delivered to the Lieutenant-Governor, shall be by him laid before the Legislature of this province at the then next ensuing session of Parliament.

10. And be it further enacted by the authority aforesaid, that the said Commissioners shall be entitled to receive the sum of 20s. currency, and no more, for every day they shall be occupied in the travelling to, and returning from, and sitting at any place for the purpose of hearing and determining any matters under the provisions of this Act: Provided that in no case shall any Commissioner be allowed for more than fourteen days' occupation in any one district.

11. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the Lieutenant-Governor of this province, as soon as conveniently may be after he shall have received the aforesaid schedule, to issue his warrant or warrants, from time to time, to the said Receiver-General, for the payment of the fees due to the said Commissioners, and for the expenses of printing and publishing any notices or advertisements, or any other reasonable expenses that may be incurred in carrying the provisions of this Act into complete effect, and also for the payment of the several sums allowed to the several claimants in each district; and the said Receiver-General is hereby required thereupon, on demand, to pay to the said several claimants, or their attorneys lawfully constituted, the several sums in the third column in the said schedule, set opposite to their respective names, as sums allowed in and by such schedule; and the Receiver-General shall account to Her Majesty, her heirs and successors, for the same, through the Lords Commissioners of Her Majesty's Treasury, in such manner and form as Her Majesty, her heirs and successors, shall be graciously pleased to direct: Provided always, that any claims arising under this Act may be paid whenever the same shall be practicable, in the whole or in part, in any debentures or public bills of credit which

shall or may hereafter be issued in aid of the public service, and such debentures or bills of credit shall be a legal tender for the whole, or in part, of any such claims.

Commons House of Assembly, 8th day of May, 1839.

ALLAN N. MACNAB, Speaker.

Legislative Council Chamber, 10th day of May, 1839.

JONAS JONES, Speaker.

I reserve this Bill for the signification of Her Majesty's pleasure thereon.

GEO. ARTHUR, Lieutenant-Governor.

No. 5.
Sir. Geo. Arthur
to the Marquis of
Normanby.

June 8, 1839.

Encl. 4 in No. 5.

Enclosure 5, in No. 5.

No. 1152.—AN ACT to authorize the purchase of the private stock in the Welland Canal on the part of this province, and for other purposes therein mentioned.

This Bill reserved for the signification of Her Majesty's pleasure thereon, on Saturday the 11th day of May, 1839.

R. A. TUCKER, Provincial Secretary.

WHEREAS it is desirable to place under the exclusive control of the Government of this province the Welland Canal, and for that purpose to provide for the purchase from the private stockholders in that work the stock by them held, and which amounts to the sum of 117,800⁰⁰., be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the province of Upper Canada constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the 14th year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the province of Quebec in North America, and to make further provision for the Government of the said province'", and by the authority of the same, that, from and after the passing of this Act, it shall and may be lawful for Her Majesty's Receiver-General, upon an order to that effect from the Lieutenant-Governor of this province, to issue such number of debentures as may be required to the several stockholders in the Welland Canal, for a sum equal to the amount of the stock held by him or them, which debentures shall be made redeemable in 20 years from their date, and shall bear an interest of two per cent. per annum on the amount for which they may be issued for the first two years, three per cent. for the third year, four per cent. for the fourth year, five per cent. for the fifth year, and six per cent. for the sixth and following years, and which interest, as well as the principal sum, shall be chargeable upon, and payable out of the public revenues of this province.

Encl. 5 in No. 5.

2. And be it further enacted by the authority aforesaid, that whenever the tolls collected on the said canal shall annually amount to the sum of 30,000⁰⁰., it shall be lawful for the Lieutenant-Governor to authorize and direct the Receiver-General of the province to issue other debentures to the original stockholders, or their legal representatives, for such sum as will make up six per cent. interest upon the amount of stock by him subscribed and paid for, from the time the same shall have been actually paid in, up to the time of the issuing of the debentures in the first clause of this Act mentioned, which debentures shall be made payable in 20 years from the date thereof, and bear interest at the rate of six per cent., payable half-yearly out of the public revenues of the province.

3. Provided always, and be it further enacted by the authority aforesaid, that nothing herein contained shall be construed to compel any stockholder to accept debentures for the stock by him held as aforesaid, or, in case of refusal to take the same, to deprive him from being paid from the tolls and revenues of the said canal, according to the laws now existing having relation to the said canal.

4. And be it further enacted by the authority aforesaid, that so soon as the stockholders owning two-thirds of the stock in the said canal shall have signified their acceptance of debentures in lieu of stock, as hereinbefore provided, so much of the eighth clause of an Act, passed in the seventh year of the reign of His late Majesty King William IV., entitled "An Act for the permanent completion of the Welland Canal, and for other purposes therein mentioned," as authorizes the annual election of two directors by the private stockholders of the said Welland Canal Company, and as requires the election or appointment of more than three directors for the management of the stock, property, affairs and concerns of the said Welland Canal Company, be, and the same is hereby repealed, and that a majority of the three directors shall be a quorum for the transaction of business. Provided always that the Lieutenant-Governor shall have power and authority to appoint such directors or any of them annually at his discretion.

Commons House of Assembly, 6th day of May, 1839.

ALLEN N. MACNAB, Speaker.

Legislative Council Chamber, 9th day of May, 1839.

JONAS JONES, Speaker.

I reserve this Bill for the signification of Her Majesty's pleasure thereon.

GEORGE ARTHUR, Lieutenant-Governor.

No. 6.

(No. 134.)

Copy of a DESPATCH from Lieutenant-Governor Sir G. ARTHUR, K.C.H., to the Marquis of NORMANBY.

MY LORD,

Government House, Toronto, 8th June, 1839.

No. 6.
Sir Geo. Arthur
to the Marquis of
Normanby.
June 8, 1839.

In my despatch, No. 109, of the 14th ultimo, I did myself the honour to inform your Lordship that among the Bills passed during the recent session of the provincial legislature, to which the royal assent had been given, was one (No. 1165) providing for the appropriation of the funds intended for the use of the University of King's College, to the support of district grammar-schools.

I should have more correctly stated that the Bill provided for the appropriation of a portion of the funds; and in now transmitting a copy of the Bill, I beg to submit a few remarks respecting it; but to enable your Lordship the more distinctly to review the whole subject, it is first necessary that I should take a brief retrospect of previous circumstances having reference thereto.

In compliance with the prayer of a joint address from the provincial legislature, presented in 1797, the King was pleased to direct that a portion of the waste lands of the Crown in Upper Canada should be set apart for the endowment of grammar-schools, and, in process of time, also of a university; under which authority the local government assigned, for these purposes, in the year following, 12 townships, comprising, after the necessary deductions for Crown and clergy reserves, about 549,217 acres.

In consequence of these lands not having proved immediately available, a temporary Act was passed by the provincial legislature in 1807, and made permanent in 1808, and amended in 1820, providing for the establishment of a school, answering to a grammar-school, in each district, and for the annual payment of 100*l.* from provincial funds to the master appointed to conduct it.

These schools, termed "District Schools," in no wise interfered with the object of the general endowment, being irrespective of it, and meant to provide for the pressing wants of the community in the absence of greater means of affording instruction; they were subject to certain regulations, and were placed under the direction of trustees nominated by the Lieutenant-Governor.

Twelve of such schools are now in operation, and a thirteenth is about to be commenced in the Talbot district.

With the exception of an annual sum of 250*l.* being granted by province statute, to every district, for the support of common schools, things appear to have remained in much the same state, in regard to the provision for education, until 1823; about which period the Secretary of State authorized the formation of a General Board of Education for the management of the lands set apart for the purposes of education.

This Board continued to exist until 1832, when its functions ceased, and the lands under its management were re-invested in the Crown, in consequence of the King having been pleased to accede to the request contained in an address from the House of Assembly, that the sums arising from the sale of that portion of the school lands which had not been already alienated, might be paid into the hands of the Receiver-General, to be applied in the promotion of education, in such manner as the Legislature should direct. The rents accruing from any school lands already leased, were also to be similarly disposed of.

Under the auspices of this Board, the question of establishing the proposed university had been brought forward; and it being determined to effect, if possible, that object, as a preliminary step, a royal charter was applied for and granted.

In addition to this mark of favour, as the remote situation of the school townships rendered the lands thereof of comparatively little value, the King munificently resumed about 225,944 acres out of them, alienating, as an equivalent, to the cor-

poration of the university, the like quantity of Crown reserves, mostly under lease, in old settled townships where the lands bore a great value.

But the proceedings, thus favourably commenced, for the establishment of the university, were here arrested. The royal charter which had been granted to it was found too exclusive in its character to be generally acceptable to the community; so much so, that the King was petitioned by the Legislature to replace it by another which should be more suited to the existing want.

Though declining to recommend this course, which they considered open to objection, yet influenced by an earnest desire to meet the wishes of the Canadian people, Her Majesty's Government empowered the provincial legislature to amend the charter according to their own discretion; but it was not before the lapse of several sessions, or before much discussion in both Houses, that they could come to any understanding on the subject.

They finally, however, passed a Bill on the 4th March, 1837, which received Her present Majesty's assent soon after her accession.

The clauses in the royal charter chiefly objected to, appear to have been those relating to the religious tests required of the college council and professors, and the nomination of the Archdeacon of York as president *ex officio*.

In the above interval of time, other plans for the more effectual advancement of education had been suggested and carried into effect; the practical operation of which, combined with other circumstances, has still further retarded the erection of the university, and left indeed the whole project in a state of complete abeyance.

Soon after Sir John Colborne assumed this government, his attention became directed to the state of education in the province; and, as the theme had long been a favourite one with him, he applied himself with vigour to the task of effecting such ameliorations in a defective system as were in his power.

After encountering much difficulty, his zeal and perseverance were rewarded by the establishment of the institution known as "Upper Canada College;" and which, as a seminary, answering in its model to superior grammar schools in England, has conferred, and continues to confer, inestimable benefit upon the country; although its establishment in the capital has given rise to local jealousies; and opinions are entertained that the benefits of the seminary ought in justice to have been distributed by the improvement of the country schools at its expense.

This institution superseded the endowed Royal Grammar School,—which was also a district school,—that had previously existed at Toronto; and the proceeds arising from the sale of the land whereon the one had stood, partly contributed to defray the expense of erecting the buildings requisite for the other.

Sir John Colborne assigned, with the after-approbation of His Majesty's Government, a very eligible location at the west end of Toronto, as the site of this new college, and endowed it with some town lands. About 66,000 acres were also granted to it, as a further endowment, from the residue of the general school lands; and by means of the aggregate funds that were expected to accrue from these sources, and from the fees payable by the students, it was hoped that a sufficient income would be derived for the proper maintenance of the establishment.

This expectation, however, has not been realized; for, owing to the difficulty of disposing advantageously of the bulk of the assigned lands, the whole revenue has fallen far short of the expenditure, and the college has, in consequence, become largely indebted to the endowment of the university, from whose funds the deficiency has been from time to time supplied. It is, indeed, evident that but for this resource, the college must have succumbed beneath the pressure of its pecuniary difficulties.

This part of the case will be best explained to your Lordship by an inspection of the accompanying printed statement, containing an abstract of the fiscal transactions, both of the college and the university, which I caused to be prepared up to the 31st of December last, for the information of the House of Assembly, on an application to that effect.

Your Lordship will remark, that Upper Canada College, by being first in operation, has insensibly reaped the benefits that were reserved for the university, whose advances towards its construction and maintenance have no chance of being reimbursed, until the lands forming the college endowment shall become more valuable. Such reimbursement, however, would, after all, be merely nominal; since, by a clause of the Provincial Act amending the university charter, Upper Canada College has been incorporated with, and forms an appendage to the univer-

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sity; so that, practically, the benefits accruing from the respective endowments assigned to each, would, in a manner, be common to both.

As regards the origin and progress of Upper Canada College, which was opened for the purposes of tuition on the 4th of January, 1830, your Lordship will derive the fullest information on reference to the enclosures of Sir John Colborne's despatch, No. 12, of the 30th of March, 1831, addressed to Viscount Goderich.

From what has preceded, it will be seen that, of the original grant of 549,217 acres, set apart for the advancement of education, there have been,—

Resumed by the Crown, in lieu of scattered reserves assigned to the university	ACRES. 225,944
Resumed by the Crown, in lieu of assignment to Upper Canada College	66,000
Apparently left disposable for the purposes of schools	257,273
Total	<u>549,217</u>

From the printed statement, it will be further seen, that of the lands constituting the university and the college endowments, there have been sold the respective quantities of 93,737½, and 17,388 acres, leaving, in the one case, a residue of 132,206½, and in the other, of 48,612 acres.

I have no present means of judging how the school lands have been dealt with, beyond the evidence afforded by Sir John Colborne's correspondence with the Secretary of State, that about 17,273 acres of them were appropriated to surveyors for surveying, (that is, in lieu of a money-payment for their labour and disbursements for provisions and wages of chain-bearers, &c.); and about 12,000 acres sold by the General Board of Education; which aggregate would reduce the actual quantity available, to 228,000 acres.

There can be no doubt that the proceeds of the quantity sold by the Board were applied to their legitimate object, but I have no particulars of the appropriation.

The printed abstract of accounts would show the state of the university endowment fund to be as follows:—

Aggregate amount of actual sales of lands	£. s. d. 100,809 18 6
Gross amount received on account thereof	53,224 14 7
Amount remaining to be realized	<u>47,585 3 11</u>
Amount of debt due by Upper Canada College	33,944 9 0
Value of debentures, stock, &c.	15,237 10 0
Cash balance, 31st Dec. 1838.	8,368 2 4
Outstanding balance	<u>57,550 1 4</u>
Aggregate fund	<u>£105,135 5 3</u>

Assuming all the assets to be available, this statement would exhibit an increase of a fraction more than eight per centum upon the original amount of capital employed: but, as before-mentioned, the amount borrowed for the use of Upper Canada College cannot be considered, under existing circumstances, other than as a positive alienation, though the college lands are in fact liable.

Having laid this summary before your Lordship, I proceed to consider the act of the recent session, intitled, "An Act to provide for the Advancement of Education in this Province."

The preamble states, "that the advancement of education will be better promoted by devoting a portion of the annual revenues of the University of King's College to the support of Upper Canada College and Grammar Schools for several years to come, than by the erection of a university, in the present state of education

in the province;" "that Upper Canada College, with some changes, easily effected, would afford sufficient accommodation to the public, as a provincial seat of learning, until it should be deemed requisite to erect the university."

By the first clause, the district schools, of which I have already spoken, are declared to be grammar-schools, coming within the scope of the Act.

By the second, the Lieutenant-Governor is empowered to appoint a board of trustees to each grammar-school, to be entrusted with the general superintendence of its affairs.

By the third, the monies arising from the sale of school lands are to be invested in provincial debentures bearing interest, and the proceeds paid into the hands of the Receiver-General, subject to the control of the council of the University of King's College.

By the fourth, the Lieutenant-Governor is empowered to set apart 250,000 acres of waste lands, to be sold, and the proceeds thereof applied to the use of grammar-schools in the manner before stated.

By the fifth, a sum not exceeding 100% per annum may be advanced to the board of trustees for the support of each grammar-school; and should this prove inadequate, the council of King's College (the University) are authorized to supply the deficiency. A proviso restricts the operation of this clause to the appropriation of the interest or rents of the property of the university.

By the sixth, the college council may appropriate to Upper Canada College one moiety of the revenues of the university, until the university be erected.

By the seventh, the sum of 200% may be applied to the erection of a school-house in each district, provided that a like sum shall be contributed thereto by the inhabitants.

By the eighth, the Lieutenant-Governor is empowered to apply annually a sum of 100% for the use and support of two other schools than the one in the town, where the Court-house is situated; a proviso being added, authorizing the extension of this aid to four such extra schools (including the two in question), if deemed expedient by the college council.

By the ninth, the college council is empowered to frame all rules and regulations for the government of all schools contemplated by the Act.

By the tenth and last clause, it is enjoined that an account of all receipts and expenditure under the Act shall be rendered annually to the Lieutenant-Governor, to be laid before the Legislature.

The laudable objects which this Act was intended to promote, and its popularity both within and without the walls of the Legislature, determined me not to withhold my assent to it, as I should have been fully justified in doing, considering that it contravened to an extent the design of a special endowment made by the Crown, and effected important changes which, in strict propriety, should have originated in Her Majesty's Government instead of the Provincial Parliament.

I was, besides, the more induced to acquiesce in the views of the Legislature, as expressed and understood, from a belief that it was the desire of Her Majesty's Government to defer as much as possible to their wishes on all questions affecting the appropriation of funds arising from endowments for the purposes of education.

I gather, indeed, from the general tenour of the despatches on this subject addressed to Sir John Colborne by your Lordship's official predecessors, an intimation of the policy which he was expected to pursue in such matters: and I have thought that, by adopting that line of policy, I could not greatly err.

In a despatch from Lord Goderich, marked "confidential," of the 5th of July, 1832, I discover a distinct recognition of the claim of the Provincial Legislature to exercise the management of the territorial grants assigned for the purposes of education, it being assumed, from their having in questions of this nature the deepest share of interest, that they are therefore the most competent to judge of what is best adapted to the progressive wants and wishes of the community which they represent.

In stating the reasons which had induced him to recommend to His Majesty the transfer of the control of the school funds from the General Board of Education to the Provincial Legislature, Lord Goderich observes, "that when a change of this nature is desired by the inhabitants themselves, and is called for by an address from their representatives, he is of opinion that, if there were nothing else to be considered than the accomplishment of the immediate object, it would be desirable to comply with wishes which have been so expressed.

Beyond enjoining, therefore, that the funds of the endowment thus placed at the

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Sir Geo. Arthur
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control of the Provincial Legislature should not be diverted from their governing object—the promotion of education—Lord Goderich did not think it expedient to prescribe any set regulations for the practical application of those funds; his Lordship observing, that it would be worse than useless to destroy the grace of the concession which had been made by attempting to clog it with objectionable conditions.

Believing that these arguments apply with equal, if not, indeed, with greater force, in the present instance, although the respective cases be not quite analogous, I have not hesitated to adduce them in implied support of the Act which has been passed, and is now brought under your Lordship's notice.

So long as means were wanting to confer elementary instruction commensurable with the increasing demands of the community, it is scarcely surprising that the prior formation of a metropolitan seat of learning, of necessity exclusive to the many, should have been viewed with disfavour, not to say jealousy, by those even, who, under more propitious circumstances, would have been well satisfied to see it in active operation.

It has certainly appeared to me that the concentration of means accruing from a productive endowment, on a seminary beneficial only to the few, when the elementary schools, owing to the present unproductiveness of their endowment, from causes beyond control, were in a state of comparative destitution, was a proceeding not only inverting the order of the entire scheme, but eminently calculated to create a very invidious and dissatisfied feeling on the part of a large portion of the community.

Still such feeling might be carried to too great a length, as appears, indeed to have been the case on various occasions when public attention has been directed to a consideration of the means of promoting education.

I have the honour to enclose a pamphlet, lately published by order of the House of Assembly, containing an abstract of the proceedings of the Provincial Legislature during the years 1831, 1832, and 1833, on the subject of the lands set apart for the purposes of education.

In April, 1834, Sir John Colborne transmitted to the Secretary of State an address from the House of Assembly, praying that either all the lands set apart in Upper Canada for the advancement of education, might be restored; or if that were impracticable with respect to lands granted to individuals, that an equivalent appropriation might be made in lieu of the portion thus subtracted.

I gather from Lord Aberdeen's despatch, No. 5, of the 7th. of January, 1835, written in reply to Sir John Colborn's communication, that this address raised three questions:—first, whether the estates reserved for the purposes of education had been improperly diminished; secondly, whether the part allotted to the University of King's College was disproportionate to the whole; thirdly, whether such exchanges as had been from time to time effected of the original lands, had proved disadvantageous to the interests of the endowment.

The first and last points Lord Aberdeen disposed of very satisfactorily by showing that the Assembly laboured under a misconception in regard to the extent of the original grant, and adducing various circumstances in proof that such exchanges of lots as had been effected were, upon the whole, beneficial to the endowment, and that few or no absolute and uncompensated deductions had been made.

On the second point his Lordship deferred expressing any definite opinion, because the amendments to the University Charter being then under the consideration of the Provincial Legislature, he thought it would be premature to form a judgment on the suitable endowment of an institution, whereof the nature and probable extent could not be deemed finally determined.

Under these circumstances his Lordship contented himself with remarking, that whatever difference of opinion might exist as to the *appropriate share* to be devoted to the purpose, there could be no doubt that the allotment of *some* of the reserves for education to a university was strictly conformable with the objects of the endowment, and that to *exhaust the entire amount* of the estate in the enrichment of district schools, would contravene the designs of those by whom the property was first set apart.

I do not doubt that your Lordship will concur in the inference which I draw from these observations, that the Earl of Aberdeen would not have denied to the Provincial Legislature the exercise of the power they have now assumed in passing the present Act, since it contemplates not the exhaustion of the estate appertain-

ing to the University, but merely the provisional appropriation of a portion of the revenues arising from it.

I think, therefore, that the Legislature have judged wisely, and have studied the real interests of the community which they represent, in preferring, as they could not at present combine all the objects of the educational endowment, to concentrate the limited means immediately available, on one fundamental object, rather than to neutralize them by an untimely division among many; in resolving, in short, to divert temporarily those means from their legitimate channel, until, when so required, they could again flow into it, through another source, in lieu of allowing them to remain stagnant, when their circulation might be productive of great moral benefit to the mass of the community.

Nevertheless, my Lord, I would not wish your Lordship so to interpret the foregoing observations as to conclude that, viewed in itself, I am in any way opposed to the establishment of the intended University; since, on the contrary, I consider that such an institution would be productive of very great benefit, more particularly as regards the faculties of law and medicine, if it could once be fairly put in operation. My arguments, deduced mainly, as they are, from the various documents bearing on the question that I have had occasion to inspect, must be considered as essentially applying to the expediency of the case which has been under examination; and I especially desire to state that, while on the one hand I am deeply impressed with the importance of placing the elementary schools of the province on an efficient footing, on the other I am no less sensible of the serious inconvenience which is occasioned to many of the provincial youth, from the non-existence of a superior seminary, wherein professional instruction and degrees may be obtained.

I fear, indeed, that the imperfect institution for which this Bill provides, will but ill supply—notwithstanding what is stated in its preamble—the place of the University, as at first contemplated; and I can only, therefore, hope that the present measure, urged as it is by so many high and important considerations, may not have the effect of deferring, to a late and indefinite period, the establishment of a respectable University.

For any further information than that which I have furnished on the subject generally, of the state of education in Upper Canada, and the means taken to promote it on a systematic plan, I have the honour to refer your Lordship to the correspondence in relation to those topics which has passed between the Colonial Office and this Government, in the interval from 1823 to 1837. From the latter year until the recent session, the circumstances of the country have diverted the attention of the Legislature from a further consideration of the matter, which was at length revived by the absolute necessity that existed for their intervention.

I could have well wished, my Lord, that coeval with the arrangements which have been made, it had been possible to effect some amelioration, both as to means and ends, in regard to the common schools, which, as I had the honour to inform Lord Glenelg in my despatch No. 111, of the 18th of December last, enclosing a communication on the same subject from the Bishop of Montreal, were in a lamentably inefficient state.

The despatch regarding common schools, referred to in the one just quoted, as having been addressed by me to your Lordship's predecessor, and respecting which inquiry was made in Lord Glenelg's despatch No. 209, of the 7th of February, was never forwarded; and as I am at present unable to say that my own mind is definitely made up on the subject to which it refers, I must beg that your Lordship will consider it as withdrawn.

At an early period I shall take occasion to address your Lordship again respecting the schools, and I have now entered into so much detail, because I intend to follow up my inquiries into education generally, which is in a lamentable state, and to propose such measures as I anxiously hope may tend to the improvement and welfare of the lower classes throughout the province.

With this view I have, as Chancellor of the University, caused a most searching inquiry to be made into all its affairs.

I have the honour to be, my Lord,

Your Lordship's most obedient humble Servant,

GEO. ARTHUR.

No. 6.
Sir Geo. Arthur
to the Marquis of
Normandy.
June 8, 1839.

No. 6.
Sir Geo. Arthur
to the Marquis of
Normanby.
June 8, 1839.

Enclosure 1, in No. 6.

Letter from Bursar of King's College, transmitting Abstracts of Accounts of King's College and Upper Canada College, for 1836, 1837, and 1838.

SIR,

King's College Office, April 16th, 1839.

I HAVE the honour herewith to transmit to you a part of the returns which, by direction of his Excellency the Lieutenant-Governor, I was required to furnish in compliance with an address from the House of Assembly. These now sent are as follows:—

Three annual Abstracts of the General Account Current of the Bursar's Receipts and Payments on account of King's College for the years 1836, 1837, and 1838.

Three ditto for the same period on account of Upper Canada College.

N.B.—Those for preceding years have long since been laid before the House of Assembly, and are recorded in their journals.

Also, a Return of the amount of Government Debentures, Bank Stock, and notes of individuals bearing interest.

The other return called for in the said address respecting the sale of lands belonging to the two Colleges, and the average price per acre, I shall have the honour of transmitting tomorrow or next day, and I hope to be pardoned for the delay on account of my anxiety that the return should be correct, and as I have to retrace a period of upwards of 10 years, it may be imagined that it requires a very laborious investigation to render it so.

I have the honour to be, Sir,

Your most obedient humble servant,

JOSEPH WELLS,

Bursar of King's College.

Hon. John Macaulay,
Civil Secretary, &c. &c. &c.

ABSTRACT OF THE BURSAR'S GENERAL ACCOUNT CURRENT WITH KING'S COLLEGE FOR THE YEAR 1836.

1836.	Dr.	£.	s.	d.	1836.	Cr.	£.	s.	d.
	To balance from last year's abstract, as laid before the House of Assembly in the Session of 1836	3,029	10	0		By the Desjardins Canal Company:—			
From Jan. 1 to Dec. 31.	To aggregate amount of rent received on leased lots of land:— For the half-year ending June 30. £672 14 8 Ditto, ditto, Dec. 31, 560 5 5				From Jan. 1 to Dec. 31:	Jan. 2. A payment of the premium and interest on the purchase of five Government debentures from them of £200 each, No. 10 to 14, the loan upon which was charged in the last year's abstract	12	19	7
	To aggregate amount of first payments received on account of sales of land during the year:— For the half-year ending June 30. £313 9 9 Ditto, ditto, Dec. 31, 556 6 3	1,233	0	3		By sums advanced as a further loan to the said Company which have since been paid by Government debentures:— February 18. £200 0 0 March 21 200 0 0	400	0	0
	To aggregate amount of sums received on account of subsequent instalments on former sales:— For the half-year ending June 30. £2513 8 3 Do. do., Dec. 31, 2,415 12 9	1,369	16	0		March 29. By a payment to the said Company of the balance of the premium and interest on two Government debentures of £200 each, Nos. 15 and 16, which latter repaid the two sums advanced as above	6	5	2
	To aggregate amount of sums received on account of interest on subsequent payments:— For the half-year ending June 30. £597 19 10 Do. do., Dec. 31. 770 17 3	4,029	1	0		Sept. 16. By a payment to the said Company for the purchase of a Government debenture, No. 17, for £600 at two per cent. premium. £12 0 0	612	0	0
		1,368	17	1		October 21. By a sum advanced on a loan to the said Company, to be repaid by Government debentures	1,000	0	0
	Amount carried forward	12,530	4	2		Amount carried forward	2,031	4	9

ABSTRACT—continued.

1836.		£.	s.	d.	1836.		£.	s.	d.
	<i>Dr.</i>					<i>Cr.</i>			
	Brought forward.	12,530	4	2		Brought forward—Total amount of payments to the Desjardins Canal Company in the year 1836	2,031	4	9
From Jan. 1 to Dec. 31.	To aggregate amount of dividends received on 20 shares of bank stock:—					By a sum advanced on loan to the Hon. and Venerable Archdeacon Strachan, which was afterwards sanctioned by the College council, as a part of a loan for £5,250, which was agreed to be advanced to him upon the security of approved notes of hand, and indorsed by himself			
	For the half-year ending 1st January.	£10	0	0		By Robert Stanton, for two accounts for books, stationery, parchment deeds, blank indentures and leases, and also for advertising in the years 1834 and 1835, which were not before sent in for payment, as the amounts were then intended as payments on land:—	1,000	0	0
	Ditto, ditto, 1st July.	10	0	0		For the year 1834, £21.7s.1d.; for do. 1835, £33.10s.3d.	£59	17	4
	To aggregate amount of interest received on a loan of £1000 to the Hon. and Venerable Archdeacon Strachan:—					Deduct part charged to U. Can. College	10	0	0
	For the half-year ending 30th June.	£30	0	0					
	Ditto, ditto, 31st Dec.	30	0	0		By the total amount of sundry periodical issues to Mr. J. Wedd as overseer of the college grounds; to pay wages to labourers, and for teams employed in improvements upon the same. Vide Appendix for an enumeration of the several payments.	£285	10	1
	To sundry amounts of interest received on sundry Government debentures:—					Jan. 19, paid J. Harper for carpenter's work on gates, fences, &c.	8	19	10
	May 20, half-year's interest on two of £1000, Nos. 8 and 9, to s. April.	£60	0	0		March 1, paid Prince and Sons, of New York, for trees, shrubs, &c.	10	2	5
	June 30, do. do. on one of £1000, No. 7, to 1st July.	30	0	0		Nov. 8, paid do. do.	13	5	0
	Sept. 17, do. do. on five of £200, Nos. 10 to 14, to 1st July.	30	0	0		Paid James Brown, wharfinger, for freight, wharfage, &c. for do.	1	10	6
	Nov. 30, do. do. on two of £1000, Nos. 8 and 9, to 1st October.	60	0	0			319	7	10
	Nov. 30, do. do. on two of £200, Nos. 15 and 16, to 1st October.	12	0	0		Deduct from this expenditure the following sums received:			
	Dec. 19, do. do. on one of £1000, No. 7, to 1st January.	30	0	0		Jan. 24. From Mr. John Wedd, on the sale of 608 bushels of barley, at 2s. 3d.	£68	7	10
		222	0	0		From Mr. Grant Powell, for shrubs charged in the account of Prince and Sons.	5	17	6
							74	5	4
							£245	2	6
	Amount carried forward	12,832	4	2		Amount carried forward	3,081	2	1

ABSTRACT—continued.

1886.	Dr. Brought forward	£. s. d. 12,832 4 2	18 83	Cr.	£. s. d.
From Jan. 1 to Dec. 31.			From Jan. 1 to Dec. 31.	Amounts brought forward £245 2 6 3,081 2 1 Paid quarterly to Mr. John Wedd, as overseer of the College grounds, his salary of 5s. per day, which for this year (being leap year) is £91 10 0 Deduct a proportion charged to Upper Canada College, by order of the Council for his occasional services on the grounds belonging to it 6 5 0 <u>85 5 0</u>	
				Balance of expenditure upon the College grounds 330 7 6 By T. D. Harrington, two payments of £12. 10s. and £10. 6s., for services as an extra copying clerk, to prepare voluminous returns for several years past, as called for by the House of Assembly, regarding both Colleges £22 16 0 Deduct part charged to the U. C. College, 10 6 0 <u>12 10 0</u>	
				By amount of payments of the annual salaries:— Lieut.-Col. Wells, registrar and bursar. £300 0 0 Mr. E. J. Ridout, senior clerk 150 0 0 Mr. H. Hawkins, junior do. and messenger 75 0 0 <u>525 0 0</u>	
				By sundry payments for the contingencies of the office:— One year's rent for the office £40 0 0 One year's assessment 2 2 6 James Stewart, for 42 cords of wood for the winter 1835, at 11s. 10d. 24 18 9 John Harper, for carpenter's work 3 1 3 Jacques and Hay, for a book case 6 1 6	
				Henry Rowell, for books & stationery 13 17 3 Robert Stanton, for do. also for parchment deeds of sale, blank indentures, leases, and printing 37 8 10 Postages during the year 6 15 9 Small expenditures, as per petty cash-book 8 16 10	
	Amount carried forward	12,832 4 2		Amount carried forward	3,948 19 7

ABSTRACT—continued.

1836.	Dr.	£.	s.	d.	1836.	Cr.	£.	s.	d.		
	Brought forward	12,832	4	2		Brought forward	3,948	19	7		
From Jan. 1 to Dec. 31.					From Jan. 1 to Dec. 31.	J. E. Ridout, 2 payments for 64 cords of wood laid in for the winter of 1836, at 11s. 10½d.	38	0	0		
									181	2	8
						By balance of sums received and paid on account of Upper Canada College, as per separate abstract, and which is to be added to the former debt to the 31st December, 1835.					
						Vide Memorandum below*	1,408	14	5		
						By balance carried forward to the next year's abstract	5,538	16	8		
							7,293	7	6		
		12,832	4	2			12,832	4	2		

Errors Excepted.

* Memorandum referred to above.

JOS. WELLS,
BURSAR.

Total amount of debt due from Upper Canada College to 31st December, 1835, as per abstract laid before the Legislature in the Session of 1836 £29,215 10 6
Add the balance of receipts, and expenditure for the year ending 31st December, 1836, as above 1,408 14 5

Appendix referred to in the Abstract for 1836.

PAYMENTS TO MR. J. WEBB, FOR LABOUR ON THE COLLEGE GROUNDS.

Total amount of debt to King's College to 31st December, 1836 30,624 4 11

1836.	£.	s.	d.	1836.	£.	s.	d.
January 2	2	5	0	Brought up	135	5	0
" 9	9	14	0	July 16	10	0	7
" 15	5	14	0	" 23	6	15	0
" 23	5	4	0	" 30	6	7	6
" 30	2	14	0	August 6	8	1	3
Feb. 6	4	19	0	" 13	7	2	6
March 12	3	0	0	" 20	6	13	1
April 2	2	15	0	" 26	6	11	3
" 9	3	18	0	Sept. 3	6	15	0
" 16	3	2	0	" 10	8	1	3
" 23	3	6	6	" 17	8	2	8
" 30	4	5	6	" 24	6	7	6
May 7	6	15	0	October 1	8	5	0
" 14	10	19	4	" 8	6	16	10
" 21	11	1	3	" 15	7	19	5
" 28	7	4	4	" 22	6	11	3
June 4	7	15	8	" 29	6	7	6
" 11	8	18	2	Nov. 5	8	2	6
" 18	7	6	3	" 12	8	2	8
" 25	6	11	3	" 19	8	8	9
July 2	8	16	3	" 26	5	8	9
" 9	9	0	0	Dec. 3	3	0	0
				" 24	2	5	0
Carried up	135	5	0		285	10	1

ABSTRACT OF THE BURSAR'S GENERAL ACCOUNT CURRENT WITH KING'S COLLEGE
FOR THE YEAR 1897.

1897.	Dr.	£.	s.	d.	1897.	Cr.	£.	s.	d.
	To balance from last year's abstract	293	7	6		By the Desjardins Canal Company, further sums advanced on loan, to be repaid by Government Debentures:—			
From Jan. 1 to Dec. 31.	To aggregate amount of rents received on leased lots of land:— For the half year ending June 30. £806 13 10 Do. do. Dec. 31. 193 9 4				From Jan. 1 to Dec. 31.	May 26 . . . £1,770 0 0 " 27 . . . 680 0 0 July 6 . . . 600 0 0 " 22 . . . 400 0 0 " 27 . . . 600 0 0			
	To aggregate amount of first payments received on account of sales of land during the year:— For the half year ending June 30. £842 15 6 Do. do. Dec. 31. 436 6 6	1,000	3	2			4,000	0	0
	To aggregate amount of sums received on account of subsequent instalments on former sales:— For the half year ending June 30. £3,850 9 10 Do. do. Dec. 31. 1,313 0 0	1,279	2	0		This amount, together with a former loan of £1,000, which was charged in last year's abstract, has been since paid by Government debentures, viz.— Four of £500 each, Nos. 386 to 389 £2,000 0 0 Seven of £200 each, Nos. 390 to 396 1,400 0 0 Eight of £200 each, Nos. 406 to 413 1,600 0 0			
	To aggregate amount of sums received on account of interest on subsequent payments:— For the half year ending June 30. £1,039 8 9 Do. do. Dec. 31. 397 11 2	5,163	9	10		£5,000 0 0 By the Honourable and Venerable Archdeacon Strachan, two further advances on a loan of £5,250, on approved notes of hand, sanctioned by the College Council:— January 9 . . . £2,000 0 0 February 21 . . . 2,250 0 0			4,250 0 0
	To aggregate amount of dividends received on 20 shares of Bank stock:— For the half year ending Jan. 1. £10 0 0 Do. do. July 1. 10 0 0	1,436	19	11					
	To two amounts of interest received from the Desjardins Canal Company on loan advanced:— May 30, seven month's interest on £1,000. £35 0 0 August 18, interest for broken period on £1,600 3 17 7	20	0	0		By the total amount of sundry periodical issues to Mr. J. Wedd, as overseer of the College grounds, to pay wages to labourers, and for teams employed in improvements upon the same, including the Macadamizing a cross road from Yonge street: £668 4 10 (Vide Appendix for an enumeration of payments). January 28, J. Harper, for carpenter's work on the grounds 40 0 0 May 27, J. Chilvers, for a large iron grate for drain 5 8 9 November 4, J. Harper, for carpenter's work 11 13 7			
	To sundry amounts of interest received on sundry Government Debentures:— Feb. 3, half year's interest on five of £200, Nos. 10 to 14, to January 1. £30 0 0 March 31, do. do. on two of £1,000, Nos. 8 and 9, to April 1. £60 0 0 March 31, do. do. on two of £200, Nos. 15 & 16, to April 1. £12 0 0 March 31, do. do. on one of £680, No. 17, to March 16. £18 0 0 June 30, do. do. on one of £1,000, No. 7, to July 1. £30 0 0 August 15, do. do. on five of £200, Nos. 10 to 14, to July 1. £30 0 0	38	17	7		£725 7 2 Deduct from this expenditure a sum received from Mr. John Wedd for 50 cords of wood at 6s. 3d. 15 12 6			
	Amount carried forward. £160 0 0	16,282	0	0		Amount carried forward. £709 14 8	8,250	0	0

ABSTRACT—continued.

1897.	Dr.	£.	s.	d.	£.	s.	d.	1897.	Cr.	£.	s.	d.	£.	s.	d.
	Brought forward	180	0	0	16,232	0	0		Brought forward	709	14	8	8,250	0	0
From Jan. 1 to Dec. 31.	Sept. 25, half-year's interest on one of £600, No. 17, to Sept. 16	18	0	0				From Jan. 1 to Dec. 31.	Paid quarterly to Mr. John Wedd, overseer of the College grounds, his salary at 5s. per day . . . £91 5 0						
	Nov. 18, do. do. on two of £1,000, Nos. 8 and 9, to Oct. 1	60	0	0					Deduct a proportion charged to U. C. College for his occasional services on the grounds belonging to it . . . 6 5 0						
	Nov. 18, do. do. on two of £200, Nos. 15 and 16, to Oct. 1	12	0	0					<u>85 0 0</u>				794	14	8
	Nov. 28, do. do. on four of £500, Nos. 386 to 389, to Nov. 26	60	0	0					By two payments directed by Dr. Widmer, authorized by the College Council:—						
	Nov. 28, do. do. on seven of £200, Nos. 390 to 396, to Nov. 26	42	0	0					April 24, Nelson Cook; for an oil painting of an amputated leg £4 0 0						
	Dec. 30, do. do. one of £1,000, No. 7, to Jan. 1	30	0	0	402	0	0		May 6, Becket and Co. for sundry articles for surgical preparations 1 7 3				5	7	3
									By Mr. John Radenhurst, two payments for descriptions of lots deeded in fee simple:—						
									May 26, for 56 at 2s. 6d. . . . £7 0 0						
									August 22, for 44 at 2s. 6d. . . . 5 10 0						
									<u>12 10 0</u>						
									Deduct 11. charged to Upper Canada College . . . 1 7 6				11	2	6
									By the amount of payments of the annual salaries:—						
									The Honourable and Venerable Archdeacon Strachan, as president of the university £250 sterling £277. 15 6						
									Lieut.-Colonel Wells, registrar and bursar . . . 300 0 0						
									Mr. J. E. Ridout, senior clerk . . . 150 0 0						
									Mr. H. Hawkins, junior do., &c. &c. 75 0 0						
									Mr. Thomas Young, architect for the proposed buildings eight months, from May 1 to Dec. 31, at £200 per annum . . . 133 6 8				936	2	2
									By sundry payments for the contingencies of the office:—						
									One year's rent for the old office . . . 40 0 0						
									Three months do. for the new office, to September 1 . . . 12 10 0						
									John Harper, for carpenter's work . . . 1 8 6						
									<u>53 18 6</u>						
	Amount carried forward . . .				16,634	0	0		Amount carried forward . . .				9,997	6	2

ABSTRACT OF THE BURSAR'S GENERAL ACCOUNT CURRENT WITH KING'S COLLEGE FOR THE YEAR 1838.

1838	Dr.	£ s. d.	1838	Cr.	£ s. d.
	To balance from last year's abstract	4,542 16 3		By the total amount of sundry periodical issues to Mr. J. Wedd, as overseer of the College Grounds, to pay wages to labourers and for teams employed in improvements upon the same, including the Macadamizing a cross road from Yonge-street, vide Appendix for an enumeration of the several payments £511 13 1	
From Jan. 1 to Dec. 31.	To aggregate amount of sums received on leased lots of land, for the half year ending June 30 . . . £204 5 10 Ditto, Dec. 31 . . . 313 7 11	517 13 0	From Jan. 1 to Dec. 31.	March 17, John Ritchie in full of an account for fencing and other jobs . . . 20 1 6 Oct. 20, ditto for constructing brick canal drains and sundry jobs to lodges, fences, &c. 56 3 0	
	To aggregate amount of first payments received on account of sales of land during the year, for half year ending June 30 . . . 145 1 6 Ditto, Dec. 31 . . . 409 14 0	554 15 6		Deduct from this expenditure a sum received from J. Wedd, being an amount collected by him for the pasturing of cattle . . . 52 0 0	
	To aggregate amount of sums received on account of subsequent instalments on former sales, for the half year ending June 30 . . . 1979 1 9 Ditto, Dec. 31 . . . 1792 15 9	3,771 17 6		597 17 7	
	To aggregate amount of sums received on account of interest on subsequent payments, for the half year ending June 30 . . . 622 15 9 Ditto, Dec. 31 . . . 633 2 2	1,255 17 11		Deduct from this expenditure a sum received from J. Wedd, being an amount collected by him for the pasturing of cattle . . . 52 0 0	
	To aggregate amount of dividends received on 20 shares of Bank Stock, for half year to Jan. 1 . . . 10 0 0 Ditto, July 1 . . . 10 0 0	20 0 0		545 17 7	
	To 2 amounts received in part payment of the loan to the Hon. and Ven. Archdeacon Strachan. From the Hon. Allan Macnab, in payment of a note of hand for £187 10s. and 1 year's interest, £11. 5s. . . . 198 15 0 From the Hon. Wm. Morris, ditto . . . 198 15 0	397 10 0		Paid quarterly to Mr. John Wedd, as overseer of the College Grounds, his salary of 5s. per day, 365 days at 5s. . . 91 5 0	
	To sundry amounts of interest on sundry Government Debentures. Feb. 12, 1 year's interest on 5 of £200, Nos. 10 to 14, to Jan. 1 . . . 30 0 0 Feb. 17, ditto, on 8 of £200, Nos. 406 to 413, to Feb. 1 . . . 48 0 0 March 26, ditto on 1 of £600, No. 17, to March 16 . . . 19 0 0 May 22, ditto on 2 of £1000, Nos. 8 and 9, April 1 . . . 60 0 0	156 0 0		Deduct a proportion charged to Upper Canada College for his occasional services on the grounds belonging to it 6 5 0	
	Amount carried forward . . . 11060 10 11			85 0 0	630 17 7
				By amount of payments of the annual salaries.	
				The Hon. and Venerable Archdeacon Strachan as president of the university . . . 277 15 6 Lieut.-Col. Wells, registrar and bursar . . . 300 0 0 Mr. E. J. Ridout, senior clerk . . . 150 0 0 Mr. H. Hawkins, junior clerk and messenger . . . 100 0 0	
				827 15 6	
				Mr. Thomas Young, architect for the proposed buildings . . . 200 0 0	
				1,027 15 6	
				Amount carried forward . . . 1,658 13 1	

ABSTRACT—continued.

Dr.		£.	s.	d.	Cr.		£.	s.	d.
1838	Brought forward	£156	0	0	1838	Amount brought forward	1,658	13	1
	May 22, 1 year's interest on 2 of £200, Nos. 15 and 16, to April 1	12	0	0		By Thomas Wallis, for a set of chairs for the Council room	27	15	0
From Jan. 1 to Dec. 31.	May 25, ditto 4 of £500, Nos. 386 to 389, to May 26	60	0	0		By E. Leslie and Sons, in full of an old account for books and stationery, which had been erroneously mingled with an account against the Clergy Corporation, and deducted therefrom by the then secretary	16	4	4
	May 26, ditto 7 of £200, Nos. 390 to 396, to May 26	42	0	0		By Henry Rowsell, in full of an account for sundry articles of stationery, supplied to Mr. Young the architect, &c.	7	14	6
	June 30, ditto 1 of £1000, No. 7 to May 26	30	0	0		By John Harper, for sundry wood boxes and packing cases for the books, when removed from the office during the disturbances	5	7	11
	August 24, ditto 5 of £200, Nos. 10 to 14, to July 1	30	0	0		By John Rudenhurst, for 40 descriptions of lots dedeed in fee simple £5 0 0			
	Sept. 15, ditto 8 of £200, Nos. 406 to 413, to Aug. 1	48	0	0		Deduct for 3 charged to U. C. College	0	7	6
	Oct. 22, ditto 1 of £600, No. 17, to Sept. 16	18	0	0		By sundry payments for the contingencies of the office	4	12	6
	Nov. 5, ditto 2 of £1000, Nos. 8 and 9, to Oct. 1	60	0	0		1 1/2 year's rent for the house at £50, to 1st December	62	10	0
	Nov. 5, ditto 2 of £200, Nos. 15 and 16, and 16, to Oct. 1	12	0	0		1 year's assessment on ditto	2	16	3
	Nov. 22, ditto 4 of £500, Nos. 386 to 389, to Nov. 26	60	0	0		Robert Stanton's account for 18 months, for books, stationery, parchment deeds, blank indentures, and leases to July 1	39	5	9
	Nov. 22, ditto 7 of £200, Nos. 390 to 396, to Nov. 26	42	0	0		Henry Rowsell's account for books and stationery to December 28	18	4	10
	Dec. 27, ditto 1 of £1000, No. 7, to Jan. 1	30	0	0		E. J. Ridout, to pay for 45 cords of wood at 11s. 10 1/2d.	26	14	4
						Robson and Wilson, for window blinds and a stand	5	13	6
						John Ritchie, for fitting up a partition and door in the office passage	1	10	0
						Thomas D. Harris, for mats	1	5	3
						Alexander Ogilvie, for candles for the illumination	1	17	6
						Postages during the year	7	18	3
						Postage, a payment due to the late P. M. to December 12 when dismissed, and since paid to M. Berczy	2	2	0
						By aggregate amount of sundry payments to editors of newspapers for advertizing the notices to builders, &c.	11	5	10
	Amount carried forward	11,660	10	11		Carried forward	181	3	6
							1,720	7	4

ABSTRACT—continued.

1838		£. s. d.		1838		£. s. d.	
Dr.				Cr.			
Amount brought forward . . .		11,660 10 11		Brought forward, £181 3 6		1,720 7 4	
From Jan. 1 to Dec. 31:				Small expenditures as per petty cash book. 5 3 5		186 6 11	
				By balance of sums received and paid on account of Upper Canada College, as per separate abstract, and which is to be added to the former debt to 31st December, 1837. Vide memorandum below*		1,906 14 3	
				By balance carried forward to next year's abstract		1,385 4 4	
						3,291 18 7	
						8,368 2 4	
		11,660 10 11				11,640 10 11	

(Errors Excepted).

JOS. WELLS,

Bursar of King's College.

* Memorandum referred to.

	£.	s.	d.
Former debt from Upper Canada College to King's College to 31st December 1837, as per last year's abstract	32,559	4	2
To which add the balance of receipts and expenditure for the year ending 31st December, 1838, as per foregoing abstract	1,385	4	4
Total amount of debt to December 31st, 1838	33,944	9	0

APPENDIX.

Referred to in the Abstract for 1838. Payments to Mr. J. Wedd for labour on the College grounds.

1838.		£. s. d.		1838.		£. s. d.	
March 3	10	17	6	Brought forward	266	13	4
„ 10	8	17	6	July 14	18	15	0
„ 17	4	10	0	„ 21	18	3	2
„ 24	12	10	0	„ 28	19	10	7
„ 31	5	15	0	Aug. 4	28	6	11
April 4	9	6	0	„ 11	19	18	9
„ 7	6	7	6	„ 14	17	10	0
„ 14	4	16	3	„ 18	16	4	4
„ 21	6	0	0	„ 25	18	5	8
„ 28	16	11	6	Sept. 1	20	3	5
May 5	16	19	4	„ 8	14	8	9
„ 12	16	10	0	„ 15	6	1	3
„ 18	18	3	6	„ 22	10	11	0
„ 26	14	6	10	„ 29	8	10	4
June 4	14	11	3	Oct. 6	5	17	0
„ 9	22	1	3	„ 13	2	14	5
„ 16	18	13	1	„ 20	6	16	3
„ 23	20	12	6	„ 27	4	13	9
„ 30	21	6	3	Nov. 17	3	15	0
July 7	18	8	1	Dec. 22	4	14	2
Carried forward	£266	13	4	Total amount	£511	13	1

ABSTRACT OF THE GENERAL ACCOUNT CURRENT OF THE TREASURER OF UPPER CANADA
COLLEGE FOR THE YEAR 1836.

1836.	Dr.	£. s. d.	1836.	Cr.	£. s. d.
From Jan. 1 to Dec. 31.	To amount of two warrants received from the Receiver-General for the royal grant of £1,000 sterling, per annum .		From Jan. 1 to Dec. 31.	By aggregate amount of the salaries to the masters, &c. paid quarterly.	
	Jan. 5, for the half year to 1st Jan.	555 11 1		Rev. Dr. Harris, principal	666 13 4
	July 6, for the half year to 1st July	555 11 1		Rev. Charles Dade, mathematical master	333 6 8
		1,111 2 2		Rev. C. Matthews, 1st classical master	333 6 8
	To sundry amounts received from Mr. G. A. Barber, collector of College dues for tuition, boarding, books, &c.			Rev. Geo. Maynard, 2nd classical master	333 6 8
	April 5, Received	150 0 0		Mr. F. W. Barron, 3rd classical master	333 6 8
	„ 7, ditto	125 0 0		Mr. J. P. De la Haye, French master	222 4 4
	„ 28, ditto	150 0 0		Mr. G. A. Barber, 1st writing master	222 4 4
	Sept. 26, ditto	325 0 0		Mr. James Duffy, 2nd writing master	111 2 2
	Dec. 28, ditto	250 0 0		Mr. John Kent, master preparatory school	191 13 4
		1,000 0 0		Mr. J. G. Howard, geometrical drawing master	111 2 2
	To aggregate amount of sums received on account of sales of land:—			Mr. Thomas Young, ornamental drawing master	111 2 2
	Jan. 2, From Hon. Lieut.-Col. Talbot, as agent	199 1 4			£2,969 8 6
	July 19, From ditto	75 19 3		Samuel Alderdice, porter and messenger	40 0 0
		275 0 7			3,009 8 6
	From January 1 to Dec. 31.			Rev. Dr. Phillips, a temporary retired allowance as late vice principal	111 2 2
	From sundry purchasers	436 12 6		By an amount paid the Rev. George Maynard, an arrearage of salary from 24th October, 1835, when he embarked from England, to 1st January, 1836	62 10 0
	From ditto for interest	57 15 8		By sundry amounts paid to Mrs. Elizabeth Fenwick for boarding pupils at the College boarding-house; at £23 per annum	
		769 8 9		Feb. 12, on account of the 1st quarter	60 0 0
	To aggregate amount of sums received on account of sundry town lots sold by auction in 1829.			March 24, balance of ditto	59 10 0
	On further account of purchase money	35 17 0		June 4, in full of 2nd ditto	161 0 0
	On account of interest on the unpaid part of the purchase money	73 8 11		August 9, on account of 3rd ditto	75 0 0
		109 5 11		September 26, balance of ditto	97 10 0
				December 15, on account of 4th ditto	60 0 0
				December 31, balance of ditto	116 7 6
					659 7 6
	Amount carried forward	2,989 16 10		Amount carried forward	3,842 8 2

ABSTRACT—continued.

1887.	<i>Dr.</i> Amount brought forward	£. s. d. 2,989 16 10	1887.	<i>Cr.</i> Amount brought forward	£. s. d. 3,842 8 2
From Jan. 1, to Dec. 31.			From Jan. 1 to Dec. 31.	By amounts paid for insurance on the different college build- ings:— Jan. 11, Robert Stanton as agent for the Phoenix Company for £2,000 on the central building at 16s. 6d. £16. 10s. and policy 5s. No. 637,863 . . . 16 15 0 Aug. 26, J. Ridout agent for the F. & B. Company, £1,000 on the boarding house No. 38,669 6 15 0 Dec. 3, ditto, £5,000 on masters' houses at 16s. 6d. Policy No. 48,603 41 5 0 <hr/> 64 15 0	
				By three amounts paid for sun- dry repairs to some of the buildings. Jan. 8, Rev. Charles Matthews on award by the Council in part of sundry outlays upon the house for- merly occupied by the vice principal . . . 15 0 0 Jan. 8, Rev. Dr. Harris to pay sundry ac- counts for the repairs of the house prepared for the new classical master 3 18 10 March 11, John Ritchie two accounts for car- penter's work. College build- ing 33 18 3 Boarding- house 5 7 6 <hr/> 39 5 9 58 4 7	
				By three amounts paid for books, &c. for the pupils of the Col- lege. July 8, Bank of Up- per Canada for a draft on England for £294.10s. ster- ling, to remit to Longman & Com- pany of London . . 359 18 11 Sept. 1, E. Leslie & Sons, an old ac- count 32 1 0 Oct. 5, Robert Stan- ton, part of an ac- count for books, stationary, &c., the remainder charged to King's College. 10 0 0 <hr/> 401 19 11	
				By sundry amounts paid for ad- vertising. Editor of the London Patriot 0 17 0 <hr/> Amount carried for- ward 0 17 0 4,367 7 8	
	Amount carried forward	2,989 16 10		Amount carried forward	4,367 7 8

ABSTRACT—continued.

<i>Dr.</i>		<i>£. s. d.</i>	<i>Cr.</i>		<i>£. s. d.</i>
1836.	Brought forward	£2,989 16 10	1836.	Brought forward, £0 17 9	4,367 7 8
From Jan. 1 to Dec. 31.	To balance to be added to the former debt to King's College, to 31st Dec., 1835, as per last year's abstract.	1,408 14 5	From Jan. 1 to Dec. 31.	Ditto Niagara Herald: 0 10 0 Ditto U. C. Herald . 3 7 0 Ditto Montreal Herald. 3 5 4	7 19 4
	Vide subjoined Memorandum.			By an amount paid to T. D. Harrington, part of an account for services on preparing sundry voluminous returns called for by the House of Assembly	10 6 0
				By an amount paid Joseph Martin for whitewashing and repairing the plastering of the district school	6 5 0
				By amount of sundry postages	1 2 0
				By amount paid for assessment on the boarding-house and porter's lodge.	5 11 3
		4,398 11 3			4,398 11 3

<i>Memorandum.</i>	<i>£. s. d.</i>
Former debt from Upper Canada College to 31st December, 1835, as per last year's abstract	29,215 10 6
To which add the balance of receipts and expenditures for the year ending 31st December, 1836, as per last year's abstract.	1,408 14 5
Total amount of debt to Dec. 31, 1836, £30,624 4 11	

Errors excepted.

JOSEPH WELLS,

BURSAR.

ABSTRACT OF THE GENERAL ACCOUNT CURRENT OF THE TREASURER OF UPPER CANADA COLLEGE FOR THE YEAR 1837.

Dr.		£. s. d.	Cr.		£. s. d.
1837.	To amount of two warrants received from the Receiver-General for the royal grant of £1,000 sterling per annum.		1837.	By aggregate amount of the salaries to the masters, &c: paid quarterly:	
From Jan. 1 to Dec. 31.	Jan. 7, for the half year to Jan. 1 . . . £555 11 1		From Jan. 1 to Dec. 31.	Rev. Dr. Harris, principal 666 13 4	
	July 15, for the half year to July 1 555 11 1	1,111 2 2		Rev. Charles Dade, mathematical master 333 6 8	
	To sundry amounts received from Mr. G. A. Barber, Collector of college dues, for tuition, board, books, &c.			Rev. C. Matthews, 1st classical master 333 6 8	
	June 30, received . . . £400 0 0			Rev. Geo. Maynard, 2nd classical master 333 6 8	
	Sept. 14, ditto 250 0 0	775 0 0		Mr. F. W. Barron, 3rd classical master 333 6 8	
	Oct. 3, ditto 125 0 0			Mr. John P. De la Haye, French master 222 4 4	
	To aggregate amount of sums received on account of sales of land:			Mr. G. A. Barber, 1st writing master 222 4 4	
	Jan. 24, from Hon. Lt. Col. Talbot, as agent, &c. £644 0 9			Mr. James Duffy, 2nd writing master 111 2 2	
	May 21, from ditto, the balance of a payment in full. 6 12 3			Mr. John Kent, master preparatory school. 191 13 4	
	Dec. 31, from sundry purchasers 382 3 9	1,109 19 0		Mr. J. G. Howard, geometrical drawing master 111 2 2	
	From ditto for interest. 77 2 3			Mr. Thomas Young, ornamental drawing master; Half-year to 30th June £55 11 1	
	To aggregate amount of sums received on account of sundry town lots sold by auction in 1829:			Ditto 31st Dec. 27 15 6	83 6 7
	On further amount of purchase money . . . £25 0 0				2,941 12 11
	On account of interest on the unpaid part of the purchase money 99 1 11	124 1 11		Samuel Alderdice, porter and messenger 40 0 0	2,981 12 11
	To aggregate amount of a quarterly stoppage from the salary of Mr. John P. De la Haye, French master, in part payment of his debt for college dues, from his boarders:			Rev. Dr. Phillips, a temporary retired allowance as late vice principal 111 2 2	
	In part payment of the debt 40 0 0			By sundry amounts paid to Mrs. Elizabeth Fenwick, for boarding pupils at the college boarding-house at £23 per annum:	
	Interest on ditto 29 2 0	69 2 0		March 8, on account of 1st quarter 65 0 0	
				March 28, balance of ditto 144 17 6	
				May 17, on account of 2nd quarter 60 0 0	
				June 26, balance of ditto 135 10 0	
				July 25, on account of 3rd quarter 110 0 0	
				Sept. 16, on further account of ditto 50 0 0	
				Sept. 30, balance of ditto 78 0 0	
				Nov. 3, on account of 4th quarter 100 0 0	
	Amount carried forward, £9,169 5 1			Carried forward, £743 7 6	3092 15 1

ABSTRACT—continued.

1837.	<i>Dr.</i> Amount brought forward . . .	£. s. d. 3,189 5 1	1837.	<i>Cr.</i> Brought forward, £743 7 6 Dec. 31, balance of ditto 216 5 0	£. s. d. 3,092 15 1
From Jan. 1 to Dec. 31.			From Jan. 1 to Dec. 31.	959 12 6	
			By three amounts paid for insurance on the different college buildings:		
			Jan. 10, Robert Stanton, as agent for the Phoenix Company, for £2,000 on the central building, at 16s. 6d. Policy No. 637,863	16 10 0	
			Aug. 26, John Ridout, agent for the F. and B. Company, in a new policy for the boarding-house for £1,500, at 13s. 6d. and policy 5s. No. 60,203	10 7 6	
			Dec. 3, ditto for £5,000 on the masters' houses, &c., at 16s. 6d. Policy No. 48,602	41 5 0	68 2 6
			By sundry amounts paid for a large addition made to the boarding-house, and for sundry repairs to it and the other college buildings:		
			Feb. 6, John Ritchie for repairs	72 0 3	
			Jan. 3, John Ritchie, on account of his contract for the additional building	250 0 0	
			John Craig, on account of painting the outside of the college buildings and pallsading	50 0 0	
			Jan. 17, John Craig, balance of his account for ditto	17 18 0	
			Sept. 23, John Ritchie on further account of sundry contracts for building the addition to the boarding-house and forming a new drain through the college play-ground	300 0 0	
			Oct. 7, John Craig, on account of painting the addition to the boarding-house	100 0 0	
			Oct. 14, John Craig, balance of account for painting the interior of the college buildings	37 0 0	
			Oct. 21, Andrew Brown, for 20 loads of gravel to one of the buildings	15 0 0	828 3 3
	Amount carried forward, £3,189 5 1		Amount carried forward, £	4,948 13 4	

ABSTRACT—continued.

<i>Dr.</i>		£. s. d.	<i>Cr.</i>		£. s. d.
1897	Amount brought forward	3,189 5 1	1897	Amount brought forward	4,948 13 4
From Jan. 1 to Dec. 31.	To balance to be added to the former debt of King's College to 31st December, 1836, as per last year's abstract. Vide subjoined Memorandum*	1,934 19 9	From Jan. 1 to Dec. 31.	By sundry amounts paid for articles for the boarding-house:— March 28, Mrs. Fenwick, to pay for a large cooking stove and oven pans . . . £15 2 6 June 26, Ditto, to pay for six Burdett beds for the pupils . . . 4 10 0 Sep. 16, Ditto, to pay for two iron beds . . . 5 0 0 Sep. 29, R. French, for six chairs . . . 3 0 0 Oct. 10, F. Thomas, for six iron beds . . . 15 0 0 Oct. 27, Solomon Wiggins, for nine ditto; six at £2. 10s. and three at £4 . . . 27 0 0	69 12 6
				By three amounts paid for books, &c. for the pupils:— Jan. 31, Bank of U. C. for a draft on England for £33 sterling, to remit to Longman and Co. of London . . . £41 5 0 Oct. 6, Henry Rowse, balance of an account, for books, &c. &c. . . 13 2 9 Ditto, for stationery . . . 7 12 5	62 0 2
				By two amounts paid for expenditures on the district school-house:— April 13, Rev. Dr. Macauley, for sundry disbursements. £28 19 10 Sept. 9, J. Harper, for carpenters' work . . . 2 7 11	31 7 9
		5,124 4 10		By an amount paid Samuel Alderdice, on extra allowance, for an assistant to carry cordwood to the different rooms . . . 7 0 0 July 22, by an amount paid James King, an old account for advertising in the "Canadian Correspondent" in the year 1833, which had been neglected to be presented for payment at the time . . . 2 11 4	2 11 4
	* Memorandum.	£. s. d.		By three small amounts paid as follows:— Mr. J. Radenburt, for 11 descriptions of lots, at 2s. 6d. . . £1 7 6 Editor "Christian Guardian," for advertising . . . 0 14 0 Postages for the year 1837 . . . 0 18 3	2 19 9
	Former debt from Upper Canada College to King's College to 31st Dec. 1836, as per last year's abstract	30,624 4 11			5,124 4 10
	To which add the balance of receipts and expenditure for the year ending 31st Dec. 1837	1,934 19 9			
	Total amount of debt to 31 Dec. 1837	32,559 4 8			
	(Errors excepted)				
	JOS. WELLS, Bursar.				

ABSTRACT OF THE GENERAL ACCOUNT CURRENT OF THE TREASURER OF UPPER CANADA COLLEGE FOR THE YEAR 1838.

1838.	<i>Dr.</i>	£. s. d.	1838.	<i>Cr.</i>	£. s. d.		
From Jan. 1 to Dec. 31.	To amount of two warrants received from the Receiver-General for the royal grant of £1,000 sterling; per annum:— Jan. 13, for the half-year to Jan. 1. £555 11 1 July 3, for the half-year to July 1. 555 11 1	1,111 2 2	From Jan. 1 to Dec. 31.	By aggregate amount of the salaries to the masters, &c., paid quarterly:— Rev. Dr. Harris, a quarter's ditto, as principal to March 31, when he resigned £166 13 4 Rev. C. Matthews, a quarter's ditto, to March 31, as first classical master 83 6 8 Ditto, three quarter's ditto, to Dec. 31, as acting principal 500 0 0 Rev. Charles Dade, three quarter's ditto, to Sep. 30, as mathematical master 250 0 0 Rev. Geo. Maynard, three quarter's ditto, to Sep. 30, as second classical master 250 0 0 Ditto, a quarter's ditto, to Dec. 31, as mathematical master 83 6 8 Mr. F. W. Barron, one year's ditto, as a classical master 333 6 8 Rev. H. Scadding, one quarter's ditto, to Dec. 31, as third classical master 83 6 8 Mr. John P. De la Haye, French master 222 4 4 Mr. G. A. Barber, first writing master 222 4 4 Mr. James Duffy, second writing master 125 0 0 Mr. John Kent, three quarter's salary to Sep. 30, as preparatory master 143 15 0 Mr. C. N. B. Cousins, one quarter's ditto, to Dec. 31; new master 47 18 4 Mr. J. G. Howard, geometrical drawing master 111 2 2 Mr. Thomas Young, ornamental drawing master 55 11 1	2,677 15 3	Samuel Alderdice, porter and messenger 40 0 0	2,717 15 3
	To sundry amounts received from Mr. G. A. Barber, collector of college dues, for tuition, boarding, books, &c. &c.:— April 21, received £50 0 0 " 30, " 290 0 0 May 7, " 125 0 0 " 10, " 100 0 0 Aug. 14, " 350 0 0 " 20, " 150 0 0 Sep. 29, " 150 0 0	1,215 0 0		Rev. Dr. Phillips a temporary retired allowance as late vice-principal	111 3 2		
	To aggregate amount of sums received on account of sales of land:— March 29, from the Hon. Lieut.-Col. Talbot, as agent £137 4 5 Dec. 31, from sundry purchasers 115 5 3 From ditto, for interest 12 5 0	264 14 8		Amount carried forward	2,828 17 5		
	To aggregate amount of sums received on account of sundry town lots, sold by auction in 1829:— On further account of purchase-money £114 5 0 On account of interest on the unpaid part of the purchase-money 31 13 6	145 18 8					
	To aggregate amount of a quarterly stoppage from the salary of Mr. John P. De la Haye, French master, in part payment of debt for college dues, from his boarders:— In part payment of the debt £40 0 0 Interest on ditto 28 10 0	68 10 0					
	Amount carried forward	2,805 5 6					

ABSTRACT—continued.

1888.	<i>Dr.</i> Amount brought forward	£. s. d. 2,805 5 6	1888.	<i>Cr.</i> Amount brought forward	£. s. d. 2,828 17 5
From Jan. 1 to Dec. 31.			From Jan. 1 to Dec. 31.	By an amount paid Rev. G. Maynard, for half a quarter's salary, awarded him by the council, upon his petition, for the period between the day of his receiving his appointment as classical master and that of his embarkation from England	41 13 4
				By sundry amounts paid to Mrs. E. Fenwick and Mr. C. N. B. Cousins; for boarding pupils at the College boarding-house, at £23 per annum:—	
				Feb. 21, Mrs. Fenwick, on account of first quarter £75 0 0	
				March 24, ditto, on further account of ditto 100 0 0	
				March 31, ditto, balance of ditto 51 2 6	
				May 7, ditto, on account of second quarter 100 0 0	
				June 9, ditto, balance of ditto 130 0 0	
				Aug. 15, ditto, in full of third quarter 207 0 0	
				Dec. 31, Mr. Cousins, in full of fourth quarter 184 0 0	847 2 6
				By three amounts paid for insurance on the different college buildings:—	
				Jan. 13, Robert Stanton, as agent for the Phoenix Company, for £2,000 on the central building, at 16s. 6d. Policy No. 637,863. £16 10 0	
				Aug. 25, John Ridout, agent for the F. and B. Alliance Company, for £1,500 on the boarding-house, at 13s. 6d. Policy No. 60,203 10 2 6	
				Dec. 3, ditto, for £5,000 on the masters' houses, at 16s. 6d. Policy No. 48,502 41 5 0	67 17 6
				By sundry amounts further paid for the large addition made to the boarding-house, and for sundry repairs to the other college buildings:—	
				Feb. 22, John Esmond, in full of two accounts for fitting up stoves and other jobs College £15. 6s. 2d., boarding-house £2. 1s. 9d. £17 7 11	
				J. Wiggins, in full of two accounts—College £4. 5s., for smith-work at boarding-house £4. 1s. 3d. 8 6 3	
	Amount carried forward	2,805 5 6		Carried forward. 25 14 2	3,785 10 9

ABSTRACT—continued.

1836.	<i>Dr.</i> Amount brought forward	£. s. d. 2,805 5 6	1837.	<i>Cr.</i> Brought forward £25 14 2	£. s. d. 3,785 10 9
From Jan. 1 to Dec. 31.			From Jan. 1 to Dec. 31.	March 9, J. Ritchie balance in full of his contract for building additions to board- ing-house, and sun- dry extras 44 11 9	
				March 9, J. Ritchie for sundry repairs to the various build- ings of the college, and also in full of his contract for the new drain through the playgrounds 110 16 3	
				April 23, Alexander Hamilton for paint- ing in the Princi- pal's house 3 15 4	
				May 7, John Craig in full of two ac- counts for painting college 3 5 4	
				Boarding- house 8 0 8	
				11 9 0	
				Sept. 27, Samuel Wig- gins for various whitesmith's jobs at the boarding- house 3 7 9	
				Oct. 8, John Craig, on account of glaz- ing and painting at the boarding-house 25 0 0	
				Nov. 1, John Craig, balance of two ac- counts for painting at the boarding- house, &c. &c. 32 0 10	
				By sundry amounts paid for arti- cles of furniture for the board- ing-house.	256 15 1
				March 3, Bryce and McMurrich for sundry materials for curtains 3 5 6	
				April 4, Murray and Newbigging, sun- dries 12 2 5	
				Aug. 2, Robson and Co. for a table 1 5 0	
				By an amount paid the Rev. Dr. Harris, as authorised by the council for 77 volumes of valu- able classical works	16 12 11
				By an amount paid Henry Row- sell the balance of an account for books, stationery, &c., for the pupils	59 9 6
				By amount paid John Ritchie for sundry repairs at the district school-house	18 15 1
				By amount paid John Watkins for a year's assessments On the boarding- house 6 15 0	20 8 3
	Amount carried forward	£2,805 5 6		Carried forward, £ 6 15 0	4,157 12 9

ABSTRACT—continued.

1898.		£	s.	d.	1898.		£	s.	d.		
	<i>Dr.</i>					<i>Cr.</i>					
	Amount brought forward	2,805	5	6		Brought forward	£6	15	0		
	To balance to be added to the former debt of King's College to 31st December, 1897, as per last year's abstract. Vide sub-joined Memorandum*	1,385	4	4		On the vacant house of the Principal	5	12	6		
From Jan. 1 to Dec. 31.					From Jan. 1 to Dec. 31.	On the porter's lodge	0	13	6		
									18	1	0
						By a proportion of the annual salary to Mr. J. Wedd, as overseer of the grounds of both colleges, as directed by the college council			6	5	0
						By ditto for the years 1896 and 1897, which were omitted to be charged in the abstracts for those years			12	10	0
						By amount of postage for the year			1	1	10
		£	4,190	9	10		£	4,190	9	10	

*Memorandum.

Former debt from Upper Canada College to King's College to 31st Dec. 1897, as per last year's abstract	£32,559	4	8
To which add the balance of receipts and expenditures for the year ending 31st December, 1898	1,385	4	4
Total amount of debt to Dec. 31st, 1898	£33,944	9	0

Errors excepted.

JOS. WELLS

BURSAR.

KING'S COLLEGE.

RETURN OF GOVERNMENT DEBENTURES, BANK STOCK, and Amount of NOTES OF HAND of private Individuals bearing interest.

January 1st, 1899.

3 Debentures of £1,000 each, No. 7 to 9	£	s.	d.	£	s.	d.	
1 Debentures of 600 each, No. 17	3,000	0	0				
4 Debentures of 500 each, No. 386 to 389	600	0	0				
22 Debentures of 200 each, 7 No. 10 to 17—7 No. 390 to 396—8 No. 406 to 413	2,000	0	0				
	4,400	0	0				
20 Shares of Bank Stock				10,000	0	0	
Amount of Notes of hand of private individuals bearing interest*				250	0	0	
				4,987	10	0	
				£	15,237	10	0

* One of these notes of hand for £187. 10s. has since been paid.

N. B. Upper Canada College has no monies invested, being considerably indebted to King's College as detailed in the accompanying abstracts.

JOSEPH WELLS,

BURSAR.

KING'S COLLEGE OFFICE

April 18th, 1839.

SIR,

I have now the honour to transmit the remaining return respecting the sale of lands belonging to King's College, and Upper Canada College, (as referred to in my Letter of the 16th instant,) which by directions of His Excellency the Lieutenant-Governor, I was required to furnish in compliance with the address of the House of Assembly.

I have the honour to be,

Sir,

Your most obedient

Humble Servant,

JOSEPH WELLS,

Registrar and Bursar of King's College.

The Honourable JOHN MACAULEY,
Civil Secretary,
&c. &c. &c.

AGGREGATE STATEMENT

Of all the number of acres of the Lands of the University of King's College, and of Upper Canada College, which have been sold to the 1st of January, 1839, showing the average price per acre, and the gross amount actually received on such sales, as required in the address of the House of Assembly.

	Total Number of Acres sold:	Aggregate Amount of such Sales.	Gross Amount actually received on such Sales.	Average Price per Acre.
King's College.	93,737 $\frac{1}{2}$	£ 100,809 18 6	53,224 14 7	21s. 6d. and a fraction.
Upper Canada College	17,388	13,101 10 0	6,693 14 3	15s. $\frac{1}{2}$ and a fraction.
Ditto ditto	Town Lots in Toronto,	5,223 10 0	917 9 5	
		£ 18,325 0 0	7,611 3 8	

Errors Excepted

JOSEPH WELLS,
Bursar of King's College.

No. 6.
Sir Geo. Arthur
to the Marquis of
Normanby.
June 9, 1839.
Encl. 2, in No. 6.

Enclosure 2, in No. 6.

Proceedings had in the Legislature of Upper Canada, during the years 1831-2, and 3, on the subject of the Lands set apart by His late Most Gracious Majesty, King George the Third, for the purpose of Schools; together with sundry Despatches and Documents relating to the same subject.—Printed by order of the House of Assembly.

House of Assembly, Thursday, January 20, 1831.

Mr. Morris gives notice that he will move, to-morrow, for an Address to his Excellency the Lieutenant-Governor, requesting his Excellency to lay before this House copies of all documents, which have been received from His Majesty's Government authorizing the survey, reservation, and sale, of certain townships of land, called School Townships.

Friday, January 21, 1831.

Agreeably to notice, Mr. Morris, seconded by Mr. A. Fraser, moves that an Address be presented to his Excellency the Lieutenant-Governor, praying that his Excellency may be pleased to lay before this House copies of such documents as may at any time have been received from His Majesty's Government authorizing the survey, reservation, sale and appropriation of certain townships called School Townships.

Ordered.

Mr. Morris, seconded by Mr. A. Fraser, moves that Messrs. M. Martin and Clark be a committee to draft and report the said Address.

Ordered.

Mr. M. Martin, from the committee appointed to draft an Address to his Excellency the Lieutenant-Governor for documents relative to School Reserve Townships, reported a draft, which was received and read twice, adopted, and ordered to be engrossed and read a third time this day.

Agreeably to the order of the day, the Address to his Excellency for information relative to lands reserved for school purposes, was read the third time, passed and signed, and is as follows:—

To his Excellency Sir John Colborne, Knight, Commander of the Most Honourable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, 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 Commons of Upper Canada, in Provincial Parliament assembled, most respectfully request that your Excellency may be pleased to communicate to this House copies of all such documents as your Excellency may be possessed of, which authorize the survey, reservation, sale or appropriation of certain lands in this province, called School Townships.

Commons House of Assembly,
21st day of January, 1831.

ARCHD. McLEAN, Speaker.

No. 6.
Sir Geo. Arthur
to the Marquis of
Normanby.
June 8, 1839.

Encl. 2, in No. 6.

Mr. A. Fraser, seconded by Mr. Clark, moves that Messrs. Morris and M. Martin be a Committee to wait on his Excellency the Lieutenant Governor, to know when he will be pleased to receive the Address of this House on the subject of School Townships; and to present the same.

Ordered.

Monday, 24th January, 1831.

Mr. Morris from the committee to wait on his Excellency the Lieutenant Governor with the Address of this House relative to school townships, reported delivering the same; and that his Excellency had been pleased to make the following answer:—

Gentlemen,

The documents required in this Address shall be laid before the House of Assembly.

Wednesday, February 2d, 1831.

J. Colborne.

The Lieutenant Governor transmits to the House of Assembly copies of authorities for reserving the school townships, and also such documents as will afford information to the House respecting the measures which have been proposed to secure endowments for the district and for township schools.

Government House, 2d February, 1831.

Extract of a Despatch from the Duke of Portland to Mr. President Russell, dated Whitehall, 4th November, 1797.

"His Majesty has taken into his royal consideration the petition of the Legislative Council and House of Assembly, humbly imploring His Majesty that he would be graciously pleased to direct his government in this province to appropriate a certain portion of the waste lands of the Crown as a fund for the establishment and support of a respectable grammar school in each district thereof, and also of a college or university for the instruction of youth in the different branches of liberal knowledge, and being always ready to show his parental regard for the welfare of his subjects in the furtherance of so important an object as the instruction of youth, and to assist and encourage the exertions of his province in laying the foundation for promoting sound learning and a religious education, he has condescended to express his most gracious intention to comply with the wishes of the Legislature of his province of Upper Canada in such manner as shall be judged to be most effectual.

First, by the establishment of free grammar schools in those districts in which they are called for, and in due process of time, by establishing other seminaries of a larger and more comprehensive nature for the promotion of religious and moral learning, and the study of the arts and sciences. With this view I am to direct you to consult the members of His Majesty's Executive Council, and the judges and law officers of the Crown in Upper Canada; and report to me, in what manner and to what extent a portion of the Crown lands may be appropriated and rendered productive towards the formation of a fund for the above purposes, out of which His Majesty may, according to his pleasure, allot such salaries as he shall judge proper for the schoolmasters of such free schools, who are to be appointed by His Majesty's Governor, or the person administering His Majesty's Government within the province for the time being, subject to His Majesty's approbation, signified through one of his principal secretaries of state.

(Copy.)

Government House, May 30th, 1823.

Earl Bathurst having, in a late despatch to the Lieutenant Governor, signified the sanction of His Majesty's Government to a plan proposed by his Excellency of forming a general board of education in this province, as will be shown by the enclosed papers, Nos. 1 and 2, I have been commanded by his Excellency to request that this subject may engage the early attention of the Executive Council.

A board of fit persons to carry into effect the proposed plan will be immediately nominated by the Lieutenant Governor, and it occurs to his Excellency that the object which in the first place requires the consideration of the committee, is the appropriation of some

No. 6.
Sir Geo. Arthur
to the Marquis of
Normanby.
June 8, 1839.

Encl. 2, in No. 6.

portion of the lands set aside for the endowment of an university, in such manner as shall most readily and securely create a fund to enable the general board of education to enter on its duties, either by conveying such portion of lands in trust to the board (subject in all its proceedings to the sanction of the Executive Government) or by such other mode as may to the committee appear more expedient.

The Hon. the Presiding Councillor.

I have the honour to be, &c., &c.,

G. HILLIER.

Extract from a Despatch addressed to Sir P. Maitland by the Earl Bathurst.

"I am happy to have it in my power to convey to you His Majesty's consent, that you appropriate a portion of the reserves set aside for the establishment of an university, for the support of schools on the national plan of education."

(Copy.)

Sir,

York, 7th December, 1828.

I have the honour to transmit for the information of his Excellency the Lieutenant-Governor the following statement relative to the lands set apart for the purposes of education.

In 1798, twelve townships were selected, containing about 740,000 acres, which, after deducting the Crown and Clergy reserves, left, according to the Report of the Surveyor-General, about 549,217 acres. Of this quantity there has been transferred to Government, in lieu of the Crown reserves with which King's College is endowed, 225,273 acres.

For the purpose of carrying into effect a plan submitted to Earl Bathurst by his Excellency Sir Peregrine Maitland, about 190,517 acres have been more especially placed under the care of the General Board, leaving out of the original appropriation for schools or for the university about 134,000 acres.

I have the honour to be, &c.,
(Signed) GEORGE H. MARKLAND.

Mr. Secretary Mudge.

(Copy.)

York, 11th March, 1829.

A General Return of the Quantity of Land reserved for Education in this Province.

In 1798, twelve townships, containing about 740,000 acres, were appropriated for education, which, after deducting the Crown and Clergy reserves, left, according to the Report of the Surveyor-General, about 549,217 acres.

In 1823, Lord Bathurst having signified by despatch to Sir Peregrine Maitland the sanction of His Majesty's Government to a plan proposed by his Excellency of forming a General Board of Education, a reference was made to the Executive Council to set apart a portion of the land reserved for the endowment of schools. The council, in consequence, recommended that the townships of Yarmouth, Westminster, Southwold, Middleton, Houghton, and Blandford, together with Seymour and Sheffield, containing about 194,828 acres, be applied to carry into effect the intentions of His Majesty's Government.

Besides this quantity, 225,273 acres have been transferred to the Crown, in lieu of leased reserves with which King's College is endowed, and there remain, therefore, about 133,427 acres not specially appropriated.

The townships originally set aside, were Alfred and Plantagenet, in the Ottawa district; Bedford, Hinchinbroke, and Sheffield, in the Midland district; and Blandford, Houghton, Middleton, Southwold, Westminster, and Yarmouth, in the London district. Alfred and Plantagenet being found not to contain vacant land, Luther and Proton were substituted.

Memorandum of the Lieutenant-Governor to the Executive Council.

From the documents which the Lieutenant-Governor has examined, he finds that in 1819, the Executive Council, after reading the Duke of Portland's Despatch of 1797, in answer to an address from the two Houses of the provincial Legislature, soliciting an appropriation of Crown lands for the support of an university and schools, stated that the appropriation of the quantity of land referred to by the Committee appointed to take into consideration the Duke of Portland's despatch, was not sufficiently sanctioned to authorize grants in other portions than those limited by His Majesty's Commission, and recommended that an authority should be obtained to sell and lease, grant and dispose of 500,000 acres, for the purpose of establishing an university in this province.

That in 1822, Sir Peregrine Maitland submitted to His Majesty's Government a plan for organizing a general system of education, and suggested the expediency of applying the proceeds of the sale of part of the lands, under the title of School Reserves, to carry it into effect,—and of reserving the remainder for the future endowment of an university, should such an establishment not be considered advisable at present; and proposed also, that an introductory school on the national plan, in each town of a certain size, should be established, and that the number of schools should be increased as the circumstances of the province might require.

That Lord Bathurst, in his despatch of the 12th October, 1823, in reply to those proposals, having approved of a portion of those reserves, set aside for the establishment of an university, being appropriated for the use of schools on a national plan of education, Sir P. Maitland requested the attention of the Executive Council to this subject, in order that a portion of the school reserves might be disposed of to form a fund to enable the General Board of Education to enter on its duties.

That a committee of the Executive Council, on examining extracts from Lord Bathurst's despatch of the 12th October, 1823, recommended eight townships to be applied to carry into effect the intentions of His Majesty's Government.

The Lieutenant-Governor is of opinion that central township schools should be formed and endowed; that each endowment should be secured under the great seal; that no masters should be appointed to these schools unless qualified to teach the elements of the Latin language and of mathematics; and that the district schools should also be endowed with land.

Government House, May, 1830.

Mr Morris, seconded by Mr. Solicitor-General, moves, that the documents, sent to this House by his Excellency the Lieutenant-Governor, on the subject of the school lands of this province, be referred to a Select Committee, composed of Messrs. Burwell and Berczy, with power to send for persons and papers, and to report thereon by bill or otherwise.

In amendment, Mr. Perry, seconded by Mr. Bidwell, moves that the names of Messrs. Buell and Campbell be inserted after the name of Berczy.

Which was carried.

The original question, as amended, was then put and carried.

Mr. Morris, seconded by Mr. Burwell, moves that 200 copies of the documents sent to this House by his Excellency the Lieutenant-Governor, relative to the school lands of this province, be printed for the use of members.

Ordered.

Thursday, 3d February, 1831.

Mr. Morris, chairman of the Select Committee on School Lands, seconded by Mr. A. Fraser, moves that an Address be presented to his Excellency the Lieutenant-Governor, requesting his Excellency to lay before this House copies of the following documents referred to in the paper sent to this House by his Excellency on the second instant respecting school lands, viz.:-

The joint Address to His Majesty, of the Legislative Council and House of Assembly, referred to in the despatch of the Duke of Portland;

The Report of the Executive Council, and the opinion of the judges and law officers of the Crown in Upper Canada, on the same subject;

Papers, Nos. 1 and 2, referred to in the letter of Mr. Secretary Hillier, dated Government House, May 13, 1823;

So much of the despatch to Sir Peregrine Maitland by the Earl Bathurst as relates to the school lands, together with all such documents and proceedings as relate to their appropriation, transfer or sale, and also an account of the number of acres of these lands sold in each district, the average price per acre, the amount of money received by their sale, and an account in detail of its application, and the expense of collection.

And that Messrs. Burwell and Berczy be a committee to draft and report the same.

Ordered.

Mr. Burwell, from the Committee to draft an Address to his Excellency the Lieutenant-Governor, for certain documents and information relative to school lands, reported a draft, which was received and read twice, adopted, and ordered to be engrossed and read a third time this day; and is as follows:—

To his Excellency Sir John Colborne, Knight Commander of the Most Honourable 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 Commons of Upper Canada, in Provincial Parliament assembled, humbly request your Excellency to lay before this House copies of the following documents referred to in the paper sent to this House by your Excellency on the second instant respecting school lands, viz.:-

The Joint Address to His Majesty, of the Legislative Council and House of Assembly, referred to in the despatch of the Duke of Portland;

The Report of the Executive Council, and the opinion of the judges and law officers of the Crown in Upper Canada, on the same subject;

Papers, Nos. 1 and 2, referred to in the letter of Mr. Secretary Hillier, dated Government House, May 13, 1823.

So much of the despatch to Sir Peregrine Maitland by the Earl Bathurst as relates to the school lands, together with all such documents and proceedings as relate to their appropriation, transfer or sale, and also an account of the number of

No. 6.
Sir Geo. Arthur
to the Marquis of
Normandy.
June 8, 1839.
Encl. 2, in No. 6.

acres of these lands sold in each district, the average price per acre, the amount of money received by their sale, and an account in detail of its application, and the expense of collection.

ARCHD. McLEAN, Speaker.

Commons House of Assembly, 3d February, 1831.

Friday, 4th February, 1831.

Mr. Ingersoll, from the Committee to wait upon his Excellency with the Address of this House for certain documents relative to school townships and lands, set apart for the purposes of education, &c., reported delivering the same, and that his Excellency had been pleased to make thereto the following answer:—

GENTLEMEN,

I will direct the information for which you apply in this Address to be laid before the House of Assembly.

Monday, 7th February, 1831.

Mr. Secretary Mudge brought down from his Excellency the Lieutenant-Governor a message, which the Speaker read as follows:—

J. COLBORNE.

The Lieutenant-Governor, in compliance with an address respecting the school townships, transmits the accompanying documents, and acquaints the House of Assembly, that the joint address referred to cannot be found; but that this document appears unnecessary to establish, under whose charge the reserves were placed, as the substance of the address is quoted in the Duke of Portland's despatch, and the intention of His Majesty communicated to authorize the Governor in council to set apart a portion of the Crown lands towards the formation of a school fund, "out of which His Majesty may allot such salaries as he shall judge proper." The reports of the Executive Council on this subject are annexed, on the framing of which, it will be perceived, the judges and law officers of the Crown were consulted.

The document No. 1, referred to in the letter of the 13th of May, 1823, is an extract of Sir Peregrine Maitland's despatch respecting school lands and the organization of schools; and the document No. 2, referred to, has been laid before the House. It is an extract from Lord Bathurst's despatch, in answer to the suggestions of Sir Peregrine Maitland.

The account of the Board of Education to the end of the year 1829, including the expense of collection of proceeds of sale of school lands, and their application, has been laid before the House of Assembly at the last session. The detailed account of the number of acres sold in each township, and the account of the board to the end of 1830, shall be forwarded to the House.

The Lieutenant-Governor acquaints the House that the arrangements for the endowment of the Upper Canada College are not yet completed, and that he has suggested the expediency of dividing and exchanging part of the land of the school townships, for the purpose of raising the value of the school lots, and transferring an equal number of acres in other townships to the Board of Education.

The report of the Executive Council on this subject is annexed.

Government House, 7th February, 1831.

(Copy.)

SIR,

Council Chamber, 6th November, 1798.

Having received directions from the Duke of Portland, one of His Majesty's principal Secretaries of State, to consult the members of His Majesty's Executive Council, and the judges and law officers of the Crown in Upper Canada, and report to his Grace in what manner, and to what extent, a portion of the waste lands of the Crown may be appropriated and rendered productive towards the formation of a fund for the establishment of free grammar schools in those districts in which they are called for, and in due process of time by establishing seminaries of a larger and more comprehensive nature for the promotion of religious and moral learning, and the study of the arts and sciences, out of which His Majesty may, according to his pleasure, allot such salaries as he shall judge proper for the schoolmasters of such free schools, who are to be appointed by His Majesty's Governor, or the person administering His Majesty's Government, subject to His Majesty's approbation.

I am to request you will be pleased to meet the Chief Justice and the members of His Majesty's Executive Council, at the council chamber, on Friday the 9th instant, for the purpose of taking the above subject into your consideration, and reporting to me your opinions thereon, that I may transmit them to the Duke of Portland for His Majesty's information.

I have the honour to be, Sir,

Your most obedient humble servant,

(Signed)

PETER RUSSELL.

(Copy.)

The Chief Justice, by direction of the Board, wrote the following letter to his Honour the President:—

SIR,

November 10th, 1798.

The committee on his Grace the Duke of Portland's letter, on the subject of schools, direct me to inquire of your Honour, whether it is your pleasure that we should each of us report his opinion, separately, or whether the chairman is to report to you a plan agreed upon by us all.

Your most obedient, humble servant,

(Signed) J. ELMSLEY, C. J.

To his Honour the President,
&c. &c. &c.No. 6.
Sir Geo. Arthur
to the Marquis of
Normanby.

Juns 8, 1839.

Encl. 2, in No. 6.

SIR,

York, 12th November, 1798.

I have had the honour to receive your letter of Saturday, desiring to know whether the members of the committee on his Grace the Duke of Portland's letter on the subject of schools, are to report their opinion separately, or whether the chairman is to report the plan agreed upon by them all. In answer to which, I can only have the honour to say that, in my opinion, a report from the chairman of the plan unanimously agreed upon would be less troublesome, both to the committee and his Grace,—and would probably throw equal if not more light upon the subject, than the opinions of the members stated separately; I shall therefore only request a general report, signed by the chairman: however, I do not mean by this to preclude any of the gentlemen from favouring me with their own sentiments, in addition to the general advice, as I believe it is the desire of His Majesty's Ministers to obtain all the information possible on a subject of such importance to the future welfare of this province.

I have, &c.,

(Signed) PETER RUSSELL.

To the Honourable John Elmsley, C. J.

(Copy.)

Council Chamber at York, 1st December, 1798.

Read the report of the Board, formed of the members of His Majesty's Executive Council and the judges and law officers of the Crown in Upper Canada, who were directed to take into their consideration the letter from his Grace the Duke of Portland, on the establishment of grammar-schools and other places of education in this province; and the same having received the approbation of the President in Council, it was ordered, "That the report be fairly copied, that it may be transmitted without delay to his Grace the Duke of Portland for the information of His Majesty."

The Report is as follows.—

SIR,

Council Chamber, 1st December, 1798.

I have the honour to inform you, that in obedience to your order of the 6th ultimo the members of His Majesty's Executive Council, the judges and law officers of the Crown, met together in this place on the 19th ultimo, and on several occasions since, and took into their consideration the letter of his Grace the Duke of Portland on the establishment of grammar schools and other places of education in the province. It is not to be expected that on a subject of such extent, the opinions of so many persons as were assembled to consider of it, should exactly coincide; I have, however, the satisfaction to say, that in our general views of the system to be adopted, we are nearly agreed, and that the difference with respect to the mode in which it is to be carried into effect, is not very considerable.

As it was your Honour's pleasure that the chairman should collect the opinions of the several members of the Board and digest them into one report, I took the liberty of distributing the subject into the five following heads, and of requesting their thoughts on each, viz. —

1. The sum to be raised. 2. The number of acres to be appropriated. 3. The purposes to which the fund is to be applied. 4. The number of schools and the places where they are to be erected. 5. The number now necessary.

It is now my duty to state to your Honour, the general result of the whole; and should I either misrepresent the sentiments of the Board, or fail to give the effect they deserve, I trust that your Honour will impute the blame to me only, and do justice to the several members by referring to the opinions of each, which I have subjoined by way of schedule.

When the subject was first opened, it seemed to be the unanimous opinion, that the intention of the royal founder of the free grammar schools and university of Upper Canada, could not be effectuated, but by a liberal provision for their establishment and maintenance; and each member of the Board seemed deeply impressed with a conviction, that in making his estimate of the extent of that provision, it would be much safer to allow too much than too little; for as the application of the funds will always be directed by the beneficent wisdom which has created it, the excess may at any time be applied to other purposes, equally worthy of the original intention, and equally conducive to the happiness of the province; but it will be difficult, and perhaps impossible, if the present moment be neglected, to find at a future period the means of effecting the object before us, without much expense and a delay almost subversive of the purpose.

Under this impression, the Board proceeded to consider in detail the purposes to which the

No. 6.
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 to the Marquis of
 Normandy.
 June 8, 1839.
 Encl. 2, in No. 6.

proposed fund should, when raised, be applied, and seemed to be unanimous in thinking that they may be reduced to three:—

1. The erection of the necessary buildings.
2. The payment of the salaries of the masters.
3. The keeping of the buildings in repair, the purchase of books and philosophical apparatus, and other purposes essential to places of education, but in general too costly to be provided by individuals.

1. With respect to the sum to be expended on the erection of the necessary buildings, the Board conceived, that taking the average price of labour in the four districts of the province, the sum of 3,000*l.*, provincial currency, will be sufficient to erect a plain but solid and substantial building, containing a school-room sufficient to hold 100 boys, without danger to their health from too many being crowded together; and also a set of apartments for the master, large enough not only for the accommodation of his family, but also for the very desirable purpose of enabling him to take a few of his pupils as boarders. Some few outbuildings may also be necessary, for the use of the master, which, if they will not come within this estimate, will not much exceed it, and may easily be provided for hereafter.

2. As the extent of the salaries of the masters is expressly reserved for the Royal consideration, we do not presume to mention any particular sum as sufficient for that purpose; but as it is necessary for us in making our estimate, to calculate upon some given sum, and as his Excellency the Lieutenant-Governor thought the sum of 100*l.*, provincial currency, a sufficient allowance for the master of the school erected under his auspices at Kingston, we beg leave to take that sum as the average for the salary of the masters of each school, and half of it for the salary of an under master, in case it should be thought expedient to have one.

3. The sum of 30*l.* per annum seems to be a sufficient sum for keeping the building in repair; the provision for the purchase of books, philosophical apparatus, &c. relates to the endowment of the university rather than to that of the grammar school, and is only mentioned that it may not appear to have been forgotten in our calculation.

It appeared, therefore, to be the general opinion of the Board, that a sum not exceeding 3,000*l.*, provincial currency, and an annual income of 180*l.*, will be amply sufficient for the establishment and support of a free grammar school in each district. The next object was, to consider the mode by which that sum and that income are to be raised.

With respect to the former, the board had but one opinion, viz., that it can only be raised by the sale of part of the waste lands of the Crown. If the institutions in question are to be deferred until they can be provided for from the annual income of any quantity of land that can be appropriated for them, they will be deferred either until they have been superseded by other institutions, or until four or five generations of ignorance and vice have rendered them useless.

The annual income must equally be derived from the waste lands of the Crown, and may, in the apprehension of the board, be raised by one or other of the four following modes:—

- 1st. By the sale of so much of those lands as will raise a sum which, if invested in the British funds, will produce the sum of 180*l.* as interest.
- 2d. By reserving such a portion of those lands as, when leased, will produce that sum as rents.
- 3d. By appropriating to the same purpose such parts of the present Crown reserves as are capable of yielding a present rent; or,
- 4th. By selling a portion of the waste lands of the Crown (always distinguishing between waste lands of the Crown and Crown reserves), and laying out the proceeds in the purchase of lands which, from their quality, local situation, or state of cultivation, either yield or may be made to yield a present rent.

On each of these modes the Board begs leave to submit the following considerations:—

With respect to the first, it observes, that, besides the disadvantage of the daily decreasing value of an income which is to be applied to a permanent purpose; and which arises from money, or which is reserved in money; it will require the sale of a quantity of land, considerably beyond any that the Board would venture to mention, to raise a sum which, at the rate of 5 per cent. per annum, would yield the sum of 180*l.* as interest. For we conceive it to be generally, though perhaps not universally true, that whenever lands in this country are capable from quality, situation or any other circumstance, of yielding a rent, a capital laid out in the purchase of those lands is much more productive than one lent at interest on either private or public security, and there is this additional advantage on the side of the former, that both the real and the nominal value of rent will increase with the increasing prosperity of the country, while the real value of interest, decreases with the decreasing value of money, in a proportion to which the increase of our prosperity is not a counterbalance. The Board therefore considers this mode of raising the income required, as wholly out of the question.

Of the remaining three modes, the Board considers that which proposes to provide the necessary income by reserving for the use of these institutions a certain portion of the waste lands of the Crown, and leasing them for a rack-rent, as incomparably the best; both because it is the cheapest, and because it leaves the fund of Crown reserves, from which the other public purposes of the province may hereafter be supplied, untouched; but it is certain that the present circumstances of the province do not authorize us to expect much income from such a source for some years at least. It may therefore be necessary to break in upon the Crown reserves, and to appropriate such of them as are now capable of yielding rent, to the present purpose; and should the fund, even after this assistance, be still inadequate, nothing will remain but to recur to the fourth of the proposed modes, and to lay out a part of the sum arising from the sales in the purchase of lands capable of producing the income required.

The object which next engaged the attention of the Board, was to consider, in what parts

of the several districts of the province, the proposed schools and seminary should be erected. On this point we were unanimous in thinking that the towns of Cornwall, Kingston, Newark, and Sandwich, are the most proper places for the sites of the four schools. We were equally unanimous in considering the town of York as entitled to the University, both as being the seat of the Executive Government, the legislature, and the courts of justice, and as being by far the most convenient spot in the province for all general purposes, its situation being nearly central, and besides its accessibility by water, the proposed high road from the one end of the province to the other being necessarily to pass near it or through it.

There was not the same coincidence of opinion with respect to the number of schools which the several members of the Board consider as now necessary. Each part of the province seemed to have its claims; and might consider itself as injured, if it were postponed to any other; some of the gentlemen were of opinion that four schools were now necessary, and that the whole number should be begun at the same time; others thought that besides the necessity of managing the fund in the most frugal manner, the present circumstances of the province do not call for the erection of more than two schools; and that if the situations of these two are obviously selected, not with a view to any particular district, but to the province at large, there will be no room for any jealousy among the several parts of it. After some discussion, this opinion was acceded to, and the towns of Kingston and Newark were selected, the former for the Eastern and the latter for the Western half of the province.

But it was at the same time stipulated and agreed, that as soon as the fund should be sufficiently productive, the towns of Cornwall and Sandwich shall each receive a similar mark of the royal munificence.

Nothing now remains but that I should state to your honour the extent of the appropriation of waste lands, which in the conceptions of the members of the Board, is necessary for the purpose in question—and on this subject I am happy to say, that our calculations approach as nearly to each other as could reasonably be expected.

I believe I may state it as our unanimous opinion, that the appropriation should cover such a portion of the waste lands of the Crown, as, if now sold, would produce the sum of 18,000*l.* provincial currency; estimating the present average price of land at about 9*d.* per acre, the quantity required will be nearly 500,000 acres or ten townships, after the deduction of the Crown and clergy sevenths.

It is obvious; that if the four schools are all erected immediately—and the allowance which our estimate proposes for them is not extravagant—a much larger sum than that which I have mentioned will be necessary, and consequently a much larger appropriation must be made. But in the manner in which we propose that the fund should be managed, we conceive that the quantity above mentioned, will not only be amply sufficient for the establishment and support of the four schools, but will be nearly if not quite adequate to the erection and endowment of the University, which the royal bounty has promised to provide for us, whenever the advancement of the province calls for such an institution.

Having trespassed so long upon your honour's time and attention, I shall not trouble you with the detail of the manner in which we conceive that the proposed fund should be managed, because I hope that it will be sufficiently apparent from the following resolutions, into which the Board has condensed all that it has to offer on the interesting and important subject which has engaged it: I have therefore the honour to inform you that the members of His Majesty's executive council, the judges and the law officers of the Crown, after much reflection and deliberation on the matter referred to them, are of opinion:—

1st. That an appropriation of 500,000 acres, or ten townships, after deducting the Crown and clergy sevenths, will be a sufficient fund for the establishment and maintenance of the royal foundation of four grammar schools and an university in the province of Upper Canada.

2d. That the present circumstances of the province call for the erection of two of those schools, one at the town of Kingston, the other at the town of Newark.

3d. That for the purpose of building a plain but solid and substantial house, containing a school-room sufficient to contain 100 boys, and apartments for the master, large enough for the accommodation of a moderate family, and the reception of from 10 to 20 boys as boarders, the sum of 3,000*l.* provincial currency for each will be a sufficient allowance.

4th. That for the purpose of raising that sum, a portion of the appropriation be sold in the manner directed by his Grace the Duke of Portland, with respect to the other waste lands of the Crown.

5th. That for the purpose of defraying the salaries of a master and under-master, in case an under-master should be thought necessary, and also for the purpose of keeping the buildings in repair, and making such additions thereto as circumstances shall require, the annual sum of 180*l.* provincial currency for each school, will be a sufficient allowance.

6th. That in order to raise this annual sum, such parts of the waste lands of the Crown, in the different parts of the province be selected, as from the quality of the soil, or from their local situation, are most likely to yield an annual rent—and that they be leased in the manner heretofore recommended by His Majesty's Executive Council with respect to the Crown and clergy reserves.

7th. That if the income arising from the lands so reserved and leased, be insufficient for the purposes above mentioned, a similar selection be made from the Crown reserves.

8th. That if, after this addition, the fund be still insufficient, a further portion of the appropriated land be sold, and the money arising from the sale invested in the purchase of other lands so situated as to yield a present rent.

9th. That whenever the Governor, Lieutenant-Governor, or person administering the government, in council, shall be of opinion that the circumstances of the province call for the erection of two other schools, and also that the appropriation fund is sufficient not only to bear

No. 6.
Sir Geo. Arthur
to the Marquis of
Normandy.
June 8, 1839.
Encl. 2, in No. 6.

No. 6.
 Sir Gen. Arthur
 to the Marquis of
 Northampton.
 June 8, 1839.
 Resol. 2, in No. 6.

the expense of the erection and endowment of those two schools, but also to leave a residue sufficient for the establishment and future maintenance of a seminary of a larger and more comprehensive nature, the same steps be pursued with respect to such two schools, as have been already recommended with respect to the two schools at Kingston and Newark.

10th. That the provision for the establishment and maintenance of the university be at least equal to that for the four schools taken together.

I have the honour to be,

&c. &c. &c.

(Signed)

J. ELMSLEY, C. J.

I perfectly accord with this Report in all its parts.

(Signed)

PETER RUSSELL,

President.

Document No. 1, referred to in Mr. Secretary HILIER's letter to the Executive Council of the 12th May, 1823, respecting School Lands.

(Extract of a Despatch from Sir P. MAITLAND to Earl BATHURST.)

"Much good might be effected by the organization of a general system of education, an object to which might be applied the proceeds of the sale of some portion of the lands set aside under the title of 'School reserves,' consisting of 12 townships, comprising 740,000 acres, still however reserving a certain portion for the future endowment of an university, should such an establishment not be considered advisable at present."

"It is proposed to establish one introductory school on the national plan, in each town of a certain size. It is supposed that a salary of 100*l.* per annum to the master of each such school would be sufficient. The number of these schools may be increased as the circumstances of the province may require, and the means allow."

(Copy)

To his Excellency Sir PEREGRINE MAITLAND, &c. &c.

May it please your Excellency,

The committee of the Executive Council, to whom your Excellency was pleased to refer the consideration of a plan for establishing a University in this province, assembled this day, and, by your Excellency's permission, requested the attendance and assistance of His Majesty's Attorney-General.

A letter was read from his Grace the Duke of Portland to Lieutenant-Governor Simcoe, bearing date the 22d June, 1796, acknowledging the receipt of a letter from the Bishop of Quebec upon the subject of a school of a higher class, which his Grace then did not think necessary in Upper Canada. A letter was also read from his Grace, bearing date the 4th Nov. 1797, acknowledging an address from the two Houses of the Legislature, requesting an appropriation of the Crown lands for the establishment of schools, and communicating His Majesty's pleasure to acquiesce in their petition, directing the Governor to consult the Members of the Executive Council, the judges and law officers, on the requisite means to report to his Grace for His Majesty's information, what schools were then necessary; and also to erect and endow a university.

On this letter the committee named, reported four schools to be necessary, a sum of 3,000*l.* requisite to erect them, and an annual sum of 180*l.* to pay a master and sub-master and keep the building in repair; and the sum of 3,620*l.* for a university.

That a fund to raise this sum would require 500,000 acres of land, which was recommended to be set apart for such purpose; and the report, approved by the president, was directed to be transmitted for the information of His Majesty's Government.

No answer to this report, or further confirmation of it, can be traced in the office of the Executive Council. The committee, therefore, concurring in opinion with His Majesty's Attorney-General, that the appropriation of that quantity of land is not sufficiently sanctioned to authorize a grant in other portions than limited by His Majesty's commission, humbly recommend that your Excellency do call the attention of His Majesty's Government to a formal sanction under the royal sign manual, or the signature of His Majesty's Principal Secretary of State for the Colonies, to sell, lease, grant, and dispose of the said 500,000 acres of land, for the purpose of establishing a university in this province.

In the mean time, in conformity to your Excellency's pleasure, the committee proceeded to consider the detail required by your Excellency.

In pursuing this object, the committee first observe, that provision for district schools is not now required out of this fund, being made by the legislature. The scale established by the former committee appears, at present, very inadequate.

The committee is of opinion, that a sum not less than 10,000*l.* will be required to erect a suitable building; and provide a library, philosophical apparatus, and a botanic garden.

That an annual sum of 4,000*l.* may be deemed necessary to defray the salaries of principal, professors, preceptors, scholarships, librarian, gardener, and other officers, with other contingencies.

That to raise these sums, it will be proper that a sale of land should be made from time to time, to meet with security the exigencies of the establishment until the revenue will supply the annual expenditure.

That a commission should permanently attend, with large powers to sell and lease the land and manage its revenues, under the direction of the executive government. It is also consi-

dered; that it would conduce much to the importance and utility of the projected university, if its constitution should be by a royal charter. All which is humbly submitted.

By order,

(Signed) W. DUMMER POWELL, C. J.

Executive Council Chamber,
York, 7th January, 1819.

No. 6,
Sir Geo. Arthur
to the Marquis of
Normanby,
June 8, 1839.

Encl. 2, in No. 6.

Extract of a Report of the Executive Council to the Lieutenant-Governor,
dated 17th November, 1830.

The council entirely concurs in the recommendations of your Excellency, assuming that an equivalent in lands may be so arranged in the proposed exchanges, as neither to prejudice the interests of the Crown nor of the school fund; and indeed it appears to the council, that the measure suggested will be highly favourable to the public interests in affording the Crown the means of dispensing more generally through the country the many respectable emigrants arriving from Europe.

Mr. Morris, seconded by Mr. Burwell, moves that the message of his Excellency the Lieutenant-Governor on the subject of school lands, together with the accompanying documents sent down by his Excellency this day, be referred to the select committee on school lands.

Ordered.

Mr. Morris, seconded by Mr. Burwell, moves that 200 copies of the message of his Excellency and the documents accompanying it be printed for the use of members.

Ordered.

Wednesday, 23d February, 1831.

Mr. Morris, from the select committee, to whom were referred the several documents sent down by his Excellency the Lieutenant-Governor on the subject of school lands, informed the House, that the committee had agreed to a Report, which he was directed to submit for the adoption of the House.

The Report was received, and was read as follows:—

Report of Select Committee on School Lands.

The committee appointed to consider and report on the documents sent down to this House by his Excellency the Lieutenant-Governor, on the subject of school lands, respectfully make this their first report.

Your committee, upon a perusal of these important papers, learn, that in the year 1797 the Legislative Council and House of Assembly of this province passed a joint address to His Majesty, " imploring that His Majesty would be graciously pleased to direct the appropriation of a certain portion of the waste lands of the Crown as a fund for the establishment and support of a respectable grammar school in each district thereof; and also of a college or university for the instruction of youth in the different branches of liberal knowledge." To which His Majesty was graciously pleased to express his intention "to comply with the wishes of the Legislature of his province of Upper Canada, in such manner as should be judged to be the most effectual. First, by the establishment of free grammar schools in those districts in which they are called for, and in due process of time by establishing other seminaries of a larger and more comprehensive nature for the promotion of religious and moral learning, and the study of the arts and sciences." For which purpose Mr. President Russell was directed to consult the members of the executive council and the judges and law officers of the Crown, and to report in what manner and to what extent a portion of the Crown lands might be appropriated and rendered productive towards the formation of a fund for these purposes; out of which His Majesty might allot such salaries as he should judge proper for the schoolmasters of such free schools as should thereafter be appointed; and on the 1st December, 1798, the executive council reported to Mr. President Russell that an appropriation of 500,000 acres, or ten townships, after deducting the Crown and clergy sevenths, would be a sufficient fund for the establishment and maintenance of the royal foundation of four grammar schools and an university in the province of Upper Canada, and that the proposed school fund should, when raised, be applied—

1st. For the erection of the necessary buildings.

2. For the payment of the salaries of the masters.

3. For keeping the buildings in repair and the purchase of books and philosophical apparatus; and that 3000*l.* currency should be applied to erect each building; and 180*l.* per annum for the establishment and support of a free grammar school in each district.

The council also reported that the towns of Cornwall, Kingston, Newark, and Sandwich, were at that time the most proper places for the sites of the four schools first necessary,—and that the town of York was the most suitable for a university; and that two of the schools, namely, at Kingston and Newark, should be commenced first: and that whenever the appropriated fund should be found sufficient not only to bear the expense of the erection and endowment of those two schools, but also to leave a residue sufficient for the establishment and future maintenance of a seminary of a larger and more comprehensive nature, that steps should be taken to endow the two other schools.

The executive council also recommended that the provision for the establishment and maintenance of the university should at least be equal to that for the four schools taken together.

No. 6.
 Sir Geo. Arthur
 to the Marquis of
 Normandy.
 June 8, 1839.
 Esq. 2, in No. 6.

Your committee upon looking over the remaining documents which his Excellency had the goodness to communicate to this House, are informed that the attention of the council was again directed to the school land reservation on the 7th January, 1819, and that they reported to his Excellency Sir P. Maitland, that no trace of any answer to the report of the council of 1st December, 1798, could be found in the council office; that as they were of opinion with the Attorney-General that the appropriation of land was not sufficiently sanctioned to authorize a grant in other portions than limited by his Majesty's commission, they thought it proper to recommend that his Excellency should call the attention of his Majesty's Government to a formal sanction to sell, lease, grant, and dispose of the said 500,000 acres of land for the purpose of establishing a university in this province, endowed by royal charter, as provision for district schools was not by them thought necessary out of this fund, as it had been already made by the Legislature; and that in order to construct the necessary building the sum of 10,000*l.* would be required, with an endowment of 4,000*l.* per annum for the payment of salaries.

From this condensed view of the proceedings of the executive council on the munificent provision for the diffusion of education in this province, the committee are struck with the singular fact, that no apparent benefit has resulted to the inhabitants of the country from the school reservation for a period of 30 years; and that the original intention of the Legislature expressed in the joint address to his Majesty, as well as his Majesty's most gracious desire to meet their wishes by the establishment of free grammar schools in those districts in which they are called for, and in due process of time to establish other seminaries of a more extensive nature, have hitherto, as far as your committee can judge, been lost sight of; and for no other reason that your committee can discover than that a school has, by an act of the Legislature, been already established in each district, with a salary of 100*l.* to the master. But this very limited provision, your committee respectfully submit, ought not to deprive the people of their just claim to a participation in the benefits of the school lands; and to that end the committee suggest that the House ought now to address his Majesty, setting forth the great value of these lands and the ample means which they afford to carry into effect the benevolent intentions of his late royal father, by an endowment from their proceeds for each district of at least 400*l.*, which added to the present appropriation would support eleven respectable seminaries, where the youth of the province generally might receive a liberal education without being removed many hundred miles from the tender care and watchful authority of their parents, as must be the case if those lands are exclusively applied to establish and support King's College or any other extensive university, which can only be viewed as of benefit to those whose wealth enables them to bear the great expense of sending their children to the capital of the province. Your committee also recommend, that besides the above endowment, the sum of 2,000*l.* might be set apart for the annual support of a provincial seminary at York, whether called "Upper Canada College" or by any other name; and that a suitable sum should be expended to erect the necessary buildings, and also to defray the expense of buildings for free grammar schools. That besides these endowments, your committee are of opinion that the great value and extent of the reservation will afford the means of providing a salary of 50*l.* each to the teachers of at least 12 township schools in every district, and thus give to Upper Canada a system of education that might well be envied by any other colony in his Majesty's dominions.

The data upon which your committee have made the foregoing suggestions are the following, viz. that the whole reservation of 549,217 acres, if sold at the average price of 10*s.* per acre, would give a capital of 274,608*l.* producing, if invested at the rate of 5*l.* per cent. interest, an annual income of 13,730*l.*; a sum sufficient to endow the schools which your committee conceive to be necessary, besides leaving an important balance to defray the expense of the sales and collecting the money:—

11 Grammar schools at £400 is	£1,400
1 College at York	2,000
132 Township schools, being 12 in each district, at £50	6,600
Balance	730
	<hr/>
	£13,730

Your committee, in assuming that these lands will sell at the above rate, conceive that they have much underrated their actual value, as it is generally understood that the council of King's College have estimated 225,273 acres of Crown reserves, which were exchanged for, and now form a part of the school reservation; as worth 1*l.* an acre.

Your committee, taking all the circumstances of this highly important subject into their most serious consideration; and averse to an extensive endowment out of this fund to King's College, or any other university, until the original intention of founding a free grammar school in each district has first been carried into effect, earnestly recommend to the House that an humble address be forthwith transmitted to His Majesty, respecting the manifest injury that is inflicted on the inhabitants of this province, by the endowment of the best half of the school reservation for the establishment of a seminary far exceeding the wants of the country, and solemnly beseeching His Majesty to listen to the anxious desire of his faithful subjects in Upper Canada, by arresting the alienation of these lands from their original purpose, and placing them under the control of the legislature, and for this object your committee submit the following resolutions for the consideration of the house.

All which is respectfully submitted.

Committee Room, House of Assembly,
 23d February, 1831.

W. MORRIS, Chairman.

Resolved, That His Majesty, in the year 1797, was graciously pleased to communicate to the government of this province, by a despatch from the Duke of Portland to Mr. President Russell, in answer to a joint address of the Legislature, His Majesty's intention to set apart a certain portion of the waste lands of the Crown, as a fund for the establishment and support of a free grammar school in those districts in which they are called for, and in due process of time to establish other seminaries of a more comprehensive nature.

No. 6.
Sir Geo. Arthur
to the Marquis of
Normandy.
June 8, 1839.
Encl. 2, in No. 6.

Resolved, That although more than 30 years have elapsed since His Majesty made this gratifying communication, it does not come within the knowledge of this committee that even one free grammar school has been endowed from these lands, or any other seminary established, in consequence of that reservation, except a school at the seat of government, called the Royal Grammar School.

Resolved, That the establishment by the legislature of a public school in each district, with a salary of 100% currency paid out of the provincial treasury to the master, does not afford sufficient means to instruct the youth of the province in the several branches of classical and scientific learning, and ought not therefore to be considered as a reason for withholding the support which His Majesty intended for the district grammar schools.

Resolved, That it is most important to the contentment and welfare of the people of this province, that the school lands be applied to the purposes for which they were originally intended, and immediate steps taken to represent to His Majesty's Government, that the several districts, from their extensive and rapidly increasing population, are now in a state to require the establishment of free grammar schools with a suitable endowment, which schools, if incorporated with the present district schools, would afford the means of respectable support to a master and two assistants in each, and thereby enable the inhabitants generally to confer the blessings of a liberal education on their children, and find employment as masters for such of them as may be found to have made the necessary proficiency in the acquirement of classical and scientific knowledge.

Resolved, That it would be much more satisfactory to the people of this province if the monies arising from the sale of school lands were paid into the hands of the Receiver-General, and the fund placed at the disposal of the Legislature instead of the present arrangement, as not only the control of the funds, but the general superintendence and organization of the whole system would thus be open to public inspection and approval.

Resolved, That an humble address be presented to His Majesty, setting forth the substance of the foregoing resolutions, and imploring His Majesty's early attention to the anxious hope of His Majesty's faithful subjects of Upper Canada, that the school lands may not be applied to any other object than that for which they were intended by His Majesty's late royal father.

Wednesday, 16th March, 1831.

Agreeably to the order of the day, the House went into a committee of the whole on the report of the select committee on school lands.

Mr. Clark was called to the chair.

The House resumed.

Mr. Clark reported that the committee had agreed to a resolution, which he was directed to submit for the adoption of the House.

The report was received, and the resolution was adopted nem. con. as follows:

Resolved, That His Majesty, in the year one thousand seven hundred and ninety-seven, was graciously pleased to communicate to the government of this province, by a despatch from the Duke of Portland to Mr. President Russell, in answer to a joint address of the Legislature, His Majesty's intention to set apart a certain portion of the waste lands of the Crown as a fund for the establishment and support of a free grammar school in those districts in which they are called for; and in due process of time to establish other seminaries of a more comprehensive nature.

Present—Messrs. Attorney-General, Beardsley, Bidwell, Boulton, Burwell, Campbell, Chisholm, Clark, W. Crooks, Duncombe, Elliott, Howard, Ingersoll, Jarvis, Lyons, McCall, D. McDonald, Mackenzie, McNab, Magon, Mount, Perry, Randal, Robinson, Roblin, Samson, John Wilson, W. Wilson.

Wednesday, 21st December, 1831.

Agreeably to the order of the day, the journals of the last session relative to school lands were read (MS. copy, p. 407, 2d vol. Appendix.)

Mr. Morris, seconded by Mr. Duncombe, moves that the House do now resolve itself into a committee on the proceedings of last session, relative to the school lands reservation.

Which was carried, and Mr. Clark was called to the chair.

The House resumed, the Black Rod being at the door.

The Speaker left the chair.

The chairman resumed the chair of committee.

The House resumed.

No. 6.
 Sir Geo. Arthur
 to the Marquis of
 Normandy.
 June 8, 1839.
 Encl. 2, in No. 6.

Mr. Clark reported that the committee had agreed to several resolutions, which he was directed to submit for the adoption of the House.

The report was received.

The first resolution was put and carried as follows:

Resolved, That His Majesty, in the year 1797, was graciously pleased to communicate to the government of this province, by a despatch from his Grace the Duke of Portland to Mr. President Russell, in answer to a joint address of the Legislature, His Majesty's intention to set apart a certain portion of the waste lands of the Crown, as a fund for the establishment and support of a free grammar school in those districts in which they are called for, and in due process of time to establish other seminaries of a more comprehensive nature.

The second resolution was then put and carried, nem. con., as follows:

Resolved, That although more than thirty years have elapsed since His Majesty made this most gratifying communication, it does not come within the knowledge of this House, that even one free grammar school has been endowed from these lands, or any other seminary established out of that reservation.

Present—Messrs. Attorney-General, Berczy, Bidwell, Boulton, Buell, Clark, Crooks, Duncombe, Elliott, A. Fraser, Howard, Ingersoll, Jones, Lewis, McCall, A. Macdonald, McMartin, McNab, Maçon, Morris, Mount, Norton, Perry, Randall, Robinson, Roblin, Samson, Shade, Shaver, Solicitor-General, Thomson, Vankoughnet, Warren, Werden, W. Wilson.

The third resolution was then put and carried, nem. con., as follows:

Resolved, That the establishment by the Legislature of a public school in each district, with a salary of one hundred pounds currency paid out of the provincial treasury to the master, does not afford sufficient means to instruct the youth of the province in the several branches of classical and scientific learning, and ought not therefore to be considered as a reason for withholding the support which His Majesty intended for the district grammar schools.

Present—Messrs. Attorney-General, Berczy, Bidwell, Boulton, Buell, Clark, Crooks, Duncombe, Elliott, A. Fraser, Howard, Ingersoll, Jones, Lewis, McCall, A. McDonald, McMartin, McNab, Maçon, Morris, Mount, Norton, Perry, Randall, Robinson, Roblin, Samson, Shade, Shaver, Solicitor-General, Thomson, Vankoughnet, Warren, Werden, and W. Wilson.

The fourth resolution was then read as follows:

Resolved, That it is most important to the contentment and welfare of the people of this province, that the school lands be appropriated to the purposes for which they were originally intended, and immediate steps taken to represent to His Majesty's Government, that the several districts, from their extensive and rapidly increasing population, are now in a state to require the establishment of free grammar schools with a suitable endowment, which schools, if incorporated with the present district schools, would afford the means of respectable support to a master and two assistants in each, and thereby enable the inhabitants generally to confer the blessings of a liberal education on their children, and find employment as masters for such of them as may be found to have made the necessary proficiency in the acquirement of classical and scientific knowledge.

In amendment, Mr. Perry, seconded by Mr. Bidwell, moves, that all the words in the original resolution be expunged after the word "endowment," and the following words inserted, "which would enable the inhabitants generally to confer the blessings of a liberal education on their children."

On which the House divided, and the yeas and nays were taken as follows:

Yeas—Messrs. Berczy, Bidwell, Buell, Clark, A. Fraser, Howard, McCall, A. McDonald, McMartin, Norton, Perry, Randall, Roblin, Shaver, Warren, W. Wilson—16.

Nays—Messrs. Attorney-General, Boulton, Crooks, Duncombe, Elliott, Ingersoll, Jones, Lewis, McNab, Maçon, Morris, Mount, Robinson, Samson, Shade, Solicitor-General, Thomson, Vankoughnet, Werden—19.

The question of amendment was decided in the negative by a majority of three.

The original question was then put and carried nem. con.

Present—Messrs. Attorney-General, Berczy, Bidwell, Boulton, Buell, Clark, Crooks, Duncombe, Elliott, A. Fraser, Howard, Ingersoll, Jones, Lewis, McCall, A. McDonald, McMartin, McNab, Maçon, Morris, Mount, Norton, Perry, Randall, Robinson, Roblin, Samson, Shade, Shaver, Solicitor-General, Thomson, Vankoughnet, Warren, Werden, W. Wilson.

The fifth resolution was then put and carried, nem. con., as follows:

Resolved, That it would be much more satisfactory to the people of this province, if the monies arising from the school lands were paid immediately into the hands of the Receiver-General, and the fund placed at the disposal of the Legislature, instead of the present arrangement, as not only the control of the funds, but the general superintendance and organization of the whole system would be thus open to public inspection and approval.

Present—Messrs. Attorney-General, Berczy, Bidwell, Boulton, Buell, Chisholm, Clark, Crooks, Duncombe, Elliott, A. Fraser, Howard, Ingersoll, Jones, Lewis, McCall, A. McDonald, McMartin, McNab, Maçon, Morris, Mount, Norton, Perry, Randall, Robinson, Roblin, Samson, Shade, Shaver, Solicitor-General, Thomson, Vankoughnet, Warren, Werden, and W. Wilson.

The sixth resolution was then put and carried as follows:

Resolved, That an humble address be presented to His Majesty, setting forth the substance of the foregoing resolutions, and imploring His Majesty's early attention to the anxious hope of His Majesty's faithful subjects of Upper Canada, that the school lands may not be applied to any other object than that for which they were intended by His Majesty's late royal father.

The seventh resolution was then put and carried as follows:—

Resolved; That the chairman be instructed to draft and report to the House, an Address to His Majesty, founded on the foregoing resolutions.

Agreeably to order, Mr. Clark, chairman of the committee of the whole, on the subject of school lands, reported the draft of an Address to His Majesty, which was received, read twice, concurred in, and ordered to be engrossed and read a third time to-morrow.

Thursday, December 22, 1831.

Agreeably to the order of the day, the Address to His Majesty on the subject of school lands was read the third time.

On the question for passing the same, Mr. Perry, seconded by Mr. Bidwell, moves in amendment, that the Address do not now pass, but that the same be now referred to a committee of the whole House.

Which was carried, and Mr. McMartin was called to the chair.

The House resumed.

Mr. McMartin reported the Address as amended.

The report was received, and the Address was ordered to be engrossed and read a third time this day.

Friday, December 23d, 1831.

Agreeably to the order of the day, the Address to His Majesty on the subject of school lands was read a third time, and passed nem. con., and is as follows:—

To the King's Most Excellent Majesty.

Most Gracious Sovereign,

We, Your Majesty's most dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, most humbly approach Your Majesty, to represent that, in the year 1797, Your Majesty's Royal Father was graciously pleased to communicate to the Government of this province, in answer to a joint Address of the Legislature, His Majesty's intention to set apart a certain portion of the waste lands of the Crown as a fund for the establishment and support of a free grammar-school in those districts in which they are called for, and in due process of time to establish other seminaries of a more comprehensive nature.

That although more than thirty years have elapsed since His Majesty made this gratifying communication, it does not appear that even one free grammar school has been endowed from these lands, or any other seminary established out of that reservation.

We would further represent to Your Majesty, that the establishment (by the Legislature) of a public school in each district, with a salary of one hundred pounds, currency, paid out of the Provincial Treasury, to the master, does not afford sufficient means to instruct the youth of the province in the several branches of classical and scientific learning, and ought not therefore to be considered as a reason for withholding the support which His Majesty intended for the free grammar schools. It is therefore most important to the contentment and welfare of the people of this province that the school lands, amounting to 549,217 acres, be applied to the purposes for which they were originally intended; and as the several districts are, from their extensive and rapidly increasing population, in a state to require the establishment of free grammar schools, which, if suitably endowed and incorporated with the present district schools, would afford the means of respectable support to a master and two assistants in each, and thereby enable the inhabitants of the colony to confer the blessing of a liberal education on their children, and find employment as masters for such of them as may be found to have made the necessary proficiency in the acquirement of classical and scientific knowledge.

We also represent to Your Majesty, that it would be much more satisfactory to the people of this province if the monies arising from the school lands were paid into the hands of the Receiver-General, and the fund placed at the disposal of the Legislature, instead of the present arrangement; as not only the control of the funds, but the general superintendence and organization of the whole system would thus be open to public inspection and approval.

We therefore humbly implore your Majesty to place the school lands at the disposition of the legislature of the province, to be applied exclusively for the purposes intended by Your Majesty's Royal Father.

ARCHIBALD McLEAN, Speaker.

Commons House of Assembly, 23d day of December, 1831.

PRESENT.

Messrs. Attorney-General, Berczy, Bidwell, Chisholm, Clark, Crooks, Duncombe, Elliott, A. Fraser, R. Fraser, Howard, Ingersoll, Jones, Ketchum, Lewis, McCall, D. McDonald, McMartin, Macon, Morris, Mount, Perry, Randal, Robinson, Roblin, Samson, Shade, Shaver, Solicitor-General, Thomson, Vankoughnet, Warren, Werden, W. Wilson.

Mr. Morris, seconded by Mr. Thomson, moved that an humble Address be presented to his Excellency the Lieutenant-Governor, informing his Excellency that this House has passed an Address to His Majesty on the subject of the clergy reserves, and also an Address relative

No. 6.
Sir Geo. Arthur
to the Marquis of
Normanby.
June 8, 1839.

Encl. 2, in No. 6.

No. 6.
 Sir Geo. Arthur
 to the Marquis of
 Normandy.
 June 8, 1839.
 Encl. 2, in No. 6.

to the school lands, and requesting his Excellency to transmit the same to His Majesty; and that Messrs. Samson and Cook be a committee to draft and report the said Address.

Ordered.

Mr. Samson, from the committee to draft an address to his Excellency the Lieutenant-Governor, requesting his Excellency to transmit the Address to His Majesty on the subjects of clergy reserves and school lands, presented a draft, which was received and read twice, concurred in, and ordered to be engrossed and read a third time this day.

Monday, 26th December, 1831.

Mr. Samson, from the select committee to wait upon his Excellency the Lieutenant-Governor to know when he would be pleased to receive this House with their Address, requesting his Excellency to transmit the addresses to His Majesty on the subject of the clergy reserves and school lands, reported that his Excellency had been pleased to name the hour of 10, A.M., to-morrow.

J. COLBORNE.

In transmitting the accompanying memorials and correspondence, in compliance with an Address from the House of Assembly, the Lieutenant-Governor acquaints the House, that from the documents in his possession it appears that in compliance with an Address to the King from the Legislative Council and House of Assembly, in the year 1797, praying that a certain portion of the waste lands of the Crown might be appropriated for the establishment and support of a grammar-school in each district, and also a college or university for the instruction of youth in the different branches of liberal knowledge, the Secretary of State for the Colonies expressed His Majesty's intention to comply with the wishes of the Legislature in such a manner as should be judged most effectual; First, by the establishment of free grammar schools in the districts in which they were called for, and in due time, by establishing other seminaries of a larger and more comprehensive nature, for the promotion of religious and moral learning, and the study of the arts and sciences; and directed that the Executive Council and law officers should be consulted on this subject.

In consequence of these instructions, the Local Government, in 1798, recommended 12 townships to be set apart for the purposes of education, of about 549,217 acres, and it appears that none of the reserves were alienated till the year 1823, when Lord Bathurst authorized a General Board of Education to be formed, and a portion of the reserves to be applied under the management of the board towards raising a fund for the establishment of township schools.

In the year 1827, His Majesty's Government ordered 255,273 acres of the lands originally set apart for the purposes of education, to be transferred to the Crown in lieu of the leased Crown reserves granted to the university as an endowment for that institution; and lately, 66,000 acres have been set apart for the support of Upper Canada College and Royal Grammar School; and for the purpose of raising a fund from which the advances made to establish that seminary by the University Council and by the Board of Education, may be repaid.

Government House, 24th December, 1831.

Thursday, 8th November, 1832.

Mr. Morris gives notice, that he will to-morrow move for an Address to his Excellency the Lieutenant-Governor, requesting his Excellency to inform this House, what quantity of the school lands reservation has been sold, what quantity is now remaining at the disposition of the Legislature, showing in what districts and townships the same are situated.

Friday, November 9, 1832.

J. COLBORNE.

The Lieutenant-Governor transmits to the House of Assembly, a copy of a despatch from His Majesty's Principal Secretary of State for the Colonies, on the subject of the Address of the House to the King respecting the proceeds of the sale of lands set apart for the support of schools.

Government House, November 9th, 1832.

(Copy) No. 83.

SIR,

Downing Street, London, 5th July, 1832.

I HAVE had the honour of receiving, and laying before His Majesty, your despatch, of the 13th February last, enclosing an Address from the Assembly of Upper Canada, praying that the "school lands within the province may be applied to the purposes for which they were originally intended;" and further representing that it would be much more satisfactory to the people of the province, if the monies arising from the school lands were paid into the hands of the Receiver-General, and the fund placed at the disposal of the Legislature.

I have received His Majesty's commands to direct you to inform the Assembly, at their next meeting, that He has been graciously pleased to accede to their request, and that the

sums arising from the sale of that portion of the school lands which has not already been alienated, will be paid into the hands of the Receiver-General, to be applied to the promotion of Education in such manner as the Legislature may direct.

Major-General Sir John Colborne, K.C.B.

I have, &c.

GODERICH.

No. 6.
Sir Gen. Arthur
to the Marquis of
Normanby.
June 8, 1839.
Encl. 2, in No. 6.

Wednesday, 14th November, 1832.

Agreeably to notice, Mr. Morris, seconded by Mr. Buell, moves that an Address be presented to his Excellency the Lieutenant-Governor, requesting that his Excellency may be pleased to lay before this House a statement of the number of acres of school lands which have been alienated, and the number remaining; and to inform this House in what districts and townships they are situated.

In amendment, Mr. Burwell, seconded by Mr. William Wilson, moves, that after the word "situated" in the original motion, the following be added:—"And also a statement of the number of acres of land which have been granted by His Majesty's Government to individuals, in the school townships of Southwold, Yarmouth, Houghton, Middleton, Westminster, and Blandford,—showing also the number of acres which have been granted in each of said townships to surveyors, in compensation for surveying; and an account of the quantity and situation of such lands as may have been set apart by His Majesty's Government for school reserves, in lieu of the lands granted in the said townships."

Mr. Burwell, seconded by Mr. W. Wilson, moves that Messrs. John Wilson and Boulton be a committee to draft an address to his Excellency the Lieutenant-Governor, in pursuance of the resolution of this House on the subject of school lands.

Ordered.

Mr. John Wilson, from the select committee to draft an address to his Excellency the Lieutenant-Governor, for information relative to school lands, reported a draft, which was received, read twice, concurred in, and ordered to be engrossed and read a third time to-morrow.

Thursday, 15th November, 1832.

AGREEABLY to the order of the day, the address to his Excellency the Lieutenant-Governor, requesting information relative to the school lands, was read a third time, passed, and signed, and is as follows:—

To his Excellency Sir John Colborne, K.C.B., Lieutenant-Governor of the Province of Upper Canada, and Major-General commanding His Majesty's Forces therein, &c., &c.
May it please your Excellency,

We, His Majesty's dutiful and loyal subjects, the Commons House of Assembly of Upper Canada, in Provincial Parliament assembled, most humbly beg leave to request that your Excellency will be pleased to direct the proper officer to inform this House what quantity of the school lands reservation has been alienated, and what quantity is now remaining at the disposition of the Legislature, showing in what districts and townships the same may be situated, and to lay before this House a statement of the number of acres of land which have been granted by His Majesty's Government to individuals in the school townships of Southwold, Yarmouth, Houghton, Middleton, Westminster, and Blandford, showing also the number of acres which have been granted in each of said townships to surveyors in compensation for surveying; and an account of the quantity and situation of such lands as may have been set apart by His Majesty's Government for school reserves in lieu of the lands granted in the said townships.

Commons House of Assembly,
November 15, 1832.

ARCHIBALD McLEAN, Speaker.

(Copy.)

J. COLBORNE.

The Lieutenant-Governor, with reference to the address of the House of Assembly of the 15th November, transmits the accompanying communication from the Secretary of the Board of Education and Returns from the Surveyor-General; showing the number of acres of the Crown lands which were set apart originally by the Executive Government, for the establishment and support of grammar schools and colleges, in conformity to instructions received from His Majesty's Secretary of State for the Colonies.

Government House, 17th December, 1832.

No. 6.
 Sir Geo. Arthur
 to the Marquis of
 Normandy.
 June 8, 1939.
 Encl. 2, in No. 6.

RETURN OF SCHOOL LANDS, Showing the Original Reservations—the Number of Acres Alienated—the Number of Acres Appropriated in lieu thereof—the per Centage granted to Contractors for Surveying—the Number of Acres set apart for Upper Canada College—and the Quantity which remains Disposable.

Districts.	Townships.	No. of Acres originally reserved.	No. of Acres alienated.	Contractors' per Centa, &c.	No. of Acres disposable.	Alienated Lands disposed of.	Remarks.
Ottawa	Alfred	25,140	25,140	None.	None.	Granted to individuals.	Rocky.
	Plantagenet	40,000	40,000	None.	None.	Do.	Good land.
Midland	Bedford	61,220	5,538	2,858	55,684	2,680 acres granted to individuals	Ditto.
	Hinchinbroke	51,100	51,100	2,427	None.	48,663 acres re-invested in the Crown, in lieu of lands granted to the University	
Newcastle	Sheffield	56,688	3,158	3,158	53,530	25,000 acres granted to Upper Canada College; 18,969 acres re-invested in the Crown, in lieu of scattered lots granted to U. C. College.	
	Seymour	47,484	47,484	3,515	None.	5,000 acres granted to Upper Canada College	Ditto.
London	Blandford	20,400	6,179	1,179	14,221	1,597 acres to individuals, 600 acres of which have been reserved in the town-ship of Warwick	Ditto.
	Houghton	19,000	3,192	1,505	15,893	22,600 acres granted to individuals	Sandy.
London	Middleton	35,000	24,267	1,667	10,733	30,900 do.	Good land.
	Southwold	40,300	31,619	719	8,881	40,725 do.	Ditto.
London	Westminster	51,143	41,943	1,218	9,200	7,984 do.	Ditto.
	Yarmouth	20,000	8,110	1,020	11,900	12,000 acres granted to Upper Canada College.	Ditto.
Home	Jays	12,000	12,000	..	None.	Re-invested in the Crown, in lieu of lands granted to University.	Not surveyed, but supposed good.
	Luther	66,000	66,000	..	None.	Do.	Do.
Home	Sunnisdale	38,000	38,000	..	None.	Do.	Do.
	Osprey	50,000	50,000	..	None.	28,281 acres re-invested in do.; 5,091 acres re-invested in do., in lieu of lands granted to U. C. College.	Do.
London	Merlin	40,000	28,312	..	11,688	Reserved for lands granted in Houghton.	Good land.
	Proton	66,000	..	..	66,000		
	Waywick	600	..	..	600		
		Total Quantity disposable		258,890			

The Townships marked * were substituted in lieu of lands granted to individuals in the Townships of Alfred, Plantagenet, Bedford, Houghton, Middleton, Southwold, Westminster, and Yarmouth.
 Surveyor-General's Office, York, U. C., 10th December, 1892.
 S. P. HURD, S. G.

Copy of Letter from GEORGE H. MARKLAND, Esq., Secretary to the General Board of Education.

SIR,

14th December, 1832.

No. 5.
Sir Geo. Arthur
to the Marquis of
Normandy.
June 8, 1832.

Encl. 2, in No. 6.

FROM the accompanying documents, which have been prepared for the information of his Excellency the Lieutenant-Governor, it will appear that the original reservation of land for the purposes of education amounted to 467,675 acres, of which 170,719 acres were alienated by grants to individuals, and in lieu thereof 272,600 acres were appropriated to a similar purpose, giving a surplus over and above the quantity deficient of 101,881 acres. There were also alienated, as a per centage to surveyors, 19,282 acres.

Since the reservation before alluded to, 225,944 acres of it have been re-invested in the Crown, in lieu of scattered reserves, granted as an endowment to the University of King's College, and 60,000 acres have been set apart for the benefit of Upper Canada College; after which deduction there remains at the disposal of such person or persons as may be appointed for the sale thereof, 258,330 acres.

I have the honour to be, &c.,

GEORGE H. MARKLAND.

Lieutenant-Colonel Rowan,
&c. &c. &c.

Copy of Letter from S. P. HURD, Esq., Surveyor-General.

SIR,

Surveyor-General's Office, 10th December, 1832.

IN obedience to the commands of his Excellency the Lieutenant-Governor, to furnish a statement of the school lands, agreeably to the address of the House of Assembly, I have the honour herewith to transmit to you a return of the school lands, showing the original townships reserved, the number of acres alienated, the lands appropriated in lieu thereof, the surveyors' per centage, the number of acres set apart for Upper Canada College, and the quantity which remains disposable.

I have the honour to be, &c., &c.,

S. P. HURD, S. G.

To Lieutenant-Colonel Rowan,
Secretary to his Excellency the Lieut.-Governor,
&c. &c. &c.

	Acres.
The original school townships of Alfred, Plantaganet, Bedford, Hinchinbroke, Sheffield, Seymour, Blandford, Houghton, Middleton, Southwold, Westminster, and Yarmouth, were computed at 549,216 acres, but actually contained	467,675
Alienated from the above, for surveyors' per centage	19,282
Alienated by grants to individuals	170,719
The townships of Java, Luther, Sunnidale, Osprey, Merlin, and Proton, made school townships in lieu of the above alienations, contain	272,000
Also reserved in township of Warwick	600
	740,275
Re-invested in Crown, in lieu of lands granted to the University	225,944
Re-invested in Crown, in lieu of lands granted to Upper Canada College	66,000
	481,945
School lands, disposable	258,330
	S. P. HURD.

Memorandum of lands granted to the Upper Canada College 66,000 acres.

25,000 acres in Seymour.

18,969 acres in scattered lots, for which a like quantity is re-invested in the Crown in the township of Seymour.

5,000 acres in the township of Blandford.

12,000 ditto in the township of Java.

5,031 ditto in scattered lots, for which a like quantity is re-invested in the Crown in the township of Merlin.

66,000 acres.

Memorandum of lands granted to the University under patent deed 225,944 acres.

No. 6.
Sir Geo. Arthur
to the Marquis of
Normanby.
June 8, 1839.
Encl. 2, in No. 6.

Memorandum of lands alienated to individuals:—

	25,140 acres in the township of Alfred.		
	40,000	ditto	Plantagenet.
	2,680	ditto	Bedford.
	22,600	ditto	Houghton.
Alienated in these five townships: 102,906 acres.	30,900	ditto	Middleton.
	40,725	ditto	Southwold.
	40,725	ditto	Westminster.
	7,084	ditto	Yarmouth.
	<u>170,726 acres.</u>		

Memorandum:—

Alfred and Plantagenet were thrown open for general location under Governor Gore, containing about 65,000 acres, which amount is included in the 170,712 alluded to, leaving 105,719 which have been taken from the original school townships.

	Acres.
University	225,944
Upper Canada College.	66,000
	<u>291,944</u>
Original intention	549,217
Deduct	291,944
	<u>257,273</u>

No. 7.

(Separate.)

Copy of a DESPATCH from Lieutenant-Governor Sir G. ARTHUR, K.C.H.,
to the Marquis of NORMANBY.

MY LORD,

Government House, Toronto, 26th July, 1839.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, marked "Separate," of the 3d instant, stating the reasons which had induced your Lordship to defer for the present an official answer to the address to the Queen from the Legislative Council and House of Assembly of Upper Canada, on the subject of the services and claims of Commander Drew.

I have the honour to be, my Lord,
Your Lordship's most obedient humble servant,

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

GEO. ARTHUR.

No. 8.

(No. 161.)

Copy of a DESPATCH from Lieutenant-Governor Sir G. ARTHUR, K.C.H.,
to the Marquis of NORMANBY.

MY LORD,

Government House, Toronto, 27th July, 1839.

I HAVE the honour to transmit to your Lordship the accompanying petition to Her Majesty from the United Synod of the Presbyterian Church of Upper Canada, convened in annual meeting at Cavan, praying, that in the distribution of the clergy reserves they may be allowed an equal proportion of them with other religious denominations, so that all invidious distinctions among Her Majesty's subjects may thereby be avoided.

I take this opportunity to repeat what I have already expressed on various occasions, that the body of Christians to which these petitioners belong, form a very numerous and respectable class of this community.

I have the honour to be, my Lord,
Your Lordship's most obedient humble servant,

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

GEO. ARTHUR.

No. 7.
Sir Geo. Arthur
to the Marquis of
Normanby.
July 26, 1839.

No. 8.
Sir Geo. Arthur
to the Marquis of
Normanby.
July 27, 1839.

Enclosure in No. 8.

No. 8.
Sir Geo. Arthur
to the Marquis of
Normanby.

July 27, 1839.

Encl. in No. 8.

To Her most Gracious MAJESTY VICTORIA I., Queen of Great Britain and Ireland, &c. &c.
The Petition of the United Synod of the Presbyterian Church of Upper Canada most
humbly sheweth,—

THAT we, the United Synod, convened at Cavan, at our annual meeting, were the first organized Presbyterian body in the province, and among the very first collegiately educated ministers who manifested a disinterested spirit by leaving our native homes, breaking up our early and tender associations, encountering the unspeakable difficulties of a new country, and carrying from house to house, and from place to place, peace and good will, and the pure word of life, to the people of this colony. When we entered upon the moral culture of the widely desolated field of Upper Canada, there were but very few ministers of the Church of England in it, and only one of the Church of Scotland, who was soon called to his everlasting home. It then devolved entirely upon the United Synod to administer the ordinances of religion; and break the bread of life to the Presbyterian population of the province. We are all British born subjects; have occupied the field for upwards of thirty years; and in point of Christian loyalty and sincere devotedness to your Majesty and British institutions, we can yield to no class of your Majesty's subjects. As an evidence of this, we are not aware that any one connected with our congregations, scattered as they are over nearly the whole province, was either found in arms, or brought under the charge of sedition or high treason, during the late wicked and unnatural rebellion; but, on the contrary, our people were among the very first, during the different invasions of the province, to leave their homes and families to rush to the post of danger, and were the last to leave them. Many of them fell at the battle of the Windmill, numbers of them were severely wounded, some of whom are not yet recovered, and therefore equal in danger, in taxation, in loyalty, &c.; ever ready by our influence and blood to uphold British supremacy against republican institutions, we justly claim from your Majesty equal favours and equal liberties.

The Provincial Parliament of Upper Canada have at length settled that long agitated subject, the clergy reserve question, by reinvesting the reserves in your Majesty for religious purposes.

Your Majesty's petitioners would most humbly beg leave to submit to the serious consideration of your Majesty, that should they be appropriated exclusively to one or two religious denominations, it will convulse again the province to its centre, excite the worst passions of men, produce deep dissatisfaction in the public mind, and bring about the most deplorable consequences. Should we now suppress these appalling apprehensions, we would shrink from a solemn duty which we owe to your Majesty, the British nation, and her colonies, as well as to our own conscience and the people of our charge.

Your Majesty's petitioners would also beg leave most humbly to impress this fact upon the most gracious attention of your Majesty, that a committee of the present House of Assembly, at two different sessions, presented a report, recommending the House to divide the reserves among five denominations, including your Majesty's petitioners. We therefore most humbly pray your most gracious Majesty to grant your petitioners an equal proportion with other denominations, and thereby avoid all invidious distinctions among your Majesty's subjects.

May the wisdom of Him who is able to direct, enable your Majesty to settle the important question in such a manner, that all bitterness of feeling, animosity, and mutual recrimination may cease; that peace and tranquillity may be restored to the public mind; stability and success to our institutions; prosperity to our commerce and agriculture; that men may fear God, honour the Queen, and love one another; and that the people of this province may rise to such a high degree of eminence in a religious, moral, and social point of view, that men from afar may be attracted to this British colony and find an asylum.

And your Majesty's petitioners, as in duty bound, will ever pray.

Signed in the name, and in the presence, and on behalf of the United Synod of the Presbyterian Church of Upper Canada.

(Signed)

JAMES DOUGLASS, Moderator.

WILLIAM SMART, Stated Clerk.

Cavan, Upper Canada, 28th June, 1839.

No. 9.

(No. 173.)

Copy of a DESPATCH from Lieutenant-Governor Sir G. ARTHUR, K.C.H.,
to the Marquis of NORMANBY.

MY LORD,

Government House, Toronto, 29th July, 1839.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, No. 21, of the 6th of April last, accompanied by a copy of a letter from the secretary to the Lords Commissioners of the Treasury, conveying their Lordships' decision relative to the case of the destitute individuals in Upper Canada, termed "commuted pensioners."

No. 9.
Sir Geo. Arthur
to the Marquis of
Normanby.

July 29, 1839.

For the Marquis of
Normanby's Despatch
6 April, 1839, vide
Papers ordered to be
printed by the House
of Commons 7 and 15
May, 1839, No. 248,
p. 60.

No. 2.
 Sir Geo. Arthur
 to the Marquis of
 Normanby.
 July 29, 1839.

With a view to devise the means of carrying into effect the instructions of Her Majesty's Government, as contained in this despatch, I caused that communication to be referred to a special Board, consisting of Major Barou, R.E., Deputy Commissary-General Knowles, and A. B. Hawke, Esq., Chief Agent for Emigration; desiring that they would report upon it for my information.

No. 1.

Accordingly, the Board have submitted the Report, of which the accompanying enclosure is a copy.

From this document your Lordship will perceive that the mode of affording relief to the commuted pensioners prescribed by the Treasury instructions, was considered by the Board as impracticable in its details, inasmuch as the majority of the ex-pensioners being scattered through the province, and many of them residing in remote districts, where no commissariat establishments exist, it would have been impossible to administer to them the *daily* measure of relief which was proposed.

No. 2.

The next step which I deemed it expedient to take in relation to this matter, was to refer the Report of the Board to the Executive Council, of whose Minute thereon I have also the honour to transmit herewith a copy.

The Council, as your Lordship will remark, after carefully reviewing the whole circumstances of the case, have expressed their concurrence in the opinion of the Board, that the issue of *daily rations* was impracticable as a means to the end contemplated.

On the strength of these corresponding representations from two distinct Boards, with whose views upon the point in question my own entirely coincided, I have not hesitated to assume the responsibility of so far departing from your Lordship's instructions as to authorize the issue, *at one time*, of a larger quantity of provisions than the Lords of the Treasury have directed; and your Lordship will derive on this head the necessary information on reference to the enclosed printed notice, addressed to commuted pensioners, and signed by Mr. Hawke.

No. 3.

It being necessary, also, under this arrangement, to supply the want of commissariat offices in various parts of the country where the pensioners are located, the Chief Agent for Emigration has, by my desire, addressed a circular letter to such gentlemen residing in the immediate vicinity of the parties to be relieved, as, judging from their personal character, appeared to be the most likely to assume the benevolent task which it was desired to impose upon them.

No. 4.

Of this circular, and the printed form of receipt referred to in it, I have the honour to transmit herewith copies.

The lists of pensioners enclosed in your Lordship's despatches Nos. 21 and 66, have been severally printed for the purpose of distribution through the proper channels.

The commissariat officers not feeling themselves competent to act in pursuance of these measures, without some express authority, I have superseded the necessity of application being made to the commissary-general at Quebec, by issuing a general order, under which the commissariat officers will be empowered to do what is requisite in the matter.

As regards the suggestion contained in the minute of the Executive Council that permanent pecuniary instead of mere eleemosynary relief should be afforded to the ex-pensioners who can make good their claims, I am prepared to say that this mode of adjustment appears to me to be the best calculated to fulfil effectually the humane intentions of Her Majesty's Government relative to the unhappy objects of their commiseration; and I strongly incline to think that succour of this nature would prove, in the end, the most economical; for it is futile to suppose that the aid now about to be distributed will not, of necessity, require to be made constant.

I have the honour to be, my Lord,

Your Lordship's most obedient humble servant,

GEORGE ARTHUR.

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

Enclosure 1, in No. 9.

Emigrant Office, Toronto, 20th May, 1839.

PURSUANT to the morning district General Order of the 18th of May, the Board, consisting of

PRESIDENT :

R. J. Baron, Royal Engineers.

MEMBERS :

Deputy Commissary-General Knowles,
A. B. Hawke, Esq., Emigrant Agent,

Assembled at this office, to-day, for the purpose of considering and reporting upon the subject of a despatch received from Her Majesty's Principal Secretary of State for the Colonial Department, relative to the commuted pensioners, and having attentively considered the matter laid before them, report as follows :—

The prominent points in the despatch are these—1st. To afford a regulated and indispensable relief to the destitute commuted pensioners. 2nd. To guard against deception. With this view, therefore, it is necessary to identify the individuals, and to establish an undoubted case of destitution, as the sole title to the prescribed assistance in food, and in clothing and shelter.

The rules laid down in the letter from the Treasury Chambers of the 25th March, viz.: "That the relief should in every case be limited to the smallest possible amount; that it should be given only upon the daily and personal application of each individual requiring it; that the relief is liable to be withdrawn in the event of any misconduct, or when employment can be found for the applicant." These, and its whole tenor, clearly presuppose that the general condition of the commuted pensioners is above want, and that the administration of charitable aid will be temporary and incidental.

When, however, it is borne in mind what are required, and what usually are the qualities of a settler in America—youth, strength, and enterprise, to war successfully with the wilderness. When we contrast with these requirements of vigour and of toil, the dregs of a hard and dissolute life, which emigrants, maimed, aged, or prematurely exhausted, bring to the encounter of extreme labour and hardship, how can we wonder at failure? But many, it will be said, have families with adult children capable of sustaining the parent's burden, and solacing their declining years, in the expectation of an unencumbered inheritance. Unhappily, however, in many instances, the children forsake a thriftless home to become the artificers of their own fortunes. The best of the emigrants are those actually engaged in the cultivation of the lands assigned to them, and of these, many have been compelled to give up the struggle in despair. Mr. Hawke, the Emigrant Agent, so well qualified to inform us knows, that of this superior and more energetic class, hundreds have been relieved by the Provincial Government since 1834, in every form of charity but that of money.

Having made these preliminary observations, we will now enter into detail.

The Return sent to England by his Excellency Sir George Arthur contained 567 names; the verified list which accompanies the despatch has 441. The difference is 126, and of these names so rejected, 28 are considered doubtful; as they cannot be found on the books of Chelsea Hospital by the descriptions given. A supplementary list of 87 names was sent in February last, from the Emigrant office, to Mr. Secretary Macaulay; and assuming the same proportion of alloy, the number would be reduced to 73; so that, adding together 441 admitted, 23 (a proportionate reduction of the 28 doubtful cases) and 73 the probable amount of the amended supplementary list, we shall have 537 commuted pensioners in Upper Canada. Of these about 200 are settled on their lands, principally in the Home, Newcastle, and London districts, and are, as we have already observed, stronger, more industrious, and better behaved than the rest, but Mr. Hawke's letter to Mr. Joseph, dated the 9th of April, 1837, shows that they have received more or less relief every year since they have been located, and we have stated that many have been constrained by infirmity to abandon their holdings.

To men scattered over a vast extent of country, in places remote from commissariat and ordnance establishments, and the stations of medical officers, the rules set forth in the letter from the Treasury are obviously inapplicable. They demand a daily scrutiny into applications for relief, in order to adapt it nicely to fluctuating wants, so that it shall cease the instant they terminate, and recommence as soon as they are renewed. If, as in Europe, the watchful eye of the magistrate and the priest penetrated into every portion of the community, some local arbiter of their claims might be found acquainted with their characters and wants, and able to mediate effectually between benevolence and want. But who shall hold the balance of these pensioners' distresses, destitute as they are of the guardianship of the clergyman, and of the scarcely less beneficial influence of kind, considerate, and wealthy neighbours. It is clear then, that there are no local means of obtaining an accurate knowledge of their condition, such a knowledge at least as is required to carry the rules into effect. Even were an officer appointed to devote his exclusive attention to their circumstances, and to be constantly moving from house to house, he could not confine occasional relief to the precise period of its necessity; he could not travel about with a load of provisions and blankets, and if these were ordered from a distant depot they would arrive too late. Frequent relief would soon become constant from the impossibility of verifying the propriety of the demands, and apportioning it to their duration. In spite then of the prohibition of pecuniary relief, we

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feel urged to recommend its adoption with regard to the located pensioners, to escape the costly, clumsy, tardy, method of relief in kind.

What shall be the principle of its application? to how many and for what period shall it be given?

From the experience of the emigrant agent we derive the expectation, that about 10 per cent. of the number, or 20 pensioners, will be forced annually to abandon their posts unless they receive assistance. Without it these will actually fail; but such a proportion of failure does not denote a very flourishing state in the remainder. If permanent aid be accorded to 20, and if those (altogether incapable) who belong to the establishment at Penetanguishine, and to whom we shall presently advert, continue to receive entire support, would not a reward be held out to incapacity calculated to damp exertion, when without it, nearly the same benefits were obtained. This effect would undoubtedly occur to a certain extent; but admitting the greatest, assuming that all sat down in despondency, and called upon Hercules for help, still the grant of a small sum, even sixpence a-day to each pensioner, would prevent them from foregoing the pleasure of establishing their families on their own lands, would arrest their descent into the lower class at Penetanguishine, and might, by improving the prospects of the family, and diminishing its burdens, bind the sons to the fortunes of their parents. A daily charge of sixpence each, for 200 men, would amount to 1,825*l.* per annum, and would decrease until the whole became extinct. Taking the average pension at 9*d.* a-day, and the expense already incurred in settling the pensioners, the Government would be no loser by such an arrangement. No valid objection could be raised against making equal allowances to those who had previously held unequal pensions, since the relief would be strictly eleemosynary, not graduated by past service, but by present distress.

For the proper distribution of charity among the emigrants settled on their lands, and a necessary inspection of their state and conduct, we beg leave to propose, that Mr. Hawke be authorized to select a suitable person, among those who assisted in locating them, subject of course to the approval of his Excellency Sir George Arthur. It should be the duty of this inspector to enter every house twice a-year, at irregular periods, to make himself well acquainted with the pensioners and their families, their numbers, behaviour and condition, to ascertain the quantity of land brought into cultivation, and to judge what assistance should be given to each distressed family, and for what time.

All this should be expressed in a report, containing his reasons for assigning the various amounts of assistance. The report, bearing his signature, should be sent to Mr. Hawke for examination and for certificate of his belief in its correctness, before being transmitted to his Excellency Sir George Arthur.

It would be obviously desirable that this officer should continue to fulfil the duties as long as he wishes it, and give satisfaction, because the just administration of relief depends entirely upon an accurate knowledge of circumstances, which time and industry alone can give. In the event of misconduct, relief would be suspended, except in cases of extreme distress; these cases of forfeiture will be noted in the report, and we apprehend that a few such examples of benefits withheld will insure good conduct, and prevent the misapplication of the funds.

It would be well in a printed address to the emigrants, to give them credit for not abusing the liberality of Government, to show that it is entirely gratuitous, and to make them clearly understand, that it is bestowed not as a pension, but for the relief of distress; and that idleness and misconduct will deprive them of its benefits.

Could the inspector happily combine with other qualities a slight knowledge of medicine, and an acquaintance with the prevalent diseases of a forest life, (agues for instance) he might be intrusted with a reasonable quantity of Quinine, and a few other drugs, for the proper distribution of which he would be accountable.

With regard to the cost of employing such an officer, it would be comparatively trifling. Allow that he travels 1,200 miles a-year, and on an average 20 miles a-day; that he be paid sixpence a mile, and two dollars a-day for as many days as he is engaged in the journey: the annual amount would be 55*l.* sterling; it would be better to pay by the mile, and by the day, than to assign a fixed salary, and the security from abuse would rest upon the *bona fide* certificate of the inspector, upon the examination of the claims by Mr. Hawke, and upon the means afforded of detecting negligence or overcharge from the representations of the emigrants themselves.

We come now to the consideration of the remainder of the commuted pensioners, those we mean who are not included in the class described.

Of these there are very many who infest the small towns and villages, living upon precarious charity, and some in sloth and debauchery; the rest are assembled at Penetanguishine, and we beg leave to recommend the continuance of that establishment, possessing as it does the advantages of military supervision, of a commissariat, and of a medical officer. There are now at that post 51 men, 37 women, and 120 children; and assuming from the known reluctance of numbers to subject themselves to military control, that only as many more will join the establishment, we shall have 102 men, 74 women, and 240 children.

Those already there have had huts built for them, have received articles of clothing, which we will presently enumerate, and sustenance on a scale not materially different from the Treasury regulations. A small portion of garden ground has been allotted to each, spades and hoes have been distributed among them, and axes to enable them to chop their own fuel. Fishing rods and lines were issued with the expectation of their being thus enabled to supply a part of their food, in a manner considered amusing, but the experiment failed; we hold them totally incapable of contributing to their own support, and we see not the smallest prospect of their ever being able to do so. We will, therefore, furnish a calculation of the

probable expense of the establishment for the above-stated number, viz., 102 men, 74 women, and 240 children under 14 years of age; and we take the full number of women and children, convinced that if they find at all a scanty and occasional employment, it will add very little to their means of livelihood, or do no more than find their clothing.

Now, the Treasury regulations allow two-thirds of an ordinary ration, without wine or spirits to each man, half a ration to each woman, and one-third to each child. Taking the proportion of three-fourths of a woman to each man, and 24 children, we find that $\frac{2}{3} + \frac{1}{2} + \frac{1}{3} = 1\frac{1}{2}$, or nearly two-rations for each man, involving in that one-expression (for the sake of simplicity) the total charge for a man, and for the women and children, united, on the average with each. Taking the ration at 8*d.* sterling, we have 16*d.* \times 102 = 6*l.* 16*s.*, the daily charge for rations, making a yearly charge of 2,482*l.*

But this is not the only source of expenditure past or prospective.

The annual cost paid out of the casual and territorial revenue of the province for the supply of clothing, &c., has hitherto been, and, in our opinion, must continue to be, as given in the following account, into which we have thrown items approximated as nearly as we can make them to a yearly sum.

	Shillings.
Suit of clothes	34 0
Forage cap	2 1
Shirt	3 0
2 pair of socks	3 4
1 pair of shoes	5 3
Bed ticks made up at 6 <i>s.</i> 3 <i>d.</i> , allow for wear and tear	3 1
Blanket	10 1
Drugs	2 0
An axe, hoe, and spade to last three years, each year's wear	5 0
Allowance for one year for cost of hut	8 0
A proportion of the expense of transporting each person from Toronto to Penetanguishine	2 0
Postage, stationery, advertising, and printing	2 0
Medical comforts, wine, sugar, &c.	2 0
Payment of schoolmaster and books, for the proportionat number of children for each man	8 0
	89 10

Say 90*s.* a year \times 102 men = 459*l.*; add this sum to the 2,482*l.*, and the annual cost of keeping 102 men, 74 women, and 240 children, at this establishment, will be 2,941*l.*

Taking, as we have already done, the average pension at 9*½**d.* per diem, the yearly charge for 102 men would be 1,474*l.* a year. The difference, therefore, between these sums, or 1,467*l.*, is the excess of providing for this number of pensioners at Penetanguishine over the cost of their pensions.

We have seen that the total number is expected to be 537, and we have accounted for the disposal of 302; of the 235 remaining, many would be induced, we believe, to return to their lands on the promise of 6*d.* a day until they are enabled to subsist without it; or with less, and of this the inspecting officer would judge.

Having stated in the Report that there were at Penetanguishine, a commissariat, a military and medical officer, it may seem almost superfluous to point out, that these gentlemen should be directed to send monthly statements of the condition and conduct of the men and their families to Mr. Hawke, for the inspection of the Lieutenant-Governor.

Public notice should be given to all the commuted pensioners, that those who refuse, within a given time, either to settle upon their lands, or to join the establishment at Penetanguishine, shall forfeit all claim to the assistance of the Government.

The 29 pensioners on the separate list, and other claimants whose titles cannot be traced, must substantiate their own claims at military stations, where boards of officers can be found to investigate them, either by the production of papers, by reference to those with whom they have served, &c. The boards will record their proceedings and transmit them to the Lieutenant-Governor.

The only way in which we can account for the discrepancy between Sir George Arthur's return, and the verified list, is by supposing that the magistrates have been imposed upon by old soldiers.

Feeling, as it is our duty, high respect for the views of the Treasury Letter, and every disposition to realize them, we regret that, having bestowed our best attention on the subject, we are unable conscientiously to coincide with them. A happy combination of circumstances presented themselves at Penetanguishine, to execute the scheme of giving only temporary assistance to the pensioners, had we deemed it practicable. But the permanent inability of the commuted pensioners established, and likely to be established there, to shift for themselves, has compelled us unwillingly to recommend a permanent support. All which is most respectfully submitted.

R. J. BARON, Major Royal Engineers, President.

No. 9
Sir Geo. Arthur
to the Marquis of
Normanby.

July 29, 1839.

Encl. 1, in No. 9.

No. 9.
 Sir Geo. Arthur
 to the Marquis of
 Normanby.
 July 29, 1839.
 Encl. 2, in No. 9.

Enclosure 2, in No. 9.

Executive Council Chamber, Thursday, 4th July, 1839.

PRESENT:

The Hon. Robert Baldwin Sullivan, Presiding Councillor,
 The Hon. William Allan,
 The Hon. Augustus Baldwin.

To His Excellency Sir George Arthur, K.C.H., Lieutenant-Governor of the province of Upper Canada, Major-General commanding Her Majesty's Forces therein, &c. &c. &c.

May it please your Excellency,

In obedience to the commands of your Excellency, the Executive Council respectfully offer the following remarks upon the report of the Board assembled for the purpose of considering the despatch of Her Majesty's Secretary of State for the Colonies.

The Council believe the statement of facts furnished by Mr. Hawke to the Board, to be founded upon a most careful investigation and great practical knowledge, and that they may be assumed as correct.

The commutation of the pensions of old soldiers, for the purpose of enabling them to proceed to a country where land could be granted them, and where they might provide for their wants by their own industry, had the appearance of a plan calculated to produce the greatest benefits to the pensioners themselves and their families.

It was, however, altogether fallacious, and it is now useless to theorize upon the subject, because it has been practically found that men who have acquired the habit of having their daily wants supplied without their own interference, are not equal to the steady course of provident industry which a settlement in the woods renders necessary. The habits of life acquired in the course of long military service, and the physical debility produced thereby, as well as loss of limbs and severe wounds, are equally opposed to the success of these unhappy persons, so that it is not surprising that they have been generally reduced to the state of extreme destitution which called for the benevolent interference of the Government in their behalf.

The appropriation of lands to commuted pensioners has proved from these causes useless to the grantees, and being apparently a part of the consideration for the commutation of their pensions, it could not be denied to the claimants, however disabled they were from making any use of their grants. It seemed almost a mockery to require the residence of maimed and disabled pensioners in the woods, where they would undoubtedly perish for want; and they have accordingly used every endeavour to evade regulations requiring settlement, and to turn the portion of land assigned to them into a present means of subsistence, or expenditure for bad purposes.

The Council felt much disappointed at finding the establishment at Penetanguishene not succeed. The pensioners are there congregated with their families; they have small portions of ground allotted to them, out of which the Council would have supposed they could have drawn their chief subsistence. The opportunity of fishing was also a means of providing for their wants which would appear particularly adapted to their habits and capabilities; but it seems that the Penetanguishene settlement has succeeded as badly as the location of the pensioners upon scattered lots of land.

It appears that very few of the pensioners can be induced to exert themselves for their own support, and the Council fear no means can be devised which will either force or persuade them to do so.

It seems to the Council that, by reason of their long services, and of the recognition of their claims for maintenance in their old age, which took place when they were allowed their pensions; that the Government have become so connected with them that they cannot now be cast off. The burden of failure of the plan of emigration cannot fall upon them, for they cannot bear it—if the failure of the plan has left them destitute, they cannot be left to starve; and the question now arises, in what manner they shall be assisted, and not whether aid shall be afforded them.

The Council are of opinion, with the Board, that the issue of daily rations, in cases of absolute destitution, is impracticable; and that any attempts to carry it into effect must be speedily abandoned.

The Council think also, that the principle of aiding those only who cannot, or will not, keep themselves, has a very bad tendency, which the Council will endeavour to demonstrate.

They suppose the cases of two pensioners, one of whom endeavours, with the assistance of his family, to provide so far as he can for his own wants; another who incapacitates himself from doing so by drunkenness and idleness.

In both cases the aid afforded is just sufficient to support nature. The industrious pensioner has no individual benefit from his industry, and the idle one suffers no privations in consequence of his idleness.

The inducements held out by this mode of relief are directly opposed to individual exertion on the part of the pensioners. The more perfect the state of destitution they can exhibit, the more continual and regular must be the aid afforded. The claimant neglects his land, because the possession of a small clearing deprives him of his Government allowance; he sells his cow, and leaves his crops unplanted, because the possession of a cow or a few potatoes will disqualify him from obtaining Government aid; all attempts to advance his condition, or that of his family, to any degree of comfort, are avoided, because *beggary* is the qualification under which he claims—even the catching a few fish shows a power of saving himself from starvation, and lessens or deprives him of his daily return.

There are some of the pensioners who are, from wounds and infirmities, wholly unable to

provide for themselves, or even to assist in their maintenance, and for these the Penetanguishene Establishment is perhaps necessary, because it is only by means of a collection of the individuals supported by the Government that proper supervision can be exercised, and abuse of the assistance given prevented. But as respects all those pensioners who occupy their lands, or use any means of procuring a livelihood by their own exertions, the Council are of opinion that a certain pecuniary allowance would be the most simple and beneficial mode of aiding them.

For the sake of the families of the pensioners, the Council do not think that the Penetanguishene establishment ought to be extended; scattered through the country, the children would mix with the population, and grow up with habits of industry, which it is feared much they are now excluded from acquiring; and the habits of idle, old soldiers are not those which their children can adopt with any benefit to their future prospects.

The system of making a certain pecuniary allowance to the pensioners scattered throughout the province would no doubt be open to abuse; but it would, in many cases, produce beneficial results, not to be derived from any other mode of relief; it would enable such of the pensioners as are prudently or industriously disposed to gain a state of comfort which they cannot attain from their own exertions; it would enable them to procure assistance in the cultivation of their farms, or aid them in the means of support which they may adopt in the towns and villages.

His Excellency is aware that the advances from the crown revenues of the province in aid of the commuted pensioners were made under the pressure of urgent necessity; for the present the course recommended by the board would probably be the most feasible; so as to transfer the expenditure at once to the military chest. But as a permanent measure, the Council are of opinion, for the reasons above expressed, that the system of visiting settlers and proportioning the aid to be afforded to the necessities of the individual claimants, will not be found to answer.

All which is respectfully submitted.

(Signed) R. B. SULLIVAN, P. C.

NOTICE TO COMMUTED PENSIONERS.

Emigrant Office, Toronto, 15th July, 1839.

Commuted pensioners who, previously to obtaining their pensions, have served for seven years and upwards, are informed, that in order to relieve the pressing wants of all persons of that class who, from age, wounds, or infirmities, are incapable of labour, with as little delay and inconvenience to the parties as possible, the following temporary arrangements have been made:—

All persons labouring under the above disabilities, and whose names are on the list transmitted from the Home Government, and all others who can satisfactorily prove that they have commuted their pensions, and that they are in the condition as above described, will, on application to the gentlemen whose names are placed underneath their respective districts, receive assistance, in advance, for twenty-eight days from the date of application, at the following rates, viz:—

Two-thirds of an ordinary soldier's ration for the men, without wine or spirits;—one half of a ration for their wives; one-third of a ration for children above seven and under 14 years of age; and one-quarter of a ration for children under that age.

In order to give as little trouble as possible to those gentlemen who do not belong to the commissariat department, the following calculations have been made for their guidance:—

- 28 days' allowance to each man amounts to 18 lbs. 11 oz. of meat, and 14 lbs. flour.
- 28 " " woman, 14 lbs. meat, and 10½ lbs. flour.
- 28 " " child between 7 and 14 years of age, 9 lbs. 5 oz. meat, and 7 lbs. flour.
- 28 " " child under 7 years of age, 7 lbs. meat, and 5½ lbs. flour.

WESTERN DISTRICT.

- Wm. Jones, Esq., Port Sarnia.
- Commissariat Officer, Chatham.
- Commissariat Officer, Amherstburgh.

LONDON DISTRICT.

- Commissariat Officer, London.
- The Rev. D. Blake, Adelaide.
- H. C. Barwick, Esq., Woodstock.

CORE DISTRICT.

- William Richardson, Esq., Brantford.
- Commissariat Officer, Hamilton.

NIAGARA DISTRICT.

- Commissariat Officer, Niagara.

HOME DISTRICT.

- Commissariat Officer, Penetanguishene.
- Frederick Dallas, Esq., Orillia.
- Elmes Steele, Esq., Medonte.
- Sidney M. Sandford, Esq., Barrie.
- Charles Scadding, Esq., Newmarket.
- Commissariat Officer, Toronto.

NEWCASTLE DISTRICT.

- Benjamin Throop, Esq., Cobourg.
- Alexander McDonell, Esq., Peterborough.
- Thomas Need, Esq., Bobcaygen Falls.

MIDLAND DISTRICT.

- Philip Ham, Esq., Belleville.
- Commissariat Officer, Kingston.

No. 2,
Sir Geo. Arthur
to the Marquis of
Normanby.
July 29, 1839.
Encl. 2, in No. 9.

No. 9.
Sir Geo. Arthur
to the Marquis of
Normanby.
July 29, 1839.

Encl. 2, in No. 9

JOHNSTOWN DISTRICT.

Benjamin Tett, Esq., St. Francis.
W. J. Scott, Esq., Prescott.

BATHURST DISTRICT.

Roderick Matthieson, Esq., Perth.
George Lyona, Esq., Richmond.
Commissariat Officer, By Town.

OTTAWA DISTRICT.

Thomas Hall Johnston, Esq., L'Orignal.

EASTERN DISTRICT.

Commissariat Officer, Cornwall.

A. B. HAWKE, Chief Emigrant Agent for Upper Canada.

Encl. 3, in No. 9.

Enclosure 3, in No. 9.

(Circular.)

SIR,

Emigrant Office, Toronto.

HER Majesty's Government having authorized relief to be afforded to such of the commuted pensioners who, previously to obtaining their pensions, have served for seven years and upwards, and who are in a state of destitution, I take the liberty to forward to your address the accompanying printed notices, which you will have the goodness to circulate in those parts of your district, which will be most likely to meet their notice.

As the measure is of a temporary character, and as it would be impossible to carry the benevolent intentions of the Government into immediate effect without the co-operation of gentlemen residing in the immediate vicinity of the parties to be relieved, I trust you will excuse the liberty which has been taken, in making use of your name without first obtaining your consent to act.

Enclosed I send you a printed list of commuted pensioners transmitted from the home Government. As to these names you will have only to inquire whether the parties are in such a state of destitution as to require relief, and afford it accordingly.

As to other persons who may claim relief before it is afforded, the applicant should be called upon to produce his printed papers, and in the event of his being unable to do so, he should be required to go before a magistrate, and state under oath—the number of the regiment in which he last served,—the date of his discharge,—length of service and rate of pension,—and the date and amount of his commuted allowance, as well as the number of persons his family consists of (with the age of each child); and on his producing an affidavit containing these particulars, you will have the goodness to relieve him to the extent authorized, provided you are satisfied that his circumstances render such relief necessary.

In order to save you the trouble of making out receipts, I have sent you herewith printed forms, to be executed in duplicate; and whenever you require the repayment of the amount advanced, you will please send these receipts to this office for examination and payment.

I have the honour to be, Sir,

Your most obedient humble servant,

To

N. B.—TO BE EXECUTED IN DUPLICATE.

We, the undersigned Committed Pensioners, do hereby acknowledge to have received from ANTHONY B. HAWKS, Esquire, Chief Emigrant Agent, by the hands of the quantity and value of Provisions entered in the Columns opposite to our respective Names, and declare the return of our Families therein made, to be correct. The quantity of Provisions advanced is 28 days' allowance at the following rate, viz:—Men, each, 18 lbs. 1 1/2 ozs. of Meat, and 14 lbs. of Flour;—Women, each, 14 lbs. of Meat, and 10 lbs. 8 ozs. of Flour;—Children, between 7 and 14 years of age, each, 9 lbs. 5 ozs. of Meat, and 7 lbs. of Flour;—Children, under 7 years of age, each, 7 lbs. of Meat, and 5 1/2 lbs. of Flour.

Name	Place of Residence	Returns of Number in Family				Total quantity of flour to each Family and rate per lb.	Total quantity of meat to each Family and rate per lb.	Total amount of allowances to each Family in Halifax Currency.	Signature of Committed Pensioner	Date of Supply	Witness to Signature of each Committed Pensioner
		Self	Wife	Children over 7 and under 14 years of age	Children under 7 years of age							Total Number in Family

Amounting to the sum of _____ Pounds _____ Shillings and _____ Pence, Halifax Currency.

This Accountant maketh Oath and saith, that this, his }
 Account, is just and true to the best of his knowledge and belief.
 Signature of Accountant, _____ day of _____ 18__

Sworn and Subscribed before me this _____ day of _____ 18__
 Signature of Magistrate, _____

ERRORS EXCEPTED.
 Signature of Accountant

No. 9.
 Sir Geo. Arthur
 to the Marquis of
 Normanby,
 July 29, 1839.
 Encl. 3, in No. 9.

No. 10.

(No. 187.)

COPY of a DESPATCH from Lieut.-Governor Sir GEORGE ARTHUR, K.C.H.,
to the Marquis of NORMANBY.

MY LORD.

Government House, Toronto, 11th September, 1839.

I HAVE much pleasure in transmitting for your Lordship's perusal the accompanying copy of a letter from Lieutenant Rubidge, reporting his success in disposing of the emigrants, 181 in number, who were lately sent out from Ireland under his superintendence by Colonel Wyndham.

I have reason to believe that nothing in Mr. Rubidge's letter is overstated; and I need not point out to your Lordship the advantage that would accrue to this province from the continued accession to its population of bodies of emigrants so well-conducted as those whom Mr. Rubidge has introduced.

Colonel Wyndham has relieved his estates from a superabundant population; and thus, whilst I hope he has benefited himself, he has rendered the greatest service to these poor people.

As an encouragement to other large landed proprietors to imitate Colonel Wyndham's example, I have been anxious to bring this case particularly under your Lordship's consideration; and I cannot refrain from repeating my earnest hope that the promotion of *colonization* to these provinces, on an extensive scale, will, at an early period, engage not only the serious attention of Her Majesty's Government, but be rendered a practical measure: for each day's experience tends to confirm me more strongly in the belief which I have long entertained, that as a means to the great end of cementing the present connexion between the mother country and the colony, this would be found the surest and most effectual.

I have the honour to be, my Lord,

Your Lordship's most obedient, humble servant,

GEORGE ARTHUR.

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

Encl. in No. 10.

Enclosure in No. 10.

SIR,

Toronto, 26th July, 1839.

I BEG leave to inform you, for the information of his Excellency Sir George Arthur, that I have succeeded in disposing of the emigrants sent out by Colonel Wyndham under my superintendence. As I am aware of his Excellency's paternal desire to promote the establishment of these poor people in situations enabling them to earn their own living, it will, I am sure, afford his Excellency great pleasure to be informed of the complete success of this undertaking. I will briefly state that 181 souls, of the description mentioned in the margin, were embarked on board the ship Waterloo, George Robinson, master. This ship was 414 tons burthen, fitted up and found with stores and provisions of the best description by the Ennis Emigration Committee acting for Colonel Wyndham. The whole of these people were tenants of Colonel Wyndham, in the counties of Clare and Limerick. On the night of the 28th of May we sailed from the Shannon, and arrived at Grosse Isle the 31st of June; here we were not detained one moment beyond the time it took to muster the people. On the evening of the 1st instant we left Quebec for Montreal, and were from thence conveyed by the La Chine and Rideau Canals to Kingston, and the same evening on to Cobourg, where we landed early on Tuesday morning the 9th instant. In three days from this time, every individual capable for work was hired, the men at 2l. 10s. per month, boarded and found, the women at 1l., also boarded and fed. From the time of sailing till out of my charge no sickness or accident occurred. By the birth of two children the number was increased to 183 souls. Colonel Wyndham spared no expense to secure the health and comfort of these people; the doctor's services were continued for two days after they were landed at Cobourg; and in our way up the country his services were at my request given gratis to a numerous body of emigrants in a sickly state on board other barges. In six weeks are 183 destitute individuals placed in comparative prosperity by the humane benevolence of one gentleman. Permit me to report for his Excellency's information, that I have had written and personal applications for the services of four times the number of people I brought out. The conduct of these people coming up the country deserves to be noticed,—they were sober, cleanly, peaceable, and obedient. Not one left without my consent.

S. B. Harrison, Esq.,
&c. &c.

I have, &c.,
(Signed) CHAS. RUBRIDGE.

27 heads of families,
numbering 153 souls;
14 young men, 94
young women.

No. 11.

(No. 190.)

Copy of a DESPATCH from Lieut.-Governor Sir GEO. ARTHUR K.C.H., to the Marquis of NORMANBY.

MY LORD,

Government House, Toronto, 14th Sept., 1839.

WITH reference to my despatch to your Lordship, of the 8th June, No. 135, I have the honour to transmit herewith a general tabulated abstract of the returns, showing the religious census of the population of Upper Canada, which have been received from the clerks of the peace of the various districts of the province, in accordance with a requisition of the House of Assembly.

In transmitting this document, it would have been satisfactory to me to have been able to express my confidence in the correctness of its details; but I regret to state that the imperfections of the returns from which they have been compiled are such as must altogether invalidate them as statistical data for any safe deductions.

It will at once be apparent to your Lordship that these returns exhibit three material defects:

1st. The general want of uniformity pervading them as regards sectarian divisions of particular denominations.

2d. The incredible relative disproportions between the details for the various districts, as compared with one another, and considered with reference to the entire district community.

3d. The great and striking deficiency between the aggregate of the different religious denominations, and that of the entire population of the province, as instanced more particularly in the cases of the Midland, Home, Gore, Talbot, and Western districts.

The first defect is best accounted for by the circumstance of no sufficiently precise form of return having been prescribed by the House of Assembly, to the want of experience of the returning officers in matters of this nature, and to the inadequate value which was probably attached to the compilation, notwithstanding the repeated injunctions of the Government.

The second defect is readily explained by the acknowledged fact, that in many instances the returns comprise the number of *families* of any particular religious persuasion, and in others the number of individuals, without, however, such discrepancies being in any case so pointed out as to admit of their being rectified.

The third defect may be, in part, though perhaps not wholly explained by the observation applicable to the second; and the only means of solving the difficulty presented by the difference of numbers, would seem to be by dividing the deficiency, amounting to nearly a sixth part of the population, among the chief denominations, according to the proportions which they severally bear to each other, as they at present stand.

The large proportion of persons who appear in the returns as professing no religion, must be viewed, I fear, as a lamentable and distressing result of the sectarian disagreements that have agitated this community for so many years past, and be further traced to the consequent want of adequate religious instruction generally.

To an extent, however, it may probably be referred to carelessness on the part of the officers who were required to ascertain the religious sentiments of the parties, or, to what is no less likely, the refusal of many of the parties themselves to avow them.

For these considerations, my Lord, I feel that I cannot safely recommend the present document as exhibiting more than an approximate estimate of the numbers of the various religious bodies into which this community is divided; and as such, in the absence of more authentic information on the subject, I trust that it may not prove altogether useless to Her Majesty's Government.

Considering the present state of the question respecting the clergy reserves, the imperfections in the returns now furnished are much to be regretted; but as they are so conspicuous, it is to be hoped that the Provincial Legislature will see the propriety, in the ensuing Session, of devising means to insure greater accuracy in similar returns in future.

I have the honour to be, my Lord,

Your Lordship's most obedient humble servant,

The Marquis of Normanby,

GEO. ARTHUR.

&c. &c. &c.

No. 11.
Sir Geo. Arthur
to the Marquis of
Normanby.
Sept. 14, 1839

For Sir G. Arthur's
Despatch, 8th June,
No. 135, vide Papers
ordered by the House
of Lords to be printed
26 Aug. 1839, No. 191,
p. 26.

Ditto ditto, by the
House of Commons,
15th Aug. 1839, No.
537, p. 26.

CORRESPONDENCE RELATIVE TO THE

Enclosure in No. 11.

GENERAL NUMERICAL RETURN of the several Religious Bodies in Upper Canada, founded on the Returns of the Clerks of the Peace, so far as they have been made for the Year 1839.

Districts.	Church of England.	METHODISTS.					Total.	PRESBYTERIANS.			
		British Connexion.	Episcopal.	Canadian Wesleyan.	Primitive.	Under the general term of Methodists without distinction.		Church of Scotland.	Seceders from the Church of Scotland.	Under the general term of Presbyterians without reference to Secs.	Total.
Eastern	4,261	1,792	74	..	..	..	1,866	11,293	..	..	11,293
Ottawa	1,561	745	58	..	..	..	803	2,428	..	..	2,428
Johnstown	10,374	3,820	1,843	259	..	..	5,922	1,244	4,453	..	5,697
Bathurst	7,671	..	..	..	1,802	..	1,802	..	..	8,933	8,933
Prince Edward	2,354	3,806	1,862	343	..	..	6,011	383	..	925	1,308
Newcastle	10,017	..	..	..	6,363	..	6,863	8,851	..	..	8,851
Midland	2,739	2,943	2,017	..	668	..	5,628	691	1,379	..	2,070
Home, including City of Toronto	18,013	..	76	..	119	8,507	8,702	1,485	760	10,884	13,129
Niagara	4,102	641	444	8	6	4,073	5,172	98	..	3,682	3,780
Gore	6,141	4,975	2,175	..	..	..	7,150	6,246	..	4,007	10,253
Talbot	353	166	425	355	..	..	946	43	..	236	235
London	9,154	3,445	2,195	1,839	..	..	7,479	4,674	622	2,979	8,275
Western	2,964	..	..	..	..	2,744	2,744	2,081	..	..	2,081
Total	79,754	22,333	11,169	2,804	125	24,657 (a)	61,088	39,517	7,218	31,648 (b)	78,383

Districts.	ROMAN CATHOLICS.	BAPTISTS.				Total.	MISCELLANEOUS.					
		Returned under the general term of Baptists without reference to distinction.	Open-Communion.	Close Communion.	Free Will.		Independents.	Congregationalists.	Non-Conformists.	Lutherans.	Dutch Reformed Church.	Methodists.
Eastern	9,200	434	..	..	..	434	19	30	..	1,338	..	..
Ottawa	3,315	259	..	..	..	259	..	33	35	..	..	..
Johnstown	3,985	794	..	..	..	794	14	19	..	..	..	..
Bathurst	5,309	264	..	..	..	264	..	2	..	..	..	..
Prince Edward	1,097	220	..	..	..	220	71	96	..	21	..	..
Newcastle	4,144	1,472	..	..	..	1,472	85	..	..	..	..	..
Midland	1,918	404	..	..	..	404	18	5	..	231	..	..
Home, including City of Toronto	4,591	1,323	..	..	..	1,323	558	516	..	456	..	651
Niagara	981	974	..	..	..	974	8	..	..	422	44	1,615
Gore	2,301	..	87	941	10	1,038	2	21	18	37	..	36
Talbot	52	..	..	..	..	..	..	..	..	..	..	..
London	1,868	..	1,258	2,851	638	4,747	223	272	..	9	..	175
Western	4,068	1,039	..	..	..	1,039	..	..	..	..	..	..
Total	43,029	7,183	1,345	3,792	648	12,968 (c)	996	996	53	2,514	44	2,677

(a) Of these a certain proportion must be considered as belonging to each of the other four divisions.

(b) This column includes no doubt a large proportion of members of the Church of Scotland, requiring to be added to the special aggregate of that Church, in the first column.

(c) The remark applicable to column marked (a) applies also here.

General Numerical Return of the several Religious Bodies in Upper Canada, founded on the Returns of the Clerks of the Peace, so far as they have been made for the Year 1839—continued.

Districts.	MISCELLANEOUS.											
	Tunners.	Moravians.	Quakers.	Society of Peace.	Universalists.	Restorationists.	Unitarians.	Lutherians.	Deists.	Free Thinkers.	Irvingites.	Reformers.
Eastern	..	..	14	..	25	..	..	..	..	..	..	..
Ottawa	..	..	8	..	34	..	..	..	..	..	..	..
Johnstown	..	..	357	..	113	..	..	..	..	..	..	..
Bathurst	..	..	27	..	19	..	28	..	17	..	37	..
Prince Edward	..	..	1,060	..	..	10	..	..	5	2	..	..
Newcastle	..	..	595	9	190	1	..	6	..	55	..	9
Midland	..	..	168	..	64	..	..	..	5	2	..	7
Home, including City of Toronto	545	7	871	..	28	..	16	..	..	..	146	..
Niagara	316	..	480	5	45	..	4	..	4	24	..	4
Gore	..	..	..	..	..	..	..	..	..	..	..	..
Talbot	7	..	22	..	28	..	..	..	..	..	..	..
London	57	..	1,119	..	99	7	..	..	..	30	..	..
Western	..	..	57	..	..	..	..	..	..	..	..	..
Total	925	7	4,778	14	645	18	48	6	31	113	183	20

Districts.	MISCELLANEOUS.							Total.	Total Religious Denominations.	Total Population according to Returns of 1839.
	Christians.	Bible Christians.	Disciples.	Mormons.	Other Denominations.	No Profession.	Liberators.			
Eastern	..	..	..	29	..	308	..	1,763	28,837	28,837
Ottawa	7	..	..	..	..	..	..	117	8,483	8,483
Johnstown	2	..	..	71	..	5,299	..	5,892	32,664	32,669
Bathurst	..	..	..	77	..	258	..	453	24,632	24,632
Prince Edward	67	..	220	..	..	..	..	1,549	12,539	14,018
Newcastle	564	270	21	76	..	1,917	..	3,798	35,145	35,146
Midland	8	..	..	10	..	780	..	1,298	14,057	38,254
Home, including City of Toronto	557	..	..	66	211	2,986	..	7,814	53,572	57,800
Niagara	76	..	95	..	..	10,847	..	13,989	28,998	29,953
Gore	..	..	..	..	6,243	4,475	..	10,718	36,563	51,000
Talbot	..	..	..	..	..	..	..	171	2,845	9,053
London	27	..	..	4	..	7,336	35	9,393	40,946	42,325
Western	..	..	..	..	..	554	..	611	18,507	16,023
Total	1,308	270	396	333	6,454	34,760	35	57,566	332,788	400,346

SUMMARY.

Church of England	79,754
Methodists (of all denominations)	61,088
Presbyterians do.	78,383
Roman Catholics	43,029
Baptists (of all denominations)	12,968
Miscellaneous	22,806
No Profession	34,760
Total	332,788
Deficiency as compared with the entire population being nearly one-sixth	67,558
Total	400,346

No. 12.

(No. 195.)

COPY of a DESPATCH from Lieutenant-Governor Sir G. ARTHUR, K.C.H., to the Right Honourable the Marquis of NORMANBY.

MY LORD,

Government House, Toronto, 25th September, 1839

No. 12.
Sir Geo. Arthur
to the Marquis of
Normanby.
25th Sept. 1839.

I ANXIOUSLY awaited the arrival of the steam-ship Great Western, in the hope that, with the other despatches which have reached me by that vessel, I should have received one containing an intimation of the views of Her Majesty's Government, on the subject of the financial difficulties of this province, respecting which I had the honour to report to your Lordship, in my despatch, No. 131, of the 8th of June last, in connexion with the consideration of certain reserved Bills having reference to questions of finance.

As I propose to call the Provincial Parliament together early in the month of January, and the present is, consequently, the latest opportunity I shall have of communicating with your Lordship so as to receive from you a reply previously to their meeting. I trust that your Lordship will not consider me importunate in drawing your attention to the very embarrassing situation in which I shall be placed, if I be unable to convey to the Legislature any definite information in regard to the very important matters to which I have referred.

Since last addressing your Lordship on this subject, I have seen no reason to alter the opinions which I then expressed: on the contrary, subsequent occurrences have tended to confirm me more strongly in them, on the most material points.

The financial embarrassments that are now felt in the several States of the American Union, and the suspension there of many of the public works, are circumstances which seem to have convinced, at length, the American citizens that they may speculate *too rapidly* in such undertakings. I trust that the mischief experienced in the United States, in this respect, may exercise on the people of Upper Canada, a salutary influence, and prove to them the necessity of making in future special provision for the payment of the interest on the public debt as it is incurred.

I have lately seen Colonel Phillpotts, of the Royal Engineers, who has been engaged in inspecting the Welland Canal, and I have the honour to transmit herewith a copy of a short report which he has made to me with reference to his proceedings. Your Lordship will perceive that Colonel Phillpotts is strongly of opinion that the Welland Canal should be opened on the same scale of magnitude as the St. Lawrence Canal.

The population of those Western States is increasing with extraordinary rapidity. They are already consumers of manufactured goods to a very large amount, and may be expected, at no distant period, to raise from their territory agricultural produce infinitely beyond what they can require for their own consumption.

It is thus evident that their commercial interests, like those of the Southern States, will eventually become separate from those of the Eastern manufacturing States; and that the high protecting duties imposed on British manufactured goods, will prove, each day, more obnoxious to them.

If our communications with the ocean, for which we have natural advantages far beyond any possessed by the United States, were improved, so as to render the transport of goods by way of the St. Lawrence very much cheaper than that by the American canals, it cannot be doubted but a considerable portion of the import and export trade of the great western regions would pass through Canada.

On this hypothesis, British trade would be increased to a very great extent, and the cost of Canadian canals, or their reimbursement of expenditure by means of tolls, would cease thenceforward to be of very material consequence, in comparison with the more important results that would be attained by the encouragement of the national industry.

The transit of the export trade of these states, or even a portion of it, through the canals of Canada to the ocean, would seem, almost alone, calculated to insure the reimbursement of the expenditure necessary to render them available for these great objects.

I am convinced, therefore, that the completion of the internal communications of Canada, *by the nation*, would be really conducive to British interests; and although

such a trade as I have endeavoured to represent, passing through this province, would confer very great benefits on its inhabitants, it would confer still greater on the British people.

The great public works of Canada were perhaps undertaken to an imprudent extent; but having been commenced, their completion is an object of paramount importance, for the two-fold consideration that the heavy sums which have already been expended on them must otherwise be lost, leaving the province still liable for the debt incurred; and that what is now a cause of deep anxiety and pressing difficulty to the colony may be converted, by a further outlay, into a source of national and provincial prosperity.

Even were the national credit to be extended in aid of Upper Canada, for the attainment of this great object, the people, I am satisfied, would cheerfully submit to the *commercial taxation* necessary to secure the money that might be advanced for the public benefit, and would apply themselves with zeal to the completion of their former undertakings.

I urge this so strongly, because I perceive almost daily, that all classes of the people view with feelings of impatience, amounting to irritation, the great waters of the province almost useless under existing circumstances, for the important purposes to which they might be applied in commanding an extensive and lucrative commerce.

I feel a perfect confidence that Her Majesty's Government will do what they can in this all important matter at this interesting crisis, either by making the great works of Upper Canada a national undertaking, or by assisting the country, with the credit of the Imperial Government, so as to enable the Provincial Legislature to carry them on, and at the same time free the country from that pecuniary pressure which, without assistance, must terminate in colonial bankruptcy.

I have the honour to be, my Lord,

Your Lordship's most obedient, humble Servant,

GEORGE ARTHUR.

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

(Extract.)

Enclosure in No. 12.

SIR,

Toronto, 12th September, 1839.

In reply to your letter of the 12th instant, written by direction of his Excellency the Lieutenant-Governor, requesting information as to the state in which I have found the Welland Canal, the extent of the present and probable trade through it, the scale upon which I propose to recommend that this work should be executed, and the estimated expense, I have the honour to acquaint you that although the Welland Canal is now open for navigation, and by constant watching it may by great care and attention be kept passable for some time longer, it is quite impossible for any one in its present state to ensure its being kept open for any length of time, or indeed to say how soon it may become altogether impassable.

The locks having been built of wood about 12 years ago, many of them are now become so completely rotten that they are liable to give way at any moment, and it has already happened during the present summer, that at two different periods of about 10 or 12 days each, this canal has necessarily been closed in order to repair some of them which had become impassable. On the latter occasion, which occurred while I was there, about 40 large schooners were collected on the canal waiting to proceed. The banks also in many places require to be raised and strengthened, and put in a proper state of repair as soon as possible.

With regard to the extent of the probable trade through this canal, I am unable at this moment to give a correct idea of it; but I am collecting a mass of very interesting information on this subject, which I propose to annex to the Report which I am preparing for his Excellency the Governor-General on the Inland Navigation of these provinces. I find that the tolls on the Welland have increased annually since it has been opened, and by a comparison of the returns of last year with those for the corresponding months of the present season, I have no doubt that if the navigation had not been interrupted during the time above alluded to, the amount received this year would have been nearly double that of last year; and from the nature of the trade, and the vast tract of country which will necessarily transmit its surplus produce by this channel to the Atlantic Ports, I am quite confident that it will very far exceed the expectations of any persons who have not visited the Western states, viz., Ohio, Michigan, Missouri, Illinois, Indiana, Kentucky, Tennessee, and the territories of Wisconsin and Iowa. I have recently visited Cleveland, and the river Miamis at the head of Lake Erie, for the purpose of ascertaining the correctness of the information I have received on this subject.

By the instructions given to me by the Earl of Durham, a copy of which I transmitted to his Excellency Sir George Arthur some time since, I am directed to assume the size

No. 12.
Sir Geo. Arthur
to the Marquis of
Normanby.
Sept. 25, 1839.

Encl. in No. 12.

No. 12.
Sir George Arthur
to the Marquis of
Normanby.
September 25, 1839
Encl. 1, in No. 12.

of the St. Lawrence canal at Cornwall as the scale upon which this most important communication shall be completed, and I am quite sure that any reduction in this scale would be most injurious to the best interest of these provinces both in a military and commercial point of view.

With regard to the estimated expense of the work, I am unable at present to say what the total amount will be, as I have not yet had time to make up all the necessary calculations. I have, however, taken all the rough notes and memoranda required for the Welland, and I am inclined to believe that to put the whole work into a complete, permanent and proper state, with locks for large steamers, having the chamber 200 feet long, 53 feet broad, with 9 feet of water on the mitre sill, will require from 700,000*l.* to 800,000*l.* sterling; but I am not at present able to speak positively respecting it. I am preparing a very full Report, in which I propose to enter at large into the whole subject, and I am using every exertion in my power to have all the necessary plans, estimates, &c., completed and ready for delivery to his Excellency the Governor-General, in time to enable him to transmit them to England before the next session of the Imperial Parliament.

I have the honour to be, &c.,

(Signed) GEORGE PHILLPOTTS,
Captain Royal Engineers and Lieutenant-Colonel.